

# Senate Briefly

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Ten-year-old Harrison Burns, Roseville, looks down from the second floor of the Capitol Rotunda, Tues., Jan. 6, as his mother participates in an event thanking those who took part in last year's sesquicentennial celebration.  
Photo by A.J. Olmscheid



[January 9, 2009](#)

# Senate Highlights

## Opening floor session held

The first Senate floor session of the 86th Legislative Session was called to order by Lt. Gov. Carol Molnau at 12 noon Tues., Jan. 6. After a few routine ceremonial and roll call duties, the body promptly began electing Senate Officers.

Sen. James Metzen (DFL-South St. Paul) was elected President of the Senate and in a non-traditional move by the body, both Peter Wattson (Legislative) and JoAnne Zoff (Administrative) were elected Secretary of the Senate. The sharing of the Secretary of the Senate position was brought about by the retirement of long-time Secretary, Patrick Flahaven.

Colleen Pacheco was elected First Assistant Secretary of the Senate and Michael Linn was elected Second Assistant Secretary of the Senate. Melissa Mapes was re-elected Engrossing Secretary. Sven Lindquist was also re-elected Sergeant at Arms. Marilyn Logan Hall was re-elected as Assistant Sergeant at Arms and Rev. Kevin McDonough was re-appointed Chaplain of the Senate.

Senate members adopted a resolution naming Sen. Lawrence Pogemiller (DFL-Mpls.) as Senate Majority Leader and Sen. David Senjem (R-Rochester) as Senate Minority Leader. Sen. Dennis Frederickson (R-New Ulm) was named President Pro Temp.

A resolution to adopt temporary rules for the 86th Legislative Session along with a resolution to adopt temporary joint rules was adopted. Resolutions were also adopted that relate to meeting and semi-

nar expense payments, expenses of interns and law clerks and postage expenditures. Standing committee meeting schedules and Capitol Area parking space resolutions rounded out the day's agenda.

Finally, the Senate designated committees to notify the governor and the House of Representatives that the Senate is organized.

Before adjourning, Pogemiller and Senjem addressed the body with words of encouragement and optimism related to the obstacles facing members this legislative session. "These are tough times," said Senjem. "But tough times bring out the best in people."

## Brief floor session held

Senators gathered for a brief floor session Thurs., Jan. 8, in order to process bill introductions and act on resolutions relating the governor's state of the state address.

Members also paid tribute to longtime Legislator Otto Bang, who passed away Dec. 29.

Sen. Geoff Michel (R-Edina) said Bang served in the House from 1963 to 1972 and the Senate from 1973 to 1982. He was a go-to Legislator and respected on both sides of the aisle, said Michel.

## Mn/DOT commissioner approved

The Committee on Transportation, chaired by Sen. Steve Murphy (DFL-Red Wing), met Thurs., Jan. 8, to consider the appointment of Thomas Sorel as commissioner of transportation and to discuss a seat belt violation as a primary offense. "If I can be an advocate for Mn/DOT, it opens up doors for our employees," Sorel said. "It opens up doors to work as partners within our communities, so I think that's a very important role that I serve." Sorel also outlined Mn/DOT's strategic vision for transportation in Minnesota, which includes increased safety, mobility and innovation in transportation. The panel approved Sorel's appointment and forwarded the appointment to the full Senate.

Deputy Commissioner and Chief Engineer Khani Sahebjam also spoke and said that there has been a decrease in annual roadway fatalities. The number is now below 500 fatalities annually, Sahebjam said.

A bill that would make seat belt violations a primary offense was presented

for discussion, but no formal action was taken. The bill requires that seat belts be worn at all times and by all passengers in a vehicle and allows primary enforcement of the law. The bill would also subject the driver to a \$25 fine for each seat belt law violation by the driver and any passenger under 15-years-old.

"It doesn't cost the taxpayers of Minnesota any money," Department of Public Safety Commissioner Michael Campion said.

The panel also heard testimonies from a doctor and a physical therapist, who said that half of spinal cord injuries are caused by car accidents. Sixty-four percent of these non-fatal spinal cord injuries were from people who were not wearing a seat belt, they said.

## 2008 recount discussed

The Fri., Jan. 9, meeting of the State and Local Government Operations and Oversight Committee was devoted to a second round of discussions on the successes and disappointments related to the 2008 election cycle.

The committee, chaired by Sen. Ann Rest (DFL-New Hope), heard Secretary of State Mark Ritchie talk about both the state-wide recount of the U.S. Senate election and absentee voting. Ritchie said that 2.92 million Minnesotans voted in the 2008 election, once again making Minnesota number one in the nation for voter turnout.

Relating to an election recount, Ritchie said that state law mandates any election contest that ends with vote totals within one half of 1 percent of each other, automatically triggers a recount. Because the difference separating Al Franken (DFL) and Sen. Norm Coleman (R-Minnesota) was far less than 15,000 votes, which would have been the minimum number of votes needed to mandate a recount, the state was required to conduct a recount.

Ritchie said that there are two ways to perform a state recount for an election. Ballots can either be recounted by election officials within each local precinct, or all ballots can be moved to a central location and ballots can be recounted there. Of the two options, Ritchie said that recounting ballots within the precincts is much more cost effective and accurate and that is why the U.S. Senate recount was performed in that manner.

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**Editor/Writer:**  
Karen L. Clark

**Writers:**  
Amanda Lillie  
Justin Thiessen

**Photographers:**  
David J. Oakes  
A.J. Olmscheid



Newly elected Sen. Ken Kelash (DFL-Mpls.), left, receives a lesson in voting procedures from Sen. Kevin Dahl (DFL-Northfield) during the opening day of the 2009 Legislative Session.

Photo by David J. Oakes

Along with the state-wide recount, Ritchie said that a State Canvassing Board was named to verify the recount numbers and to make rulings on ballots challenged in precinct recounts as not being clearly marked in favor of a particular candidate. Ritchie said that there were 6,655 ballots initially challenged by both the Franken and Coleman campaigns, of which almost 5,500 challenges were eventually withdrawn by the two campaigns.

Ritchie said that slightly more than 1,000 ballots came before the Canvassing Board for review. During the review process, Ritchie said that the board developed a three-tiered standard by which to judge each ballot. The standard, which included identifying a pattern, precedent, and consistency of each ballot, was used by each of the five members of the Canvassing Board, Ritchie said. Ritchie also said that every ballot that came before the board was reviewed by each member and was ruled upon in a unanimous manner.

"I am very, very confident that the Canvassing Board did its job," said Ritchie. "All final decisions made by the board were unanimous and made under 100 percent compliance with state laws and Supreme Court rulings," he said.

Finally, Ritchie said that, of the roughly 12,000 absentee ballots initially

rejected, the canvassing board deemed that 1,350 ballots were wrongly rejected and were thus entered into the final count. "Even though 1,350 wrongly-rejected ballots seem like a small number, I hope that future improvements in absentee voting procedures will bring the margin of error in rejecting ballots down to zero," said Ritchie.

#### Senate on the World Wide Web

The Minnesota Legislature's Web site has been updated. A joint effort of the Senate, House of Representatives, Legislative Reference Library, Legislative Commissions, and the Office of the Revisor of Statutes, the site offers easier access to a variety of legislative and government information.

The Legislature's page (<http://www.leg.mn>) includes links to other government agencies and departments, as well as copies of Minnesota Statutes, Session Laws, and Rules. The page also allows one to track legislation and get general information about the legislative process. The site includes a district finder service for those who need to contact their House member or Senator. Other information—about visiting the Capitol, state history and symbols, and employment opportunities with the Legislature—is also available.

Information about joint legislative departments, the various legislative commissions, and task forces is available at <http://www.commissions.leg.state.mn.us>.

The Senate Web site (<http://www.senate.mn>) has information about members, committees and Senate staff. The page also has daily and weekly schedules for the Senate, as well as copies of the Journal and Senate Briefly. The status of legislation and confirmation of executive appointments by the Senate is also available. Both the Senate and House Web sites offer streaming video access to floor and selected committees.

#### Capitol Report: on air, online

Explore current policy issues and hear lawmakers discuss current legislative proposals by watching "Capitol Report," a weekly public affairs program produced by Senate Media Services. The program includes interviews with Legislators, agency heads and prominent policy experts. It also features historical and informational features about the Senate, the Capitol and Minnesota. "Capitol Report" airs weekly on public television affiliates on cable access channels across Greater Minnesota. It is also available online, with archives going back to 2000: <http://www.senate.mn/media>

# Committee update



Peter Wattson, one of two Secretaries of the Senate, adjusts the microphone on the opening day of Session. JoAnne Zoff, director of Senate Counsel, Research and Fiscal Analysis, was sworn in as Secretary of the Senate (Administrative), while Wattson was sworn in as Secretary of the Senate (Legislative).

Photo by A.J. Olmscheid

## Business, Industry and Jobs

### Grim job outlook detailed

The Wed., Jan. 7, meeting of the Business, Industry and Jobs Committee focused primarily on the bleak forecast for 2009's employment development. Steve Hine, research director for the Labor Market Information Office of the Minnesota

Department of Employment and Economic Development appeared before the committee, chaired by Sen. James Metzen (DFL-South St. Paul), to detail the jobs picture for the coming year.

Hine explained that Minnesota's

economy began to slow down in early 2006, slightly before the rest of the country. One of the factors that contributed to the slow down was a dramatic rise in job loss brought about by a slumping housing market and a decrease in the development of industries related to the housing market. Hine told the panel that nearly 30,000 jobs in businesses related to the housing market have been lost in the last two years. Hine went on to say that even though housing-related jobs were some of the hardest hit by the economic downturn, jobs cuts have been seen across all sectors.

Hine said that Minnesota's unemployment rate, which has historically been below the national average, actually rose above the national average in 2007 and is forecasted to remain fairly high for at least the next year. Hine said that 2009's employment estimate isn't looking much better, with a forecasted loss of another 60,000 jobs. Recovery of the job market is not projected to occur until early 2010, he said.

Of the projected 60,000 lost jobs this year, the healthcare services and manufacturing sectors are forecasted to see the most job losses. Hine said that Minnesota's unemployment rate will probably climb to around 8.7 percent this year. The highest percentage of employment ever seen in the state was in 1982 when the unemployment rate rose to 9 percent, Hine said. Furthermore, not only has there been an increase in the number of people filing for unemployment, there has been a dramatic increase in the number of people exhausting their unemployment benefits before finding new employment, he said. In conclusion, Hine said that the state may see nearly 100,000 jobs lost between the end of 2007 and the end of 2009.

## Commerce and Consumer and Consumer Protection

### Panel briefed on insurance fraud

Members of the Committee on Commerce and Consumer Protection gathered Thurs., Jan. 8, for a presentation by the Minnesota Department of Commerce on consumer and insurance fraud.

Glenn Wilson, commissioner of the department, briefed the committee on the current consumer fraud investigation process. Wilson provided the committee with updated statistics and investigation findings related to consumer fraud claims.

Wilson's information showed that insurance, collection agency and mortgage fraud claims are up sharply from 2007 while real estate and appraiser claims actually fell. Wilson said that total fines and penalties assessed for fraud claims in 2008 total \$2.594 million.

Bob Johnson, Insurance Federation of Minnesota, also presented information on insurance fraud. During his presentation, Johnson provided the committee with a chronological history of the evolution on Minnesota insurance fraud laws. Johnson said that one of the key elements in the evolution of fraud protection was the development of the insurance fraud strike force implemented in 1997. Johnson also said that insurance fraud costs the state economy over \$1.5 billion per year.

Before adjourning, Sen. Linda Scheid (DFL-Brooklyn Park), committee chair, announced that the next meeting would be a joint meeting with the Transportation Committee.

## E-12 Education Budget and Policy Division

### Shared services proposal heard

The Thurs., Jan. 8, meeting of the E-12 Education Budget and Policy Division kicked off with a proposal, authored by Sen. Terri Bonoff (DFL-Minnetonka), providing for school district shared services, reading instruction, quality rating systems, and technology guidelines.

The bill proposes establishing a shared services purchasing program that would require school districts and charter schools to purchase all goods and services from a list of vendors approved by the commissioner of education. The bill specifies, that under the guidance of a number of consulting agencies, the commissioner of education is required to develop and maintain a list of approved vendors from which school districts may purchase goods or contract services. Under the proposal, each school district would be allowed to decide which vendors would be used in the district, as long the vendors were part of the list approved by the commissioner.

Bonoff said services included in the proposal are food, transportation, and technology equipment and communications services. All school materials, supplies, tools, and equipment for school facilities operations and maintenance are included in the measure.

Bonoff explained that the bill is designed to take the money saved under the shared services program and put it back into the classrooms to cover the rising costs of materials needed by students. Bonoff said that each school district would be in charge of deciding how to allocate the funds gained through using the shared services program.

"The purpose of the bill is not to privatize all the goods and services in our schools," said Bonoff. "The purpose is to create savings that will go directly back into the classroom," she said.

Because the proposed bill is in the very early stages of its development, there are still many specifications and aspects that have yet to be decided, Bonoff

said. According to Steve Dahl, Deloitte Consulting, the shared services initiative could collectively save Minnesota school districts nearly \$100 million each biennium.

The panel, chaired by Sen. LeRoy Stumpf (DFL-Plummer), took no formal action on the proposal.

## Energy, Utilities, Technology and Communications

### Report on digital TV transition heard

The Energy, Utilities, Technology and Communications Committee, chaired



*Former President of the Senate Jack Davies, right, joins Sen. Dan Sparks (DFL-Austin) in the Senate Chamber, Tues., Jan. 6. Davies served from 1959-82 and was president 1980-82.*

Photo by A. J. Olmscheid

# Committee update



From left, Senators Kathy Saltzman (DFL-Woodbury), newly-elected Sen. Lisa Fobbe (DFL-Zimmerman), Joe Gimse (R-Willmar and David Hann (R-Eden Prairie) exchange greetings at the opening of the 86th Legislative Session. Photo by David J. Oakes

by Sen. Yvonne Prettner Solon (DFL-Duluth), met Thurs., Jan. 8, to hear presentations from several groups reporting on the transition from analog to digital television (DTV).

Catherine W. Seidel, chief of Consumer and Government Affairs of the Federal Communications Commission, spoke to the panel on the transition progress. Seidel said that Congress has mandated that all full-power broadcast television stations in the United States terminate their analog broadcasts and begin broadcasting only in digital on Feb. 17, 2009. The switch to digital will only affect consumers currently using an analog television set with an antenna to receive over-the-air programming, she said.

Seidel said that consumers have three options to prepare their households for the transition to digital. Citizens can purchase a digital-to-analog converter box, subscribe to cable or satellite television service, or upgrade to a digital television

with a built-in digital tuner, she said. Seidel said that the National Telecommunications and Information Administration (NTIA) is making coupons available to all U.S. households worth \$40 to help consumers with the cost of purchasing a digital-to-analog converter box. Each household is eligible to receive up to two coupons, Seidel said.

Prettner Solon said she some concern relating to the elderly population and their understanding of the switch to digital broadcasts. "Even though I think that you have done a really good job with your digital broadcast advertising campaign," said Prettner Solon, "I'm worried that many members of the elderly community may still be confused about this transition." Seidel said there have been a number of outreach groups that have visited local senior centers and area aging offices in an attempt to bring elderly citizens up to speed on the transition.

Executive Director Michael Mar-

tin, Minnesota Cable Communications Association, spoke about activities that are happening locally to help Minnesotans with the digital switch. Martin said a variety of activities to help with the digital switch include television advertising, distribution of DTV related materials through the mail, and public access television informational videos.

## Higher Education Budget and Policy Division

### Consequences of cuts described

The Higher Education Committee, chaired by Sen. Sandra Pappas (DFL-St. Paul), met for the first time Thurs., Jan. 8, to hear presentations on the consequences of recent and anticipated budget reductions on higher education institutions. Pappas said that the higher education portion of the total general fund budget is 8.6 percent and that if a proportional

reduction was made in the expected \$4.8 billion shortfall, the impact would be a cut of \$431 million in higher education appropriations.

Representatives from the University of Minnesota and the Minnesota State Colleges and Universities (MnSCU) described the two systems' recent appropriation history, the effects of the December \$20 million unallotment and the effects of further cuts as a result of the state's budget shortfall.

Richard Pfutzenreuter, vice president, University of Minnesota, said that in the 2003 Legislative Session the appropriation for the University was reduced by \$195.6 million and in May, 2008, funding was reduced by \$12.3 million. Funding was reduced again in December, 2008, by \$20 million, he said. Pfutzenreuter said the challenge in 2003 was met by double-digit tuition increases, which accounted for 46 percent of the reduction. He said faculty

and staff assumed more costs associated with health care, lower salary increases and unfilled positions to account for 15 percent of the reduction. Other administrative reductions and enhanced institutional revenues made up the rest of the reduction.

The December unallotment has resulted in program investment delays, reductions in supply and equipment budgets, delays in repair and replacement projects and reductions in general operating budgets. He said the University is bracing for further reductions, but that decisions will be guided by strategic priorities and core principles. Pfutzenreuter said the University is committed to upholding its academic priorities and other financial obligations.

Laura King, vice chancellor, MnSCU, said the reductions resulting from the 2003 Legislative Session included tuition increases, reductions in administration,

reductions in instruction related services and reductions in reserves and/or the system's carryforward. King said increases in tuition was the primary tool used to address the reductions with 11 percent increases in both FY 2003 and 2004 and a 14 percent increase in 2005.

At the same time, King said, enrollment has increased 27 percent over the last decade with essentially the same level of funding as a decade ago. She said if appropriation reductions of the magnitude currently being discussed--20 percent or more--are made, the impact on the MnSCU system will be dramatic. She said staff reductions of more than 2,000 full-time equivalent positions, faculty reductions of 20 percent, tuition increases in excess of 20 percent and the closing of some institutions could be the result. King said the MnSCU system will use all the options available in a budget reduction environment, but will make decisions in

**Second Assistant Secretary of the Senate Mike Linn demonstrates the finer details of a new voting board system to the members during a brief recess, Tues., Jan. 6. In addition to vote tallies, the recently installed system is capable of displaying detailed information such as bill descriptions, announcements and, eventually, video.**

Photo by David J. Oakes



# Committee update



Mary Therese Peterson, artist in residence with the Leech Lake Boys and Girls Club, puts the finishing touches on a quilt-like art project during a Sesquicentennial Commission event Tues., Jan. 6. In the background are ten-year-old Britany Lowry and Unit Director Stacie Lyon, of Cass Lake.

Photo by A. J. Olmscheid

a way that best serves students, takes into account the system's mission to serve the economic development needs of the state and best positions the system for long-term financial viability.

The panel also heard from State Demographer Tom Gillaspy about trends and challenges relating to public higher education in the state. Gillaspy said the traditional college-age population will decline in both Minnesota and the nation; competition from other providers, such as private colleges, the internet and other states, will increase; and government resources will grow more slowly in the future. He said competition for limited public resources will increase because state revenue growth will be slower and state spending will be driven by health care for an aging population.

Gillaspy said higher education is facing long-run issues related to the decline in

college-age population, the increase in costs and the increase in competition. However, Gillaspy said economic growth depends on the product of higher education and that shortages in critical occupations can only be relieved by training and educating Minnesotans or importing workers from other areas.

## Public Safety Budget Division

### Panel hears state grant usage reports

The Public Safety Budget Division, chaired by Sen. Linda Higgins (DFL-Mpls.), met Wed., Jan. 7, for its first hearing of the year. The division heard presentations from several groups reporting on the current status of their various projects.

Scott Wiggins, director of the Division of Emergency Communication Networks for the Dept. of Public Safety, spoke on ARMER/911 programs. The ARMER/911 system use radio communication to respond to emergencies in Minnesota. Wiggins said that Minnesota is in the top five states in terms of local participation in ARMER.

Tom Roy, executive director at Arrowhead Regional Corrections, reported on the facility's state grant to reduce recidivism with the Productive Day Initiative. He said that, according to a study conducted by the correctional facility, only four of 21 juvenile clients recidivated and seven of 88 adult clients recidivated after the Productive Day Initiative.

President and Chief Executive Officer Steve Thomas, NetWork for Better Futures, said that the NetWork has exceeded all of the goals that had been set. The NetWork helps high-risk adults re-enter the community by assisting them with finding a job, housing and insurance. Thomas' report stated that jobs reduce re-offenses by 30 percent.

The committee also heard a report on Emerge Community Development, which is a re-entry employment service in North Minneapolis. The report stated that ex-offenders who are engaged in an employment program are more likely to stay employed and not re-offend than those who are not in a program. "We want to give a hand up, not a hand-out," Program Manager Marvin Clark said.

A report on the Minnesota Corporation Offender Re-entry Plan (MCORP) was also heard by the panel. MCORP helps ex-offenders re-enter their communities by working with organizations, employers and offenders. The report said that 60 percent of MCORP ex-offenders have found employment and 18 percent have recidivated. Dennis Avery, director of Adult Re-entry Services for MCORP, asked the committee to consider whether or not appropriating more funds for MCORP would lessen the appropriations needed for prison expansion.

Oliver Williams, professor and director, Institute on Domestic Violence in the African American Community, spoke to the committee about the re-entry program for domestic violence offenders. The program has developed a women's support group for domestic violence victims as well as a prison-based curriculum to help offenders with their re-entry into family life.

Finally, the committee heard from Gloria Lewis, president of Big Brothers Big Sisters of the Greater Twin Cities (BBBS), about the program Mentoring Children of Prisoners (MCOP). She said that Minnesota can expect a \$2.72 return for each dollar spent on mentoring programs. Lewis also reported that BBBS exceeded its goal for the number of children they hoped to match with mentors.

## Rules and Administration

### Opening resolutions adopted

The Senate Rules and Administration Committee met for the first time Tues., Jan. 6, to act on resolutions necessary for the Senate to begin the 86th Legislative Session.

Members, chaired by Sen. Lawrence Pogemiller (DFL-Mpls.), adopted resolutions relating to postage, the naming of committees to notify the governor and the other body that the Senate is organized and adopting temporary rules.

The temporary rules are, primarily the same as the Permanent Rules for the 85th Legislative Session. However, one

change, brought about by the retirement of long-time Secretary of the Senate, Patrick Flahaven, involved authorizing the naming of two Secretaries of the Senate for this session.

The panel also approved a few changes in committee members, primarily to add two Senators elected in special elections last November. The new members, Sen. Ken Kelash (DFL-Mpls.) and Sen. Lisa Fobbe (DFL-Zimmerman), were sworn in during the interim, but had not yet been assigned committees. Fobbe was assigned to the Environment and Natural Resources Committee, the Agriculture and Veterans Budget and Policy Division and the E-12 Education Budget and Policy Division. Kelash was assigned to the Environment and Natural Resources Committee, the Economic Development and Housing Budget Division and the Transportation Budget and Policy Division.

Members also adopted concurrent resolutions relating to parking space in the Capitol Area, to the adoption of temporary joint rules and to adjournment for more than three days.

Finally, the committee adopted several motions relating to internal Senate policy relating to employees.

## State Government Budget Division

### Admin reports heard

Members of the State Government Budget Division, chaired by Sen. Don Betzold (DFL-Fridley), met Wed., Jan. 7, to discuss the overall composition of the state government budget items under the division's jurisdiction for FY 2010-11. The division makes appropriations for the constitutional offices, the Legislature, the Dept. of Administration, the Dept. of Finance, which also includes the former Dept. of Employee Relations, the Dept. of Revenue and a variety of other smaller agencies.

Senate Fiscal Analyst Kevin Lundeen summarized the state government budget for FY 2010-11, outlining where appropriations will be spent.

Commissioner Dana Badgerow gave a report on the non-general fund budget

*Senators Amy Koch (R-Buffalo) and Geoff Michel (R-Edina) examine a roster of committee assignments during the Tues., Jan. 6, floor session.*

Photo by David J. Oakes



# Committee update

items for the Department of Administration. Badgerow said that plant management lease rates for FY 2009-10 increased less than one percent and that parking and Metropass rates are unchanged. She also described annual insurance, workers' compensation, office supply and fleet and surplus services expenses.

Total workers' compensation costs increased 4.4 percent, but the incident rate remains the same. The report also mentioned that auction administrative fees were reduced 20 percent for FY 2009-10 and office supplies had a rate decrease of 1.5 percent for 1,000 stocked products..

Badgerow also gave updates on the Enterprise Performance Improvement Program (LEAN) and the Office of Grants Management. LEAN began in Jan., 2008, to help state agencies function more efficiently and to allow continued improvement in the executive branch. She said that Minnesota is the leader among states implementing LEAN.

## State and Local Government Operations and Oversight

### 2008 election participants speak

The Wed., Jan. 7, meeting of the State and Local Government Operations and Oversight Committee featured testimony by a number of election officials relating to the successes and disappointments related to the 2008 election cycle.

Secretary of State Mark Ritchie addressed the committee about the many successes of the election process displayed in the 2008 election. With 2.92 million people participating in the 2008 election, Minnesota again boasted the highest voter turnout of any state in the country, Richie said. Such things as improved voter registration cards, an enhanced poll-finding tool for the secretary of state's website and revised election literature distributed to new potential voters all seemingly attributed to the record turnout, he said. Ritchie also noted that a change in policy that allows any eligible voter to serve as an election judge may have also contributed to the high turnout.

Keesha Gaskins, executive director of the League of Women Voters Minnesota, spoke about the successes and failures related to their voter information hotline. According to Gaskins, the hotline received over 5,000 calls relating to the election between Nov. 3 and Nov. 4. Inquiries relating to same-day registration and polling locations were the two most popular questions asked by people calling

the hotline, Gaskins said.

Kent Sulem, Minnesota Townships Association, spoke on the subject of election judges. Sulem focused on the difficulty of appointing election judges in rural areas because of small populations in many of the townships. Sulem also said the long hours that election judges are expected to work is of concern. Sulem said that many of the election judges he conversed with complained of fatigue and said that they felt vastly overworked.

Gwen Myers, election judge from the city of Minnetonka, spoke about her concerns relating to the length of time an election judge is expected to serve. Because many election judges are expected to work shifts in excess of 16 hour, Myers suggested revising election laws to allow for shorter shifts.

Patsy Green, member of the Robbinsdale School Board, shared her experiences on school board referenda voting. Green said that some voters in her district did not receive a proper ballot that would have allowed them to vote on the referendum.

Jonathan Maurer-Jones, TakeAction Minnesota, spoke on the successes and challenges of the election protection effort held by the Minnesota Voting Rights Coalition. Holly Davis, director of Research and Policy at the Minnesota State University Student Association, spoke on student voter registration. "Voter registration was a big thing on our campus last fall," said Davis. "I was excited to see so many young people interested in the election this year, she said."

Before adjourning, Chair Ann Rest (DFL-New Hope) announced that the committee would meet again to discuss absentee balloting and how to move forward in the future to ensure ongoing election success in Minnesota.

### Entire collection of laws now online

Researchers now have online access to the entire work product of over 150 years of legislative activity in Minnesota. The Office of the Revisor of Statutes has put online every session law enacted since the First Territorial Legislature met in 1849. Though users have long had online access to the current version of Minnesota Statutes, only recent years' collections of session laws were available. Session laws from 1983 forward are displayed

in full text; session laws until 1982 are displayed as PDF images of the print volume. Regular users of the Minnesota Statutes may not realize that the multi-volume set does not represent the full work of the Legislature. The session laws are comprised of each act of the Legislature, passed and enacted into law. They are gathered together in annual volumes titled "Laws of Minnesota," containing every act of the Legislature, organized chronologically. The statutory set, on the other hand, includes only laws of a general and permanent character, organized topically. Much of what appears in session law is intended to be included in the statutory set—revisions to, repeals of, or additions to existing statutes. However, many session laws are not meant to be included in the statutes, such as appropriations measures or laws affecting only one community.

The session laws are available at: <https://www.revisor.leg.state.mn.us/laws/>

### Historical database available

The Legislative Reference Library has developed a database, "Legislators Past and Present," containing information about Legislators who have served since territorial times. The database's information was compiled from official legislative directories, obituaries, news clippings, family files and other sources. It contains information about terms of service, education, occupation, party or caucus affiliations, leadership positions, represented communities and more.

The database also includes information about Minnesota Legislators who served in other government functions, ranging from the local level to the national level. For example, almost two dozen Legislators have served on the University of Minnesota Board of Regents; the most recent is current Regent and former Senate Majority and Minority Leader Dean E. Johnson. The database even indicates which Minnesota Legislators also served in another state's legislature; there have been at least 15, and the number may climb as more information is compiled.

"Legislators Past and Present" is available online at <http://www.leg.state.mn.us/legdb/index.asp>

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*Capping a week of sub-zero temperatures, solitary footsteps disrupt the otherwise unblemished snow on the Capitol grounds Fri., Jan. 16.*

*Photo by A.J. Olmscheid*



*January 16, 2009*

# Highlights

## UI bill okayed, commissioner approved

The Thurs., Jan. 15, floor session was devoted to consideration of a bill extending unemployment benefits to workers ineligible for the federal unemployment extension and to consideration of the appointment of Tom Sorel as commissioner of the Dept. of Transportation.

The first measure to gain final passage this year, S.F. 4, is aimed at benefiting the poorest of the unemployed. Chief Author James Metzen (DFL-South St. Paul) said the measure provides a minimum benefit for 3,000 unemployed workers who do not have enough wages credits to qualify for the federal unemployment benefit extension. "We are in uncertain times and the bill provides a very small step for citizens who are hurting," Metzen said. He said the measure piggybacks on the federal program and amounts to about a day or two of the amount expended by Minnesota's unemployment compensation fund.

Sen. Geoff Michel (R-Edina) offered an amendment to lower the business tax rate. "The amendment adds balance to the bill by helping unemployed low-income workers and generating jobs through a business tax cut. The amendment was ruled not germane.

Metzen urged members to support the measure, "It is a very small help to the unemployed and it is the right thing to do." Sen. Dick Day (R-Owatonna) also urged members to support the bill. This is one of the easiest things we will be able to do this session in light of the huge budget shortfall we are facing, Day said.

The bill was approved on a 65-0 roll

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**Editor/Writer:**  
Karen L. Clark

**Writers:**  
Amanda Lillie  
Justin Thiessen

**Photographers:**  
David J. Oakes  
A.J. Olmscheid

call vote.

Members also considered the appointment of Tom Sorel as commissioner of the Dept. of Transportation. Sen. Steve Murphy (DFL-Red Wing) said Sorel has set a very positive tone at the department and in meetings with local district officials, county officials and citizens. "Sorel is trying to forge a better transportation future for Minnesota," Murphy said. He said Sorel has made staffing decisions that allow personnel to grow and shine. "He has experience at all levels of transportation—local, state and national," Murphy said. Murphy said Sorel will choose the least costly, but most efficient, methods to complete transportation projects.

Sen. Michael Jungbauer (R-East Bethel) said he has noticed a positive change in morale within the department in the last few months under Commissioner Sorel. Jungbauer said Sorel gives

people a chance to grow and do good work for the people of the state of Minnesota.

Sorel's appointment was confirmed on a unanimous voice vote.

## Brief floor session held

Senators convened for a brief floor session Mon., Jan. 12, to process bill introductions and other paper work at the Senate Desk. Members recessed until later in the afternoon in order to receive a committee report on a bill dealing with unemployment insurance.

## Pawlenty delivers State of the State

Governor Tim Pawlenty (R) delivered his State of the State address on Thurs., Jan. 15. "The state of the state is challenged," said Pawlenty, "But overcoming challenges is what Minnesotans



Senators Sandra Pappas (DFL-St. Paul), left, and Patricia Torres Ray (DFL-Minneapolis) converse during the Thurs., Jan. 15, Senate floor session.

Photo by David J. Oakes



*As Senator Julie Rosen (R-Fairmont), far left, looks on, Governor Tim Pawlenty, right, gives former Governor Al Quie a hug on the House floor prior to the State of the State Address Thurs., Jan. 15.*

Photo by A.J. Olmscheid

do best.” Pawlenty said the ultimate challenge faced by the state and the Legislature is not only to close the budget deficit, but to also successfully place Minnesota in a position to thrive in a changing world. “We can’t be so in love with the past that we miss what’s coming in the future,” said Pawlenty.

Pawlenty said that Legislature needs to take a “kitchen table” approach to the session by setting basic priorities. Pawlenty identified job growth and increased funding for E-12 education as two top priorities. Pawlenty said that a Minnesota job recovery act would be part of his proposed budget. The measure would provide tax cuts and incentives to small businesses in an attempt to jump-start the economy. Pawlenty also proposed a “green jobs” initiative to place Minnesota at the forefront of the renewable energy industry.

Pawlenty said he also wants to reform the higher education system and place a tuition increase cap on colleges and higher education institutions throughout the state. He said a cap would take the increased financial burdens off the students

attending higher education institutions. Finally, Pawlenty called for a slow down in the rate of growth in human services programs and a wage freeze for all state government employees for the next two years.

In closing, Pawlenty said, “We all have some fears about the state of our economy right now, but underneath all that worry I know there is some optimism and hope about what we can do when we come together as a people to solve our greatest problems.”

### Bleak budget forecast heard

The Finance Committee, chaired by Sen. Richard Cohen (DFL-St. Paul), met Thurs., Jan. 15, to hear presentations on both the state budget forecast and a proposal by Sen. James Metzen (DFL-South St. Paul) regarding unemployment compensation extension for Minnesotans who are not eligible for the federal unemployment benefits extension.

State Economist Tom Stinson delivered some discouraging financial numbers showing a projected \$426 million state

budget deficit for the end of the 2009 fiscal year. Of that \$426 million dollars, income taxes revenue is projected to drop \$291 million, sales tax revenue falling \$145 million and corporate tax revenue down \$57 million, said Stinson. Stinson said that the budget deficit, brought about by a recession with falling revenues and higher spending needs, is projected to grow to nearly \$4.8 billion dollars by the 2010-11 fiscal year. Stinson also said the recession will be longer and deeper than originally thought, making this recession the worst the state has seen since the early 1940’s.

Jay Kiedrowski, co-chair of the State Budget Trends Study Commission, pre-

sented information on state budget trends. Kiedrowski said that demographic trends are about to transform Minnesota’s public sector, permanently changing the state’s expectations for economic growth and government services. This demographic shift will cause changes in public spending priorities and lead to a lower growth of state tax revenues over the next 25 years, said Kiedrowski. Kiedrowski also said that Minnesota has long-term structural budget problems, with long term expenditure growth likely to outpace revenue growth.

Members heard a proposal authored by Sen. James Metzen (DFL-South St. Paul). S.F. 4, authorizes a state-funded extension of unemployment benefits to individuals who are not eligible for the federally-funded extension. The extension is meant to assist low wage earning individuals who have exhausted their current benefits and didn’t qualify for the federal extension program. The committee approved the measure and sent the bill to the full Senate.

# Committee update



Senators Charles Wiger (DFL-Maplewood) and Sandy Rummel (DFL-White Bear Lake) consult in the Senate Chamber during the Thurs., Jan. 15, floor session.

Photo by David J. Oakes

## Agriculture and Veterans

### Panel tours U lab

The Agriculture and Veterans Budget and Policy Division, chaired by Sen. Jim Vickerman (DFL-Tracy), devoted the Tues., Jan. 13, hearing to a tour of the University of Minnesota Veterinary Diagnostic Laboratory and the BL-2 Insect Quarantine Facility.

### Veterans' home update heard

The Agriculture and Veterans Policy Committee met Thurs., Jan. 15, to hear reports on the Minnesota Veterans Home, the veterans' affairs strategic planning group and construction project priority listing status. The committee is chaired by Sen. Jim Vickerman (DFL-Tracy).

Mike Hassing, audit manager, Office of the Legislative Auditor, said the Min-

nesota Veterans Home did not fulfill its responsibilities for financial management. "That is a very concerning conclusion," he said. Hassing said, "The financial management lacked integrity." Hassing said the office was also concerned about unsettled cash advances from the gifts and donations accounts at the home.

State Ombudsman Deb Holtz said there has been an increase in positive support and contact with veterans and a decrease in complaints seen by the ombudsman's office.

Deputy Commissioner Gil Acevedo, Dept. of Veterans Affairs, said the department has completed its strategic plan, which includes developing integrated services to promote program delivery, ensuring financial integrity, implementing organizational systems in the department and meeting the needs of veterans through community service.

Acevedo said the state has not yet met the requirement of a commitment for a 35 percent match for the Willmar Veterans Home project, and until the match is made the project will not be moved to priority status.

Acevedo also said the Dept. of Justice, Civil Rights Division, will be conducting an investigation of the Minnesota Veterans Home in Minneapolis that will focus on health care services, whether residents are safe from abuse and whether residents are served in the most appropriate setting for their needs.

## Business, Industry and Jobs

### Emergency unemployment bill heard

A bill proposing a state emergency unemployment compensation program was the focus of the Business, Industry and Jobs Committee, Mon., Jan. 12.

S.F. 4, authored by Chair James Metzen (DFL-South St. Paul), authorizes a state-funded extension of unemployment benefits to individuals who are not eligible for the federally-funded extension due to an insufficient amount of earned wages. The program extension, which would provide benefits in the same amount, duration, and time period as the federal extension, is meant to assist low wage earners who have exhausted their current benefits and don't qualify for the federal extension program.

Under the new proposal, individuals applying for the extension would receive an average of \$215 per week for an average of fifteen weeks, said Metzen. Three thousand Minnesotans will qualify for the extension immediately, if the bill is passed, said Metzen, with an additional 150 Minnesotans qualifying each week thereafter.

The benefits extension, which would be made payable from the Minnesota 18 eighteen months, said Metzen. He also said that the bill allocates funding to the Department of Employment and Economic Development to update systems and programs that aid in calculating benefits for individuals applying for unemployment benefits.

The bill also calls for a modification in calculating the base period used to calculate unemployment benefits. Current law provides that the calculation of benefits be based on the first four of the last five quarters of employment. The bill changes the base period to allow a more recent period of employment to be used in the calculation. Because they can use more recent wages in determining their eligibility, changing the base period calculation will allow one half of all Minnesotans newly exhausting their benefits to qualify for the federal extension, said Metzen. Metzen also said that the modification will cut costs of the state extension to \$500,000 per month starting in November, a cost that would have totaled nearly \$1 million per month without the modification.

The committee, chaired by Metzen, approved the bill and re-referred the measure to the Finance Committee.

## E-12 Education Budget and Policy Division

### Education shortfall discussed

The E-12 Education Budget and Policy Division met on Tues., Jan. 13, for an open discussion on education finance. Eric Nauman, fiscal analyst for the Senate,



Senators Jim Vickerman (DFL-Tracy), left, and Ray Vandeveer (R-Forest Lake) consult during the Senate's Thurs., Jan. 15, floor session.

Photo by A.J. Olmscheid

presented information showing the E-12 education budget shortfall accounting for over one fourth of the state's total projected \$4.8 billion deficit.

"Balancing the education budget is possible," said Nauman, "but that could mean raising property taxes to pay for the shortfall, or possibly shifting payback schedules to school districts. Neither of these options would be an ideal fix for the budget." Nauman said that a number of groups would be unhappy about a property tax increases and a possible payback shift could cause some school districts to have to borrow state money to cover their own budgets. Finally, Nauman said that if an agreement wasn't reached on a resolution to balancing the education budget, the

division would have to start looking into making cuts.

Other members of the committee suggested such things as shortening the length of the academic year, shortening the school week and consolidating smaller school districts as possible ways to cut costs from the education budget.

Before adjourning, Chair LeRoy Stumpf (DFL-Plummer) said the division would continue discussion of the education budget at later hearings.

### Ed finance overview heard

The E-12 Education Budget and Policy Division, chaired by Sen. LeRoy Stumpf (DFL-Plummer), met Thurs., Jan. 15, for a report on education finance.

# Committee update

Fiscal Analyst Eric Nauman outlined the revenues, levies and aid for FY 2009. The total certified levies for FY 2009 are \$1,917.1 billion and the total aid is \$6,966.7 billion, said Nauman.

He said \$347.5 million is available for compensatory aid in FY 2009 for districts in which students qualify for free and reduced lunch. He also said \$40.9 million is available for limited English proficiency (LEP) aid in FY 2009. Along with that, \$11.4 million is available for gifted and talented programs and \$60.9 million for transportation.

Senate Researcher Shelby McQuay said the overall special education revenue is \$830.6 million for FY 2009. The amount is capped and pro-rated to districts, she said. McQuay also said districts are reimbursed for special education costs for students who go into foster care or treatment whose parental rights have been cut-off and live out-of-state or as a resident of a state correctional facility. "The cost of special education is exceeding even the growth that we put in,"

Nauman said.

## Economic Development and Housing Budget Division

### Emergency unemployment comp bill okayed

The Economic Development and Housing Budget Division met briefly on Mon., Jan. 12, to hear a bill, authored by Sen. James Metzen (DFL-South St. Paul), proposing a state emergency unemployment compensation program. The bill, S.F. 4, was heard earlier in the day by the Business, Industry and Jobs Committee.

The measure authorizes a state-

funded extension of unemployment benefits to individuals who are not eligible for the federally-funded extension due to an insufficient amount of earned wages. The program extension, which would provide benefits in the same amount, duration, and time period as the federal extension, is meant to assist low wage earners who have exhausted their current benefits and don't qualify for the federal extension program.

The committee, chaired by Sen. David Tomassoni (DFL-Chisholm), adopted a motion to approve the bill and referred the measure to the full Finance Committee.

## Energy, Utilities, Technology and Communications

### Fed stimulus package discussed

Members of the Energy, Utilities, Technology and Communications Committee met Tues., Jan. 13, for a discussion

on the anticipated federal stimulus package proposed by President-elect Barack Obama.

The committee, chaired by Sen. Yvonne Prettner Solon (DFL-Duluth), heard from Janet Streff, manager of the State Energy Office, Office of Energy Security, on Minnesota infrastructure projects that would be affected by a possible stimulus package. Streff said that much of the work proposed by her department would focus on making public buildings and schools more energy efficient. The energy efficiency improvements would not only lead to the development of new jobs, but could also dramatically help public facilities deal with rising energy costs, said Streff.

Streff said that Obama's proposed plan also provides more funding for families living in cold-weather states to help pay for high heating costs during winter months. Streff said that the proposed stimulus plan increases the number of individuals in Minnesota receiving energy



Senators Leo Foley (DFL-Coon Rapids), left, and Keith Langseth (DFL-Glyndon) enjoy a lighter moment in the House of Representatives Chamber prior to the governor's State of the State Address Thurs., Jan. 15.

Photo by A.J. Olmscheid



Senators gather outside the entrance to the House of Representatives Chamber prior to the Governor's State of the State Address on Thurs., Jan. 15.

Photo by David J. Oakes

assistance by over 40,000 households, with the maximum household benefit increasing from \$1,200 to \$1,325.

Finally, Streff presented information on manufacturing and "green" job growth that would be seen under the stimulus package. Streff said that the Manufacturing Extension Partnership (MEP), a program that works with manufacturers across the country to improve efficiency and implement new technology, would receive double funding under the stimulus plan. Streff said the increase in funding could generate between 50,000 and 100,000 jobs per year nationally.

With a proposed \$150 billion investment in clean energy technology, Minnesota could see a large increase in the number of "green" jobs created in the state under the stimulus package, said Streff. Streff said that Minnesota has the ability to be at the forefront of the development and advancement of solar, wind,

E85/Biodiesel, on-farm biogas recovery and other renewable energies. In closing, Streff said that her office is working with a number of state colleges to develop renewable energy curriculum to prepare students for future careers in the field.

## Environment and Natural Resources

### Water quality discussed

The Environment and Natural Resources Committee devoted their first hearing of the year Mon., Jan. 12, to presentations and discussion relating to water quality.

Gene Merriam, president, Freshwater Society, and former commissioner of the Dept. of Natural Resources and former Senator, gave a presentation of a report by the Freshwater Society Guardianship Council. The full report may be found

at : <http://www.freshwater.org/publications/html> Water is Life: Protection a critical resource for future generations. Merriam said that clean, fresh water is key to our image of who we are as Minnesotans and it is essential for our regional and national economies. He said the Freshwater Society has worked for 40 years for the conservation and rational management of freshwater resources. Merriam said ground water is the source of all or part of the drinking water consumed by nearly 90 percent of Minnesotans and is also used for a multitude of other purposes. Ground water use increased 26 percent, or 52 billion gallons, between 1995 and 2005, he said. Merriam also said the report recommends that ground water monitoring be intensified, that there be aggressive research on the potential harm of various chemical contaminants found in small concentrations in groundwater and that there should be put in place cost-effective

# Committee update

measures to protect aquifers and ground water recharge areas from contamination.

Merriam said that the state has failed to adequately address nonpoint source pollution that may harm surface water quality. He said recent testing has shown waters are threatened by chemical compounds known as endocrine disrupters, which may affect human health and are affecting fish. He said the report recommended embracing land and water stewardship practices that have been demonstrated to be effective and adopting best management practices for preventing runoff in both urban and rural settings.

"We need a cultural shift in our thinking about our water resources, similar to the cultural shift we have had about smoking or drinking and driving," Merriam said. He said a cultural shift is necessary to for the sustainability of Minnesota's water resources for future generations.

The committee, chaired by Sen. Satveer Chaudhary (DFL-Fridley), also heard from Shannon Lotthammer, manager of water quality monitoring, Pollution Control Agency (PCA). Lotthammer spoke on citizen monitoring of surface water quality, a program dating back to the 1970s. She said legislation passed in 2002 enabled the PCA to encourage citizen monitoring by providing more technical assistance, developing and promoting monitoring programs and integrating citizen monitoring data into water assessments. She said the strategy is to monitor and assess lakes and streams on a 10-year cycle. Lotthammer said there are four components to the monitoring process—monitoring done by the agency, monitoring done by other agencies, monitoring done by citizens and remote sensing. In 2007, 1,187 volunteers monitored 2,207 sites on 1,263 lakes. Also in 2007, 490 volunteers monitored 831 sites in the stream monitoring program, Lotthammer said. She said that participation is growing and that many volunteers partner with local groups to monitor water quality. The agency also wants to recruit volunteers for watershed monitoring sites, increasing participation in the program and providing the needed staff support for training, data entry, quality assurance review, analysis and reporting.

The final speaker, Princesa VanBuren, speaking on behalf of the Environmental Quality Board (EQB), gave a report on building a framework for management of

sustainable water resources. She said the EQB's mission is to develop policy, create long-range plans and review proposed projects that would significantly influence Minnesota's environment and development. VanBuren said water management challenges include understanding how much water may be available, understanding the impact on the environment and people and recognizing the complexity of a dynamic system. VanBuren said the EQB, working with other agencies is charged with considering standards to address environmental impacts of proposed water uses, finding a way to put consideration of proposed water uses into

a broader framework and summarizing the need and options for collecting additional data for comprehensive analysis.

## Higher Education Budget and Policy Division

### Division visits college

The Tues., Jan. 13, meeting of the Higher Education Budget and Policy Division was devoted to a site visit at Normandale Community College. Chair Sandra Pappas (DFL-St. Paul) said the panel will tour a number of higher education facilities during the session.



Minnesota Northstar Academy student Allison Porter uses sign language to express her support of a type III school bus licensing modification bill to members of the Transportation Committee Wed., Jan. 13. Porter said that because of an unintended consequence of a bill that passed last session, deaf teachers were no longer permitted to transport students, resulting in fewer and less efficient transportation options for the students.

Photo by David J. Oakes

## **Accountability report heard**

The Higher Education Budget and Policy Division, chaired by Sen. Sandra Pappas (DFL-St. Paul) gathered Thurs., Jan. 15, for a report on higher education performance by the Minnesota Office of Higher Education.

Susan Heegaard, director of the Office of Higher Education, presented an accountability report on higher education that outlined five state goals for postsecondary institutions. The goals focus on improving the success of all students, increasing student learning, increasing affordability and access and creating a system that will produce graduates who can contribute to the development of the state's economy and compete globally. Heegaard said that Minnesota ranks quite high nationally in categories like degree attainment, retention rate and advanced placement testing. Heegaard also said that even though Minnesota has a fairly high rate of access and choice for students looking to enter into postsecondary education, the state still needs to make dramatic improvements in the area of affordability.

Tricia Grimes, policy analyst for the Minnesota Office of Higher Education, presented a report that is primarily used to provide policymakers with information they can use to assess and improve postsecondary education in each state.

Grimes said that the report, which was graded by the National Center for Public Policy and Higher Education, gave Minnesota an "A" in the category of completion, a "B" in preparation, participation and benefits, an "Incomplete" in learning and an "F" in affordability.

Grimes said that Minnesota performs very well in awarding certificates and degrees compared to other states, with 60 percent of college students completing a bachelor's degree within six years. Grimes also said that Minnesota performs fairly well in preparing its young people for college and in providing college opportunities for its residents. Even though a large portion of Minnesota residents have a bachelor's degree, there are substantial ethnicity gaps, said Grimes. The report showed that if all racial groups had the same educational attainment and earnings as Caucasian students, total annual personal income in the state would be about \$4 billion higher.

Grimes concluded by saying that all states received an "Incomplete" in Learn-

ing because there is not sufficient data to allow meaningful state-by-state comparisons. Additionally, Grimes said that, like Minnesota, 49 other states were also given an "F" in affordability due an increase in tuition without a comparable increase in available grants. California, which received a "C", was the only state not given a failing grade in affordability.

## **Judiciary**

### **Judicial branch reports heard**

Members of both the Judiciary Budget Division, chaired by Sen. Leo Foley (DFL-Coon Rapids), and the Judiciary Committee, chaired by Sen. Mee Moua (DFL-St. Paul), held a joint meeting Tues., Jan. 13, to hear a historical overview of the Minnesota court structure.

State Court Administrator Sue Dosal said the state funding goals for the judicial branch are to have equitable levels of judicial services, administrative unity, budgetary accountability, property tax relief and cost efficiency. Dosal said cost efficiency is being achieved by flattening the management structure; almost 40 percent of counties share a court administrator, and two of ten judicial districts have combined administratively. She also said both work and staff are being moved across county and district lines.

Dosal outlined challenges the judicial branch is facing, including being short-staffed by nine percent. She said the courts have made layoffs and have implemented a hiring freeze. Also, the Fourth Judicial District had to terminate arbitration services and supervised family court visitation and reduce staffing for the Domestic Abuse Service Center, she said.

Chief Judge Kathleen Gearin, Second Judicial District, said there have also been public defender budget reductions, and because of the lack of staff, the judicial branch is unable to serve the public adequately. "There comes a time when we will not be able to do the essentials of justice, and we're getting close to that," said Gearin.

Judge John Rodenberg, Fifth Judicial District, recommended that in order to make the most of judicial appropriations, staff is being used as efficiently as possible, legislative and court policy must be reformed and the electronic environment must be re-engineered. Rodenberg also said they are looking at combining districts administratively, as well as ex-

anding the number of hearing officers on low-level cases in an effort to save money.

## **Public Safety Budget Division**

### **Program updates presented**

Members of the Public Safety Budget Division, chaired by Sen. Linda Higgins (DFL-Mpls.), met Mon., Jan. 12, to hear reports on squad car upgrades, COPS grants, domestic violence response, youth intervention, the all children excel project, a sexual violence project and human trafficking.

Chief Deputy Mike Bakke of Beltrami County, said the purchase of squad car cameras has been vital to keeping both criminals and police officers accountable. The videos have helped with convictions in both criminal and civil court, he said.

Lt. Mike Kjos, Mpls. Police Dept., said grant funds amounting to \$446,765 have been allocated for digital squad car camera purchases, but none of the funds have been used yet. One-hundred and eighty squad car cameras will be purchased, which will cost approximately \$1.2 million, Kjos said.

The COPS grants are used for the hiring of new police officers, overtime pay and other expenses, said Higgins. Undersheriff Dave Phillips, St. Louis County, said that the program should be continued so that St. Louis County can continue serving school districts with an officer to reduce drug, tobacco and alcohol abuse as well as student violence. Deputy Chief Rob Allen, Mpls. Police Dept., said the COPS grants have also resulted in a decrease in Minneapolis crime.

Officer John Harrington, St. Paul Police Dept., said the St. Paul Police Dept. began a domestic violence project in May, 2008. He said in the last four years annual domestic violence reports have decreased from 14,000 to 9,500. He also said the department is working toward having photo identification on no-contact orders.

Executive Director Kris Kvols, Goodhue/Wabasha Sexual Assault Services, said the state appropriations allow them to maintain and train a volunteer base, help with transportation and aid in other expenses like food and shelter for sexual assault victims. "Our volunteers are the backbone of the agency's service delivery," said Kvols.

Executive Director J. Scott Beaty,

# Committee update

MN Youth Intervention Programs Associations (YIPA), said YIPA provides funding to 67 community-based programs throughout Minnesota.. The programs provide mentoring, counseling, education and prevention services for youth—particularly troubled youth. Of the youth referred to YIPA because of illegal activities, 89 percent were deterred from further illegal involvement, Beaty said.

Ramsey County Commissioner Victoria Reinhardt said All Children Excel (ACE) grants are being used to fund a program for children ages six to nine who are in danger of becoming violent and chronic adult offenders. Reinhardt said ACE reduces overall cost to society; the cost to treat one child through ACE is \$22 per day, whereas juvenile corrections costs \$100 per day and state operated services range from \$281-485 per day for treatment.

Finally, Executive Director Linda Miller, Civil Society, spoke about the two-year, \$300,000 grant for human trafficking screening clinics and the three-year, \$65,000 human trafficking crisis and tip line. The clinics provide support for victims of trafficking. Miller asked that committee members support extension of both grants.

## State and Local Government Operations and Oversight

### Drive to Excellence discussed

The State and Local Government Operations and Oversight Committee, chaired by Sen. Ann Rest (DFL-New Hope), met Mon., Jan. 12, to hear presentations on the state's Drive to Excellence program.

Commissioner Dana Badgerow, Dept. of Administration, said, the Drive to Excellence program goal is to enable the effective, efficient and economical delivery of state government services.

Badgerow said the program required a hard look at the nuts and bolts of state government operations in order to increase quality, increase customer service and reduce costs. She said the program looks at state government as an "enterprise" and allows the state to build and nurture a culture of continuous improvement. Badgerow said the program began in April 2005 with six projects; now there are nine active projects and five completed projects. She said more than



Senators Steve Dille (R-Dassel), left, and Paul Koering (R-Fort Ripley) look over the details of proposed legislation modifying the state unemployment compensation program during the Senate's Thurs., Jan. 15 floor session.

Photo by David J. Oakes

1,100 employees have participated so far and that the state is realizing savings from lower costs and greater efficiencies.

Current projects include strategic sourcing, e-licensing, grants management, real property management, fleet management, enterprise geographic information systems coordination, enterprise print strategy development and improvements to the Minnesota accounting and procurement system. In addition, the Drive to Excellence sub-cabinet has adopted "lean thinking" as the state's preferred process improvement tool, Badgerow said. She said the lean thinking tool leads to continuous improvement in the operation of state agencies.

Annie Tietema, Dept. of Employment and Economic Development, dislocated worker program, said that the Drive to Excellence is essential to continued improvement of state services. She outlined the efficiencies brought about by participation in the program. Christine Kiel, legislative director, Dept. of Veterans Affairs, described the assistance the program provided the department in the area of grants management. She said the program offered assistance to agencies that don't often apply for grants and ensured that the process was completed correctly. Badgerow said the grants management program

needed the consistency and dependability provided by the Drive to Excellence.

Another huge project, Badgerow said, was real property management. The state has 5,000 buildings and the program has led to more efficient space management, faster identification of vacant or near-vacant space and faster response to on-demand work requests.

## State Government Budget Division

### Technology report heard

Members of the State Government Budget Division, chaired by Sen. Don Betzold (DFL-Fridley), met Mon., Jan. 12, to hear a report from the Office of Enterprise Technology (OET).

State CIO, OET, Gopal Khanna said that OET's mission is to provide the leadership that improves government through the use of technology. He said that OET is Minnesota's main information technology organization. It provides technical support and services for IT infrastructure.

Chief Financial Officer, OET, Larry Freund said from FY 2008-09 the overall rate reduction was \$1.2 million. There was one net FTE increase from FY 2008-09, he said.

Chris Buse, OET chief information security officer, spoke about the Enterprise Security Program that was implemented in July, 2006. "I'm proud of the accomplishments we have made in the two and a half years that we've been going," he said.

## Transportation Budget and Policy Division

### Seat belt bill gains

The Transportation Budget and Policy Division, chaired by Sen. Steve Murphy (DFL-Red Wing), met Tues., Jan. 13, to hear testimony on two bills.

S.F. 42, authored by Murphy, makes seat belt violations a primary offense in all seating positions, regardless of age. Making seat belt violations a primary offense entitles the state of Minnesota to \$3.4 million in federal funding, said Murphy. Murphy also said that this is the last year that the state is eligible to receive the federal funding. Finally, Murphy said that passing the bill would lower general health care costs and car insurance rates for Minnesotans because of the reduction in the number of fatal accidents. Currently, every time a driver is killed in a motor vehicle accident, the cost to the state is about \$1 million, said Murphy.

Sen. Katie Sieben (DFL-Newport) said she was concerned the bill may not pass through all the necessary committees in the other body to reach the floor for a vote if it is not part of an omnibus bill. Murphy said that he was confident the bill would successfully pass on its own this session. Historically, a primary seat belt offense bill has seen considerable opposition in the other body, Murphy said.

S.F. 33, authored by Sen. Rick Olseen (DFL-Harris), amends legislation enacted in 2008 that specifies requirements for type III school vehicle drivers such as cars, vans and sport utility vehicles. The changes allow the holder of a class A, B or C driver's license to operate a type III vehicle without a school bus endorsement. Furthermore, the bill requires the employer of the type III vehicle operator to implement a policy to provide annual training and certification of the operator. The bill also repeals a current mandate that requires type III vehicle operators to submit to a physical examination and drug and alcohol screening.

Olseen said that the purpose of the bill is two-fold. First, the bill does away

with the added costs seen by schools having to pay for operators of type III vehicles to undergo both a physical examination and a drug and alcohol screening. Second, the bill broadens the number of individuals who qualify to operate a type III vehicle by allowing an operator that doesn't have a school bus endorsement to drive a type III vehicle. "The added costs and requirements have become a burden on schools," said Olseen. "The last thing we want is for schools to have to drop programs simply because they can't afford to pay for operators of these vehicles to meet the current requirements," he said.

Both bills were approved by the committee and re-referred to the Judiciary Committee.

### Historical database available

The Legislative Reference Library has developed a database, "Legislators Past and Present," containing information about Legislators who have served since territorial times. The database's information was compiled from official legislative directories, obituaries, news clippings, family files and other sources. It contains information about terms of service, education, occupation, party or caucus affiliations, leadership positions, represented communities and more.

The database also includes information about Minnesota Legislators who served in other government functions, ranging from the local level to the national level. For example, almost two dozen Legislators have served on the University of Minnesota Board of Regents; the most recent is current Regent and former Senate Majority and Minority Leader Dean E. Johnson. The database even indicates which Minnesota Legislators also served in another state's legislature; there have been at least 15, and the number may climb as more information is compiled.

"Legislators Past and Present" is available online at <http://www.leg.state.mn.us/legdb/index.asp>

### Senate on the World Wide Web

The Minnesota Legislature's Web site has been updated. A joint effort of the Senate, House of Representatives, Legislative Reference Library, Legislative Commissions, and the Office of the Revisor of Statutes, the site offers easier access

to a variety of legislative and government information.

The Legislature's page (<http://www.leg.mn>) includes links to other government agencies and departments, as well as copies of Minnesota Statutes, Session Laws, and Rules. The page also allows one to track legislation and get general information about the legislative process. The site includes a district finder service for those who need to contact their House member or Senator. Other information—about visiting the Capitol, state history and symbols, and employment opportunities with the Legislature—is also available.

Information about joint legislative departments, the various legislative commissions, and task forces is available at <http://www.commissions.leg.state.mn.us>.

The House of Representatives Web page (<http://www.house.mn>) includes membership and committee information. It also has daily news, information, and the daily House schedule. House journals and legislative information are also available.

The Senate Web site (<http://www.senate.mn>) has information about members, committees and Senate staff. The page also has daily and weekly schedules for the Senate, as well as copies of the Journal and Senate Briefly. The status of legislation and confirmation of executive appointments by the Senate is also available.

### Information Services

The Senate Information Office and the Office of the Secretary of the Senate are located in Room 231 of the Capitol. These offices distribute all public printed materials and handle inquiries about Senate committee meetings, Senate districts, Senate telephone numbers, bill reference numbers and status and bill sponsorship. Interested citizens may also request copies of bills.

If you want to know the name of your Senator or have any other questions about the Minnesota Senate, call 651-296-0504.

The Senate Information Office also has toll-free telephone numbers to enable citizens of Greater Minnesota to obtain general information about the Minnesota Senate. The telephone numbers are: 1-888-234-1112 (voice) and 1-888-234-1216 (tty). Staff members are available to answer questions about the Senate and the legislative process.

# Senate Briefly

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Omar Alejandro Reyes, St. Paul, performs traditional Guatemalan folk music in the Capitol Rotunda Wed., Jan. 21, as part of Latino Legislative Day at the Capitol.  
Photo by A.J. Olmscheid



[January 23, 2009](#)

# Senate Highlights

## Appointment approved

Senators met for a brief floor session Thurs., Jan. 22, to process bill introductions and consider two items of business. The Senate approved a resolution setting the mileage payment rate for members between their home and the Capitol.

Members also approved the appointment of Sandra Layman as the commissioner of the Iron Range Resources Rehabilitation Agency.

## Health insurance credit bill heard

The Taxes Committee met Thurs., Jan. 22, to hear a bill, S.F. 49, authored by Sen. Thomas Bakk (DFL-Cook), that creates a health insurance premium tax credit and repeals a provision enacted last year.

One provision of the bill provides a 20 percent individual income tax credit for health insurance premiums for individuals and families who have been without health insurance for the last twelve months and have access to a Section 125 plan. Section 125 plans allow employees with access to employer group insurance programs to pay for their health insurance premiums with pre-tax dollars. Families with children and income between 275 and 300 percent of the poverty guideline and single or married couples without children between 200 and 275 percent of the poverty guideline are eligible for the credit, under the bill. The credit may be claimed for premiums paid for the first twelve months that an individual purchases health care through a Section

125 account, which means that the taxpayer could claim the credit for only one twelve-month period. The credit would be nonrefundable.

The second portion of the bill repeals a provision that established a nonrefundable tax credit for small businesses that provide Section 125 plans for their employees. The credit is limited to businesses with two to 50 employees. The size of the credit is based on the amount of money the employer spends on incentives to encourage participation and the number of employees who begin to participate in the Section 125 plan in a given year. The credit is capped at \$5,000 per employer and the total amount of credits allowed is limited to \$730,000 per fiscal year. The limitation is administrated through a credit certificate program.

Another section of the bill repeals a provision that suspended all county maintenance of effort matching fund requirements for the tax payable years that levy limits are in effect.

Keith Carlson, executive director, Minnesota Inter-County Association, said he was thoroughly opposed to the provision because it would reinstate maintenance of effort (MOE) and matching fund requirements. Repealing the suspension could harm county human services programs and might cost them nearly \$200 million collectively.

Jim Mulder, executive director, Association of Minnesota Counties, along with a number of other human services directors from counties around the state, also spoke in opposition to the repeal and asked the committee to remove the section from the bill.

The committee approved the measure and sent the bill to the Senate Floor.

## Panel okays bills, appointments

Members of the Health, Housing and Family Security Committee, chaired by Sen. John Marty (DFL-Roseville), met Wed., Jan. 21, to review two bills.

S.F. 29, introduced by Sen. Kathy Sheran (DFL-Mankato), changes a provision in collaborative practice agreements between pharmacists and physicians. The collaborative practices agreements allow pharmacists to manage a patient's drug therapy according to a written protocol between an individual pharmacists and the patient's health care provider. The bill clarifies that pharmacists are able to sign prescriptions written under collabora-

tive practice agreements without having to obtain a countersignature on the prescription. The committee approved the bill and sent the measure to the full Senate.

S.F. 30, authored by Sen. Linda Higgins (DFL-Mpls.), specifies a retention time period for methamphetamine precursor drug logs maintained by retailers. The bill provides that the logs must be retained for three years and must be open to law enforcement inspection. The bill was approved and forwarded to the Judiciary Committee.

Members unanimously approved the appointments of Tony Goulet and Gloria J. Bostrom as members of the Minnesota Housing Finance Agency Board and Daniel M. Bartholomay as Minnesota Housing Finance Agency commissioner.

Members also approved the appointments of Dawn G. Bidwell, Bonnie Engen, James Rieber, Mari C. Thomas, Brenda Brown, Elizabeth J. Consie, Paula Fink Kocken and Paul Satterlee as members of the Emergency Medical Services Regulatory Board.

## Carbon intensity bill heard

The Energy, Utilities, Technology and Communications Committee met Thurs., Jan. 22, to hear a bill, authored by Sen. Kathy Sheran (DFL-Mankato), establishing standards to reduce the carbon intensity of transportation fuels.

Sheran said the bill calls for refiners, producers, blenders, and importers of transportation fuels to reduce the carbon intensity of the fuels for sale in Minnesota by an aggregate of at least 10 percent over the 10-year period from 2011 through 2020. Sheran also said there is no exclusive method recommended to achieve the reduction. Sheran said methods of reduction could include changes in production or extraction processes or could include blending high-carbon intensity fuels with low-carbon intensity fuels like biofuels. "We simply want to make the fuels we use on a daily basis cleaner," said Sheran.

Bill Grant, associate executive director, Izaak Walton League of America Midwest Office, said the bill will help Minnesota reach its state climate goals by reducing greenhouse gas emissions by 36 million tons by the year 2020. Grant

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**Editor/Writer:**  
Karen L. Clark

**Writers:**  
Amanda Lillie  
Justin Thiessen

**Photographers:**  
David J. Oakes  
A.J. Olmscheid



**Senators Joe Gimse (R-Willmar), left, and Michael Jungbauer (R-East Bethel look over proposed legislation during the Senate's Thurs., Jan. 22, floor session.**

Photo by A.J. Olmscheid

also said the application of the carbon intensity standard should not have a significant effect on prices consumers pay at the pump. Fuel prices are very volatile due to a number of factors, including total market supply and demand, forecasts and speculation, political forces, and production capabilities, he said. By increasing local production of fuel, consumers will be less impacted by external forces, said Grant.

Don Arnosti, director of Forestry Division, Institute for Agriculture and Trade Policy, said the bill would inspire innovations in biofuel technologies, could lead to an increase in "green" jobs and would create sustainable economies in rural communities where job growth could dramatically increase. Aside from creating new jobs, the bill could also put Minnesota at the forefront of the renewable fuels business, an industry that already employs nearly 18,000 Minnesotans, said Arnosti.

Diane Schmidt, vice president of

Koch Companies, said a bill mandating reduced carbon intensity fuels would likely increase consumer costs, destabilize state fuel supplies and negatively effect local industries that import and refine crude oil.

The committee took no formal action on the bill. Committee Chair Yvonne Prettner Solon (DFL-Duluth) said discussion of the bill would continue.

### Entire collection of laws online

Researchers now have online access to the entire work product of over 150 years of legislative activity in Minnesota. The Office of the Revisor of Statutes has put online every session law enacted since the First Territorial Legislature met in 1849. Though users have long had online access to the current version of Minnesota Statutes, only recent years' collections of session laws were available. Session laws from 1983 forward are displayed in full text; session laws until 1982 are displayed

as PDF images of the print volume.

Regular users of the Minnesota Statutes may not realize that the multi-volume set does not represent the full work of the Legislature. The session laws are comprised of each act of the Legislature, passed and enacted into law. They are gathered together in annual volumes titled "Laws of Minnesota," containing every act of the Legislature, organized chronologically. The statutory set, on the other hand, includes only laws of a general and permanent character, organized topically. Much of what appears in session law is intended to be included in the statutory set—revisions to, repeals of, or additions to existing statutes. However, many session laws are not meant to be included in the statutes, such as appropriations measures or laws affecting only one community.

The session laws are available at: <https://www.revisor.leg.state.mn.us/laws/>  
The session laws are available at: <https://www.revisor.leg.state.mn.us/laws/>

# Committee update

## Agriculture and Veterans

### Panel hears ag reports

The Agriculture and Veterans Committee met Thurs., Jan. 22, to hear reports on agricultural chemical response and reimbursement account (ACCRA) and the waste pesticide collection program. The panel, chaired by Sen. Jim Vickerman (DFL-Tracy), also heard an overview of agricultural fertilizer research and education council grants, and an update on bovine tuberculosis control and eradication efforts.

Greg Buzicky, Minnesota Dept. of Agriculture, said there are 135 abandoned agricultural chemical sites that require follow-up. Investigative work is planned for two of these sites in 2009 and cleanup is planned for one of the sites. The cleanup will be funded with ACCRA monies.

Buzicky also gave the waste pesticide collections report, saying that 75 counties have signed cooperative agreements. He said thirty-seven of the counties agreed to collect residential waste pesticides only, thirty-seven agreed to collect residential waste pesticides and agricultural waste, and one county stated that it would col-

lect neither. Nine counties stated that they would not be participating in the waste pesticide collection program, and three counties are undecided, he said. Buzicky said the Dept. of Agriculture will not know the final cost of the program until after the end of the fiscal year.

Bruce Montgomery, Minnesota Dept. of Agriculture, said the Minnesota Agricultural Fertilizer Research and Education Council has used its grants for nitrogen, phosphorus, and potassium production research, sulfur and micronutrient production research, agricultural water quality impacts and agriculture fertilizer related educational programs. Montgomery said he thinks the program is going well, despite the short amount of time it has existed.

Bill Hartmann, Board of Animal Health, said that in the summer of 2008, Minnesota was granted split-state bovine tuberculosis status, placing part of the state under modified accredited status (MA) and part under Modified Accredited Advanced (MAA). This coming summer, a USDA review team will visit Minnesota to evaluate the maintenance of the two zones, he said. Hartmann also

said the fencing program for the bovine tuberculosis control effort is complete. The fence is meant to keep potentially infected deer out of cattle herds, he said.

Wildlife Health Program Coordinator Michelle Carstensen, Dept. of Natural Resources, said that she and her staff removed approximately 1,000 deer from the bovine tuberculosis zone during the winter deer removal project in 2008. Carstensen said that of the deer removed, all were tested and only six tested positive. Another deer removal effort will begin next winter, she said.

## Business, Industry and Jobs

### MAC presentations heard

Members of the Business, Industry and Jobs Committee, chaired by Sen. James Metzen (DFL-South St. Paul), and members of the State and Local Government Operations and Oversight Committee, chaired by Sen. Ann Rest (DFL-New Hope) met Wed., Jan. 21, to hear presentations about the relationship of the Metropolitan Airports Commission and the newly merged Delta and Northwest Airlines.

Senate Counsel Peter Wattson presented a brief history of the \$270 million loan made by the Metropolitan Airports Commission (MAC) to Northwest Airlines in 1992 and how its repayment is affected by the acquisition of Northwest by Delta Airlines in 2008.

Jeffrey Hamiel, MAC executive director, and Tom Anderson, MAC general counsel, outlined some of the features of an agreement being negotiated with Delta Airlines to uphold the obligations Northwest Airlines entered into in the early 1990s.

Hamiel and Anderson said Northwest's prepayment would be amended so that instead of paying the lease off by 2022 as scheduled, prepayment would be required by 2016. Also, the employment covenant would be amended so that the number of required employees would drop to 10,000, a decrease of 1,500 from current levels. Those jobs would be kept in Minnesota until the bonds are paid off, they said. Also, Delta must pay an extra \$500,000 in rent each year through 2014 and an extra \$1 million in rent each year from 2015 until 2020. In addition, Hamiel and Anderson said that under the agreement Delta must locate a "Delta North" headquarters in Minnesota.

**Sen. Gen Olson (R-Minnetrista)** examines a fish tape measure given to each member of the Environment and Natural Resources Committee Wed., Jan. 21, during a presentation by a citizen-led lakes and river protection panel. Photo by David J. Oakes





**Senators Bill Ingebrigtsen (R-Alexandria), left, and LeRoy Stumpf (DFL-Plummer) consult in the Senate Chamber during the Thurs., Jan. 22, floor session.**

Photo by David J. Oakes

Tammy Lee Stanoch, vice president of corporate affairs at Delta Airlines, said the Delta-Northwest combination creates a single, stronger airline that will save over \$2 billion annually. She said currently Northwest is in compliance with its obligations under the MAC agreements, so the state and MAC have no legal authority to require early prepayment. However, she said it is within MAC's legal authority to negotiate a remedy for the anticipated headquarters breach, and that is being addressed through increasing flights from 227 to 400 daily departures, a commitment to maintaining 10,000 Minnesota jobs and an expedited bond repayment period for Delta.

The MAC Commission will be reviewing the agreement on Jan. 26.

## Environment and Natural Resources

### Lakes, rivers protection discussed

The Committee on Environment and Natural Resources, chaired by Sen. Sat-

veer Chaudhary (DFL-Fridley), gathered on Wed., Jan. 21, for a citizen-led discussion on lake and river protection.

Phil Hunsicker, president of the Crow Wing Lakes and Rivers Association, addressed the issue of shore land management. Hunsicker said poor development planning and inadequate ordinances are threatening lake water quality and decreasing the value of lakeshore property. Hunsicker also said there are a number of citizen-led organizations working to develop comprehensive planning and ordinance revisions to better protect shore lands. Hunsicker urged members to support and pass the new minimum statewide shore land standards recommended by the Department of Natural Resources (DNR). Hunsicker also encouraged members to support incentives such as tax breaks for organizations that work to preserve natural shorelines.

Dann Siems, aquatic biologist with the Beltrami County Lakes and Rivers Association, presented information on aquatic invasive species. Siems said

aquatic invasive species pose significant ecological, aesthetic, and economic risks to numerous Minnesota lakes and streams. Siems said the actual and perceived impacts of aquatic invasive species are poorly understood. Siems also said there is widespread concern that invasive species may threaten the ecological integrity of economically critical water surfaces and his organization is working to minimize the impact of aquatic invasive species in Minnesota's public waters. Siems noted three strategic steps he would like to see taken by the DNR to reduce the introduction and spread of aquatic invaders. First, Siems said he would like to intensify public education efforts focused on minimizing the probability of "aquatic hitch-hikers" and other invaders with potential to compromise water quality. Next, Siems said he would like the DNR to reduce the invisibility of surface waters by enhancing the diversity and integrity of native plant and animal communities. Finally, Siems said that he would like to see the creation of a regional entity that would coopera-

# Committee update



Senators Ann Rest (DFL-New Hope) and Jim Carlson (DFL-Eagan) converse in the Senate Chamber following the Thurs., Jan. 22, floor session.

Photo by David J. Oakes

tively address potential migration and infestation of aquatic invaders.

Darrell Swanson, board member of the Pine River Watershed Alliance, spoke on the topic of surface and ground water quality. Swanson said his organization, along with other citizen-led groups, has been developing, directing and implementing county-wide water quality monitoring programs. Swanson said increased septic tank inspection regulations and improved shore land management could improve water quality as it relates to excess phosphorous loading.

Finally, Marian Bender, executive director, Minnesota Waters, said citizen-led organizations are taking responsibility for the long term protection and preservation of Minnesota's most priceless natural resources, its waters. The partnerships and collaborate efforts between the volunteer groups and state-funded environmental organizations will be crucial to the ongoing lakes and streams protection initiative, said Bender.

## Environment, Energy and Natural Resources Budget Division

### Energy storage options discussed

The Environment, Energy, and Natural Resources Budget Division Energy Subdivision, chaired by Sen. Gary Kubly (DFL-Granite Falls), met Thurs., Jan. 22 to discuss power storage technologies.

Dr. Imre Gyuk, program manager of Energy Storage Research, U.S. Dept. of Energy, said the U.S. Dept. of Energy supports usage of alternative electricity storage technologies such as lithium ion batteries, flow batteries, pumped storage and compressed air energy storage. Using energy fast storage can be twice as effective as gas turbines and 20 times more effective than steam turbines, he said. He also said energy storage allows increased asset utilizations for generation and transmission, which would reduce the number of plants causing pollution.

Gyuk also said Xcel Energy has put in a one-megawatt six-hour sodium sulfur facility in Luverne, Minnesota, to complement the 11-megawatt wind facility.

Dr. Edward G. Cazalet, vice president and founder of MegaWatt Storage Farms, Inc., outlined California's electricity storage policy agenda, saying that they want to be using 33 percent renewable energy by 2020. Cazalet also said California plans to establish a portfolio standard of five percent of peak load for electric storage that lasts four to six hours, is clean and has less than a one second response from full charge to discharge.

Both Gyuk and Cazalet encouraged members to consider a variety of energy storage options.

### LOHC reviewed

The Lessard Outdoor Heritage Council was the main item on the agenda at the Thurs., Jan. 22, meeting of the Environment, Energy and Natural Resources

Budget Division Subcommittee on Natural Resources. The panel, chaired by Sen. Tom Saxhaug (DFL-Grand Rapids), heard from the council's chair, Mike Kilgore.

Kilgore explained that the Lessard Outdoor Heritage Council was created as a result of the passage of a constitutional amendment that increases the sales tax by three-eighths of one percent and dedicates the revenue to the environment, natural resources and the arts.

The council is charged with developing funding recommendations for the revenue raised by the increased sales tax, Kilgore said. He said the process used by the council to develop recommendations will rely extensively on individual and stakeholder input to identify priority conservation investment opportunities. Kilgore said the council will refine the process and develop a strategic plan to guide the expenditure of future council recommendations. The initial funding recommendations must be submitted to the Legislature by Apr. 1, 2009, Kilgore said.

Kilgore said the council will use a process that is timely and accessible by the public, protect and advance the public interest, provide for public input, take into account existing conservation planning and delivery systems and ensure that conservation benefits are broadly distributed around the state. In addition, the council has set forth minimum criteria for funding requests, set criteria for identifying conservation priorities and laid out a proposed work plan, Kilgore said.

## Health and Human Services Budget Division

### Financial compliance report heard

The Health and Human Services Budget Division, chaired by Sen. Linda Berglin (DFL-Mpls.), met Tues., Jan. 20, to hear a report by the Office of the Legislative Auditor on financial compliance management at the Minneapolis Veterans Home.

Mike Hassing, audit manager for the Legislative Auditor, presented a financial audit report pertaining to internal control and compliance at the Minneapolis Veterans Home for the fiscal years 2004 through 2007. Hassing said the findings of the report showed that the Minneapolis Veterans Home did not adequately manage its financial responsibilities.

Furthermore, Hassing said that the home did not have adequate internal controls over resident cost of care, resident trust accounts, gifts and donations, and payroll and administrative expenditures. Hassing also said that as a result of the mismanagement, the home did not ensure it safeguarded assets, accurately pay employees or vendors in accordance with management's authorizations, produce reliable financial information, or comply with finance-related legal requirements.

Of the compliance issues facing the Minneapolis Veterans Home, Hassing said the home's inability to adequately manage its employee overtime costs was of the most concern. The report showed that the home's overtime costs averaged nearly \$2 million each year, dramatically exceeding the overtime ratio of other state facilities. Hassing said in many cases employees were receiving more compensation from overtime pay than from their regular salaries. Hassing said that mismanagement of overtime pay was the primarily

the result of improper staffing issues.

Finally, Hassing said that the home did not resolve six of eight prior audit findings related to resident costs of care, resident accounts, and payroll and administrative expenditures. Hassing also said that the same audit was conducted at the Fergus Falls Veterans Home, the results of which showed that facility adequately managing its financial duties.

In conclusion, Hassing made two recommendations for the Minneapolis Veterans Home to ensure improved results in the next financial compliance audit. First, Hassing said the Department of Veterans Affairs needs to work with the home to reassess its administrative structure to ensure that it has established appropriate positions and lines of authority to address the deficiencies in its financial operations and to meet its fiscal management responsibilities. Hassing also said the home needs to assess the risks in its financial operations and implement internal controls to mitigate the risks and ensure

*Travis Drayna, Shoreview, and sons Noah, left, and Joanas, join hundreds of others on the Capitol Grounds during an event to mark the 36th anniversary of the U.S. Supreme Court decision legalizing abortion.*

Photo by A.J. Olmscheid



# Committee update



Senators Gary Kubly (DFL-Granite Falls), left, and Dan Skogen (DFL-Hewitt) examine the details of a bill during the Thurs., Jan. 22, floor session.

Photo by David J. Oakes

transactions are sufficiently documented and justified, properly approved, accurately recorded, and in compliance with state requirements and internal policies.

## Panel hears METO update

The Health and Human Services Budget Division, chaired by Sen. Linda Berglin (DFL-Mpls.), met Wed., Jan. 21, to hear short reports from the Minnesota Dept. of Health and the Dept. of Human Services about the effects of budget reductions resulting from the December unallowments.

Berglin said a 10 percent unallowment is a large amount and she asked for a report on where any lay-offs will be occurring. Budget Director Jayne Rankin, Dept. of Human Services, said she will have a report regarding the unallowments by next week.

Members also heard an update on Minnesota extended treatment options (METO). Assistant Commissioner Read Sulik, Dept. of Human Services, said the goals of METO include improving access to care, establishing quality standards,

promoting wellness and prevention of illness, improving efficiency of care and reducing the consequences of severe illness. Sulik said METO has 114 residential facilities in the state, along with 30 intensive therapeutic homes, 19 day training and habilitation programs and 16 adult mental health programs. He also said METO has discontinued use of metal mechanical restraints on mental health patients because it was not aiding the therapeutic environment, and instead, time-outs are used to manage individuals who present imminent harm. Sulik also said METO is committed to establishing community partnerships.

Sulik said METO plans to discontinue some of its beds, which could potentially help lower the state shortfall if they are discontinued during the current biennium.

## Higher Education Budget and Policy Division

### Online learning discussed

The Higher Education Budget and Policy Division devoted the entire Thurs.,

Jan. 22, hearing to the topic of online learning. The panel, chaired by Sen. Sandra Pappas (DFL-St. Paul), heard from representatives of the University of Minnesota, Minnesota State Colleges and Universities (MnSCU) Capella University and the Office of Higher Education.

Susan Heegaard, director, Office of Higher Education, said online learning offers increased access and opportunities for students. She said students are demanding more online course offerings. In addition, Heegaard said the governor has proposed having 25 percent of the courses at MnSCU and the University of Minnesota online by 2015. We have found that online education is particularly attractive for women and for students in Greater Minnesota.

Linda Baer, vice chancellor of academic and student affairs, MnSCU, said credits earned through online courses have nearly tripled in the past five years and the number of students participating in online education has increased 160 percent in the past five years. In addition, Baer said other areas of web enabled delivery are growing as fast as online learning.

In the future, Baer said there will be greater integration of services for students, more program development in high demand fields, more flexible scheduling options, additional resources for faculty teaching online and increases in access and affordability. She said some of the advantages of online learning include easy access to learning, the opportunity for learning at any time, convenience and flexibility and efficiency. However, Baer also said there are some disadvantages such as the predominance of independent work over class attendance and participation, the dependence on text-based learning materials and more sporadic interaction with other students and instructors.

Professor Barbara Bridges, students Brendan Babcock and Jill Hentges, all of Bemidji State University spoke on the university's K-8 elementary teacher licensure program. Bridges said the program is a combination of classes conducted in a classroom and online learning. In addition, Bridges spoke about FasTrack, a hybrid online cohort initiative for secondary teacher licensure.

Dr. Chris Cassirer, president, and Christine Johnson, director of government affairs. Capella University, outlined Capella University's focus on the ways online delivery and academic model produces competency based, assessment driven, performance measured results.

Tom Sullivan, vice president and provost, University of Minnesota, also spoke on the development of online learning at the University.

## Judiciary

### Adam Walsh Act discussed

The Senate Judiciary Committee, chaired by Sen. Mee Moua (DFL-St. Paul), and the House Public Safety Policy and Oversight Committee, chaired by Rep. Debra Hilstrom (DFL-Brooklyn Center), gathered for a joint meeting on Thurs., Jan. 22, to hear a presentation on the Adam Walsh Act.

Sarah Hammond, program principal, Criminal Justice, National Conference of State Legislatures, said the Sex Offender Registration and Notification Act (SORNA), which is a provision of the Adam Walsh Child Protection and Safety Act, provides a comprehensive set of minimum standards for sex offender registration and notification in the United States. SORNA aims to

close potential gaps and loopholes that existed under prior law and generally strengthens the nationwide network of sex offender registration and notification programs, said Hammond. Hammond said states have until July 27, 2009 to comply with provisions of the Adam Walsh Act or face a 10 percent reduction to Byrne law enforcement grants.

Harry Kennedy, Minnesota State Sex Offender Policy Coordinator, said the state currently receives about \$2 million in Byrne grants, with the cost of complete SORNA compliance projected at \$8.4 million. Kennedy said full compliance with SORNA would require the state to list all sex offenders, no matter what level, on a database that could be accessed on the internet by all citizens. Furthermore, said Kennedy, SORNA would require registered sex offenders to list an exact home and employment address. Currently, only level III sex offenders in Minnesota are required to be placed on a public website, with the registration not listing an employment address and only listing a partial home address, said Kennedy. Finally, Kennedy said Minnesota, which is already mostly in compliance with SORNA regulations, may see the level of sex offender registration compliance dramatically fall if all sex offenders, regardless of level, are required to appear on a public website with both an exact home and employment address.

In conclusion, Kennedy said he will be filing for a compliance deadline extension on behalf of the state which would defer the proposed 10 percent reduction to Byrne grants and would give state organizations more time to come into full SORNA compliance.

## Public Safety Budget Division

### Controlled substance report heard

The Public Safety Budget Division and the Judiciary Committee assembled Wed., Jan. 21, for a joint meeting to hear a report from the Working Group on Controlled Substance Laws.

The working group, established by the 2008 Legislature, was created to study Minnesota's controlled substance laws and make recommendations to the Legislature regarding modifications and improve-

ments to current controlled substance provisions. Thomas Pertler, chair of the Controlled Substance Laws Working Group, made three key recommendations on behalf of the working group to change existing controlled substance laws.

First, Pertler recommended a number of changes to controlled substance thresholds including reductions in the marijuana thresholds, and responsible increases in some of the cocaine, methamphetamine, and heroine thresholds. Next, Pertler said there should not be a separate sentencing guidelines grid for controlled substances since it would be confusing and unnecessary. Finally, Pertler recommended an increased use of early prison release for nonviolent drug offenders who complete treatment in prison. Pertler said any savings from early release of prisoners or the changes to the drug thresholds should be used to fund additional prison chemical dependency treatment and local corrections programs.

Pertler said there was a proposal to make the use of deferred prosecutions presumptive, based upon a belief that they were not granted uniformly throughout the state. However, the working group ultimately rejected the proposal to make deferrals presumptive because data showed the deferrals are being used throughout the state and many members felt local judges and prosecutors should have the discretion to grant or deny deferred prosecutions, said Pertler.

Anne Wall, senior research analyst, Minnesota Sentencing Guidelines Commission, said the proposed threshold modifications recommended by the working group would reduce prison bed occupation by 97 beds. Wall presented information showing an increase in prison bed occupation derived from marijuana cases, but a dramatic decrease in occupation from cocaine, meth and heroine cases. Overall, the threshold modification would shift the severity of controlled substance sales and possession cases, ultimately leading to a reduction in prison beds, said Wall.

Assistant Commissioner David Crist, Minnesota Department of Corrections, spoke on the importance of chemical dependency counseling. Crist said, in 2008, 90 percent of newly-committed offenders are diagnosed as chemically abusive or dependent, with 80 percent of the offenders directed to treatment. Thirty four percent of offenders directed to treatment enter a

# Committee update

program prior to release, said Crist. Crist said those offenders who do not complete chemical dependency treatment before being released are referred to a program in the community. Finally, Crist said increasing the number of offenders who successfully undergo chemical dependency treatment should decrease the number of repeat offenders.

## State Government Budget Division

### Agency merger update heard

An overview of the Minnesota Management and Budget Dept. was the highlight of the Wed., Jan. 21, meeting of the State Government Budget Division. The panel, chaired by Sen. Don Betzold (DFL-Fridley), heard from Commissioner Tom Hanson about the merger of the Dept. of Finance and the Dept. of Employee Relations into the new entity Minnesota Management and Budget.

Hanson said the two departments were merged on June 1, 2008 and the Management Analysis and Development Division of the Dept. of Administration joined the agency in August, 2008. He said the agency's mission is to increase state government's capacity to manage and utilize financial, human, information and analytical resources to ensure exceptional service and value for Minnesota's citizens.

Deputy Commissioner Stephanie Andrews reviewed the projects underway to better use financial information. She said the three major projects include a citizen transparency initiative, renewing the budget information system and replacing the Minnesota Accounting and Procurement System (MAPS).

Assistant Commissioner Jim Showalter said the agency is launching a citizen transparency initiative to provide access to information on state payments to schools, local governments and contractors. Roughly 80 percent of general fund spending will be available on a searchable database, Showalter said. He said data will be improved with time and that the initiative is aimed at enhancing citizen friendly reports and charts already on the agency website.

Showalter said the budget information system was created in the 1980s and is coming to the end of its useful life. He said the makeover of the system will aid the executive branch in budget develop-

ment, assist agencies' planning and budget development and provide improved access to the Legislature on key budget items.

Lori Mo, assistant commissioner, outlined the process for upgrading MAPS. "MAPS is the state's basic financial management system and was first implemented in 1995." She said the system is used by all branches of state government and that millions of transactions are processed through MAPS every year. However, Mo said technical obsolescence threatens the system and that it is increasingly incompatible with the state's newer information systems. In addition, Mo said a technical risk analysis of the system shows several significant risks. She said the benefits of modernization of the system include a stable technical infrastructure, better information available for decision making and greater efficiency. The next steps are to obtain funding, issue a request for proposals, select a vendor and begin the two year implementation period, Mo said.

Strategies for adapting Minnesota's human resources programs for the future were outlined by Assistant Commissioner Judy Plante. Plante said workforce planning and development include redirecting staffing and compensation efforts, simplifying the job posting and application process and improvements to the employee assistance program. She said ramping up workforce planning means retraining efforts, developing connections with Minnesota educational institutions, recruiting the next generation of state workers and planning for the replacement of retiring baby boomers.

Nathan Morocco, of the department, said that with the worsening economy there is an increased demand for the employee assistance program. The challenge is in designing the right mix of in-house and contract services, proactively identifying workplace stressors and developing strategies to address the stressors, he said.

Morocco also reviewed the state employee group insurance plan (SEGIP). He said the plan covers 50,000 state employees and, in many cases their families, and covers all three branches of government.

The panel also heard an overview of the statewide systems billing operation, which is the basic mechanism to fund the operating costs of the statewide systems such as MAPS, payroll and benefits and related information access systems.

## Taxes

### Budget trends report heard

The Taxes Committee, chaired by Sen. Thomas Bakk (DFL-Cook), met on Wed., Jan. 21, to hear a report by the Budget Trends Study Commission.

Jay Kiedrowski, co-chair of the State Budget Trends Study Commission, presented information on state budget trends and gave some recommendations on how to avoid budget shortfalls in the future. Kiedrowski said that demographic trends are about to transform Minnesota's public sector, permanently changing the state's expectations for economic growth and government services. This demographic shift, along with other economic factors, will cause changes in public spending priorities and lead to lower growth of state tax revenues over the next 25 years, said Kiedrowski. Kiedrowski also said the recent influx in demographic diversity will continue to increase in the future as economic growth depends heavily on drawing new workers to the state as the baby boomer generation begins reaching retirement age.

Kiedrowski said that Minnesota has long-term structural budget problems, with long term expenditure growth likely to outpace revenue growth. One key in controlling rising state expenditures will be proper regulation of growth in health care, said Kiedrowski. Kiedrowski also said that Minnesota's statutory budget reserve ceiling has not grown to an appropriate level and the state needs a cash flow reserve account of sufficient size in order to avoid short-term external borrowing during a biennium.

In response to the findings established by the Budget Trends Commission, Kiedrowski offered specific recommendations around three central themes that would shield the state from future substantial budget deficits. The three themes include successfully managing state budget volatility, achieving a long-term balance of state revenues and expenditures and providing decision-makers and citizens with the necessary information to make informed budget and policy decisions.

In conclusion, Kiedrowski said the long-term budget trends of the state will require strong fiscal discipline to ensure economic success for future generations. Recognizing problems and capitalizing on opportunities will be key components in the development of forthcoming economic stability, said Kiedrowski.

# Senate Briefly

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Bearing the names of cancer victims, luminaries line the Capitol Rotunda Tues., Jan. 27, as part of the American Cancer Society's Day at the Capitol.

Photo by A.J. Olmscheid



January 30, 2009

# Highlights

## Deadlines set

Members met in floor session Thurs., Jan. 29, to consider a resolution setting committee deadlines for the 2009 regular session and to grant final passage to a bill making changes in tax provisions to conform to an agreement made by legislative leaders and the governor last May. Members also took time out to honor Patrick E. Flahaven for his many years of service to the people of Minnesota while serving as Secretary of the Senate.

Under the deadline resolution, the first deadline, Fri., Mar. 27, is the time by which committees must act favorably on bills in the body of origin. The second deadline, Tues., Apr. 7, is the time by which committees must act favorably on bills from the other body. The third deadline, Thurs., Apr. 16, is for the finance divisions to act favorably on omnibus appropriations bill. The fourth deadline, Wed., Apr. 22, is the time by which House and Senate Committees on Finance, the House Committee on Ways and Means and the House and Senate Committees on Taxes must act favorably on omnibus appropriation and tax bills. The final deadline, Thurs., May 7, is the time by which conference committees on omnibus appropriations and tax bills must report bills to the floor.

Majority Leader Lawrence Pogemiller (DFL-Mpls.) said the intention is to have processed the major conference committee reports by Tues., May 12, and sent the measures to the governor. The resolution was adopted.

One bill, S.F. 49, authored by Sen.

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**Editor/Writer:**  
Karen L. Clark

**Writers:**  
Amanda Lillie  
Justin Thiessen  
Sydne Westorff

**Photographers:**  
David J. Oakes  
A.J. Olmscheid

Thomas Bakk (DFL-Cook), was granted final passage on Special Orders. Bakk said the bill is the result of an agreement between legislative leaders and the Governor's Office May 27, 2008, to make some adjustments in last year's omnibus tax bill. Bakk said in last year's bill a health insurance tax credit was provided for employers. Under the agreement, and according to the bill, the tax credit for employers is repealed and a tax credit for health insurance is provided for individuals. The second portion of the bill repeals a provision that allowed the suspension of counties' maintenance of effort levies, Bakk said. He said because of levy limits in last year's tax bill, the tax conferees had suspended the maintenance of effort levies in order to give counties more flexibility. However, Bakk said that it was subsequently discovered that some of the maintenance of effort levies have a state costs, which could amount to as much as \$100 million.

The measure was approved on a 49-7 roll call vote.

## Routine floor session held

Senators convened for a brief floor session Mon., Jan. 26, to process bill introductions, committee reports and other paperwork at the Front Desk.

## Transportation stimulus presentation heard

The Senate and House Committees on Transportation met for a joint hearing Thurs., Jan. 29, to hear a presentation by U.S. Congressman Jim Oberstar, chair of the House Committee on Transportation and Infrastructure, on the potential funding from the economic stimulus initiative that would be allocated to transportation projects.

Oberstar said the economic stimulus bill, which was passed by the United States House of Representatives Wed., Jan. 28, allocates roughly \$66 billion dollars to transportation projects across the country, \$30 billion of which goes directly to highway and bridge construction projects. Oberstar said Minnesota could expect to see more than \$477 million dollars for road and bridge upgrades. Oberstar said the stimulus plan has the potential to put nearly 15,000 Minnesotans back to work and help combat the national unemployment rate, which has recently risen to a 16-year high. Oberstar said the

plan is designed to create jobs within 90 days of its inception and could put over 1 million construction workers back on the job nationally. Additionally, Oberstar said the Department of Transportation (DOT) would be utilizing a distribution formula for fairly allocating funding for projects in all areas of the state so heavily populated districts wouldn't be receiving an unreasonably large portion of the funds. Oberstar also said the transportation portion of the stimulus plan focuses on three goals, investing in the nation's infrastructure, ensuring the safety and security of the nation's transportation needs and addressing the issue of global warming by putting initiatives in place to reduce transportation's negative impact on the environment.

Oberstar also presented a timeline that will be used by the DOT in allocating the transportation stimulus funding to each state. Oberstar said each state will need to certify that they have a "90-day program of projects," demonstrating how the state will obligate 50 percent of the funds for projects receiving economic recovery supplement within 90 days of allocation. Any funds that are not obligated within 90 days of receipt of allocation will be redistributed by the DOT to other states, said Oberstar. After 180 days said Oberstar, each state must certify another program of projects in order to receive the second allotment of stimulus funds.

Finally, Oberstar said MnDOT has stimulus project proposals for both road and bridge projects and for alternative transit development such as bicycle, pedestrian and passenger rail projects.

## Early childhood ed discussed

Members of the Education Committee, chaired by Sen. LeRoy Stumpf (DFL-Plummer) devoted the entire Thurs., Jan. 29, hearing to a discussion of early childhood care and education. Members also discussed a bill, S.F. 72, sponsored by Sen. Tarryl Clark (DFL-St. Cloud), providing for a quality rating and improvement system for early childhood care and education.

Louise Stoney, an independent consultant specializing in early care and education policy and finance, said she has been working with members of the early childhood caucus, a bi-partisan, bicameral group, on developing a vision and framework for early childhood education.

Stoney said the vision for early childhood care and education in Minnesota

is to ensure that all Minnesota's children can access high-quality early learning and care in a range of settings that meet the needs of children and families.

Stoney said because of the way government funds are allocated and administered, a set of early childhood education subsystems has emerged—each with its own standards, policies, procedures and rates. She said the emergence of subsystems has led to incomplete or inaccurate supply and demand data, inconsistent services delivery and competition for scarce funding. The different subsystems also make it difficult for families to make sense of the varying standards, requirements and administrative entities as they seek programs to fit their needs, Stoney said.

Stoney said a new approach to standards may be found in quality rating and

improvement systems, which creates a big enough tent to include early childhood education services provided by a wide range of entities and funded by a variety of sources. She said the quality rating and improvement systems is a standards-based system that supports the principle elements of quality. Stoney said the principle elements of quality include highly skilled teachers, age-appropriate curricula, a language rich environment, responsive interactions between staff and children, consistent levels of child participation and small class sizes. She said a standards-based framework promotes efficiency, cost effectiveness and a shared vision for the early childhood system as a whole.

The bill, S.F. 72, incorporates the idea of a quality rating and improvement system for Minnesota, said Clark. The

measure establishes a quality rating and improvement system based on the goal that all Minnesota's children have access to high-quality early learning and care programs. Clark said the system includes establishing a framework that improves quality opportunities for early learning and then uses the framework as a tool to ensure that publicly funded and regulated early learning and care systems are high quality. The framework is also used to track progress toward statewide access to programs, progress in providing access to low-income children and progress in reducing the number of children not fully prepared to enter kindergarten.

Clark said the measure is still a work in progress and that discussions are being held to further refine the bill. No formal action was taken was taken on the bill.



Former Secretary of the Senate Patrick Flahaven, second from left, is honored for his years of service by Senate Minority Leader David Senjem (R-Rochester), far left, Majority Leader Lawrence Pogemiller (DFL-Minneapolis), third from left, and President James Metzen (DFL-South St. Paul) during a recess in the Thurs., Jan., 29 floor session. Flahaven, who recently retired as the second longest-serving Secretary of the Senate in the nation, received a framed document depicting the names of senators that have served during his 36 year tenure.

Photo by David J. Oakes

# Committee update

## Agriculture and Veterans Committee

### Pet breeders bills heard

The Agriculture and Veterans Committee, chaired by Sen. Jim Vickerman (DFL-Tracy), met Tues., Jan. 27, to hear two bills and extensive testimony on dog and cat breeders standards.

S.F. 7, sponsored by Sen. Don Betzold (DFL-Fridley), creates licensing and registration requirements for dog and cat breeders and requires that breeders comply with existing anti-cruelty laws. The bill requires breeders to obtain licenses beginning July 1, 2010, and requires the licenses to be renewed annually, Betzold said. The bill applies to breeders who have six or more breeding females, and specifies that breeders may not have more than 50 breeding females, he said. In addition, the bill defines "hobby breeders" as individuals with fewer than six breeding females. The measure also authorizes investigations by the Board of Animal Health, a local animal control authority, a peace officer, or a humane agent and sets forth criminal and civil penalties.

Members adopted an amendment to the measure clarifying that fees paid by breeders would vary depending on the number of adult animals possessed by the breeder.

Dr. Christine Gabel of the Minnesota Purebred Dog Breeders Association said she is in opposition to the bill because it applies to breeders who have six or more breeding females. She said many small hobby breeders use more than six females for breeding, which means the bill would affect hobby breeders as well as those who breed dogs and cats commercially.

Senior Humane Agent Keith Streff, Animal Humane Society, said he supports the bill because puppy mills are becoming an increasing problem in Minnesota and regulations need to be tighter on breeders to prevent the puppy mills from operating.

Sen. Sharon Erickson Ropes (DFL-Winona) offered an amendment specifying that the bill apply to breeders who have 40 or more animals for breeding instead of six or more. The amendment also authorized the Board of Animal Health to fully or partially reimburse local units of government for any costs to perform work authorized by the bill. Finally, the amendment authorizes the Board of Animal Health to accept contributions from private parties for the development

of license application forms and materials.

After some debate, Erickson Ropes withdrew the initial amendment and offered the portions of the amendment relating to allowing private donations for the development of license application forms and materials and authorizing the Board of Animal Health to partially or fully reimburse the local units of government. The amendment was adopted.

Sen. Rod Skoe (DFL-Clearbrook) offered an amendment removing the cap of 50 adult animals per breeder. The amendment was adopted.

The bill was laid over for further discussion.

Members also heard S.F. 201. The bill, authored by Sen. Steve Dille (R-Dassel), requires dog and cat breeders with 20 or more breeding females, who are not regulated by the USDA, to register with their local animal control authority by Mar. 1, 2010. Under the bill, breeders would have to re-register every four years and the local animal control authority may charge a registration fee, Dille said. He also said the breeder can choose whether they will follow the USDA regulations or the best care standards developed by the Minnesota Dept. of Agriculture. No action was taken on the measure.

### Green acres program reviewed

The Thurs., Jan. 29, meeting of the Agriculture and Veterans Budget and Policy Division was devoted to discussion of the green acres program and agricultural land preservation program.

Chair Jim Vickerman (DFL-Tracy) said the hearing would begin with a review of the program by the Office of the Legislative Auditor. He said the hearing was an informal discussion with testimony by individuals, representatives of the counties and representatives of the Dept. of Revenue.

Jody Hauer, Office of the Legislative Auditor, gave an overview of the green acres and agricultural land preservation programs evaluation report. Hauer said the green acres program reduces taxes, but has problems. She said the program effectively equalizes taxes, but it does not help all eligible farmland owners. In addition Hauer said it is unclear who should benefit from the program because some eligibility criteria pose difficulties and implementation of the program has been inconsistent.

Hauer said the program applies when nonagricultural factors, such as develop-

ment pressures, add value to farmland. To be eligible, Hauer said, the land must be classified as agricultural, be 10 acres or more and primarily devoted to agricultural use.

The green acres classification lowers land value for tax purposes, defers special assessments and requires the landowner pay back part of the tax break if the land becomes ineligible, Hauer said. The green acres program, by lowering taxes for participants, does increase taxes for other property owners, she said. Hauer said the program's effect on preserving farmland is short term and tenuous. Hauer said the report recommends clarifying what types of land should benefit, eliminating the income criterion while adding specificity to the statutes and pursuing statewide consistency.

Gordon Folkman, director of the Property Tax Division, Dept. of Revenue, updated members about the changes brought about by last year's tax bill. One of the major changes, Folkman said, is having assessors determine whether the land is productive or nonproductive. Under the new law, some types of nonproductive land, such as conservation land, would not be eligible unless the land is currently enrolled in the program and is grandfathered in. He said one of the problems is the time crunch for determining land eligibility. Another problem is the issue of property owners being subject to a substantial payback amount if they chose to withdraw the land from the program.

Representatives of the Minnesota Association of Assessing Officers Legislative Committee spoke on some the difficulties arising from the changes last year. Tom May, Hennepin County, recommended that some of the conservation preservation land be allowed back into the green acres program.

A number of individuals spoke on the problems brought about by the implementation of the tax change and on recommendations to improve the green acres tax provisions.

## Business Industry and Jobs

### Panel hears GWDC report

The Business, Industry and Jobs Committee, chaired by Sen. James Metzen (DFL-South St. Paul), met Mon., Jan. 26, to hear a report by the Governor's Workforce Development Council (GWDC).

Brenda Norman, executive director of



**Chera Engstrom, Brooklyn Park, relates the emotional and financial turmoil she experienced after obtaining a puppy from - what she considers - a disreputable breeder. The Agriculture and Veterans Committee met Tues., Jan. 27, to consider a bill that would institute standards for breeders of dogs and cats.**

Photo by David J. Oakes

GWDC, said that 98,634 customers were served in Minnesota last year. However, the workforce centers are unable to meet the needs of the majority of clients who need assistance with job searching or completing the unemployment insurance application, Norman said. She said clients face a number of critical issues in addition to unemployment. She said the GWDC recommends the addition and reallocation of existing state staff in order to meet the needs at the resource areas. The GWDC also supports the addition of temporary staff to help meet the increasing demand at the resource centers, she said.

In planning for the future, the council developed several policy recommendations.

Norman said that every Minnesota learner create a plan by ninth grade to guide him or her through high school and have post-graduation goals that include competitive employment or a post second-

ary education. The plan requirement will be implemented gradually, and by 2014 it should be a graduation requirement, Norman said. She also said the Skill and Wage Advancement Committee of the GWDC recommends that Minnesota update its financial assistance policies to better support adult and non-traditional learners. Norman said the GWDC also recommends reviewing and adjusting cost reimbursement formulas at post secondary institutions to attend to disparities between occupation-specific and liberal arts courses in credit and non-credit programs.

### **Boiler regulation bill heard**

The Committee on Business, Industry and Jobs, chaired by Sen. Jim Metzen (DFL-South St. Paul) met Wed., Jan. 28, to hear a bill on boiler regulations and a status report by the Minnesota Department of Labor and Industry.

S.F. 212, authored by Yvonne Prettner

Solon (DFL-Duluth), modifies current boiler regulations by exempting NewPage Corporation, a papermaking facility near Duluth, from employing licensed boiler operators at its facility. Prettner Solon said NewPage Corporation is the only facility with this arrangement in Minnesota and has historically been exempt from employing licensed boiler operators because NewPage receives its steam from facilities at another location. The only aspect that has recently changed is the ownership of the boiler plant that provides steam to the NewPage facility, said Prettner Solon. Prettner Solon said ownership of the plant that provides steam to NewPage will change on March 1, 2009.

The committee approved the bill and recommended the measure be placed on the Consent Calendar.

Commissioner Steve Ssviggum, Dept. of Labor and Industry, gave a brief presentation addressing unit updates and current obstacles facing the department. Ssviggum said a significant reduction in the number of applications for independent contractor exception certificates has led to a severe drop in revenue and a number of layoffs in the unit assigned to issuing the certificates. Ssviggum said the current state of the economy is likely to blame for the slow down of the construction industry and the decline in independent contractor certificates. He also said a worker's compensation advisory work group is working diligently to construct a reform bill focusing more on the injured workers and the businesses that pay the premiums and less on service providers. Ssviggum said even though the number of worker's compensation cases filed has slowly declined over the past 10 years, the costs associated with filing cases has steadily risen. Ssviggum said the work group should have a worker's compensation reform bill to present to the Legislature by the end of February.

## **Education**

### **College-readiness presentation heard**

The E-12 Education Budget and Policy Division, chaired by Sen. LeRoy Stumpf (DFL-Plummer), met Wed., Jan. 28, to hear a presentation on the college and career readiness of high school students. In addition, Stumpf announced that an Arts Education Working Group has been appointed to deal with revenue designated for the arts resulting from the passage of the legacy amendment. The

# Committee update

working group, to be chaired by Sen. Dan Skogen (DFL-Hewitt), will include Sen. Tom Saxhaug (DFL-Grand Rapids), Sen. Amy Koch (R-Buffalo), Sen. Sandy Rummel (DFL-White Bear Lake) and Sen. Gen Olson (R-Minnetrista).

Dr. Michael Cohen, president of Achieve, Inc., said that between 2002 and 2005 the American Diploma Project (ADP) found that 30 percent of first-year college students are required to take remedial courses because they are unequipped for postsecondary education. Cohen said faculty estimated that 42 percent of first-year students are academically unprepared. To better prepare high school students for postsecondary education and careers, ADP recommends that states align their standards with the knowledge and skills needed for success in postsecondary education and work, Cohen said. He said high schools need to have a set of accountability indicators to show that students are college and work-ready.

Cohen said 22 states, including Minnesota, have aligned high school standards with the knowledge needed for postsecondary success, and 20 states, including Minnesota, require a college and career-ready diploma. However, nine states have built college and career-ready measures into their statewide assessment systems and Minnesota is not one of these states, he said.

Alice Seagren, commissioner of education, said the department, along with other consultants and Legislators, has been working on the issue of assessment and post high school readiness. She said it seems to make sense to have end of course tests for geometry and algebra II in order to meet the mathematics requirements for graduation. She said another option is to lower the grade level at which students take the mathematics assessment test. Seagren said that both short and long-term solutions are needed, but that the solutions must be linked. She encouraged members make a decision regarding the status of the Graduation-Required Assessment for Diploma (GRAD) by the end of February.

In conclusion, Cohen said there is a short-term dilemma and long-term dilemma brought about by students not being prepared for graduation. If the discussion is turning toward end of course testing, it could be a very positive development because students would be better motivated and would have immediate feed

back, he said. He said the panel needs to think about testing issues and about accountability on the part of the schools. He said there needs to be high quality standards based reform for both short and long-term solutions.

Before adjourning, Sen. Charles Wiger (DFL-St. Paul) announced a working group will be meeting Friday to discuss short and long-term solutions regarding the GRAD standards.

## Energy, Utilities, Technology and Communications

### Energy efficiency compliancy report heard

The Energy, Utilities, Technology and Communications Committee, chaired by Sen. Yvonne Prettner Solon (DFL-Duluth), convened Tues., Jan. 27, to hear a presentation by the Office of Energy Security (OES) on compliance with standards established in the Next Generation Energy Act (NGEA).

Mayra White, manager, Energy Regulation and Planning and Energy Facilities Permitting, Office of Energy Security, presented information regarding the progress on compliance by electric utilities with the Minnesota Renewable Energy Objective (REO) and the Renewable Energy Standard (RES). White said electric utilities appear to be making a good faith effort to comply with their 2007 obligations of obtaining at least 1 percent of Minnesota retail sales from renewable sources and look to be on track to meet their 2010 goals of increasing renewable retail sales to 7 percent, with Xcel Energy required to obtain 15 percent. White also said even though electric utility companies seem to be making significant efforts to meet goals, the OES identified a number of obstacles the utilities have encountered or anticipate encountering to meeting RES requirements. Transmission constraints and rising cost and availability of equipment, particularly wind turbines, were two areas repeatedly cited by the utilities as potential obstacles, said White. Finally, White said several smaller utilities also cited availability of financing and lack of developer interest in pursuing smaller wind projects as additional obstacles.

Jeffrey Haase, demand efficiency program supervisor, Office of Energy Security, said in 2006 and 2007, Minnesota's utilities spent approximately \$206 million to promote Minnesota Conservation Im-

provement Program (CIP) activities and achieved total annual energy savings of 875,541 MWh of electricity and 4 million Mcf of natural gas, resulting in more than 1 million tons of carbon dioxide emissions being avoided. In addition, utilities spent over \$7 million annually on programs to provide energy efficiency and conservation services to low-income customers. In conclusion, Haase said meeting the 1.5 percent savings goal for all utilities, set in 2007 by the NGEA, will require a tremendous increase in program activity. The energy savings required to meet the energy savings goal is approximately double the 2007 savings achievements of electric utilities and nearly 2.5 times the 2007 savings achievements for natural gas utilities, he said.

### Committee revisits energy efficiency discussion

The Energy, Utilities, Technology and Communications Committee, chaired by Sen. Yvonne Prettner Solon (DFL-Duluth), met Thurs., Jan. 29, to continue the discussion of compliance standards related to the Renewable Energy Standard (RES).

Dwight Anderson, RES project development manager, Minnesota Power, said capitalizing on the two most prevalent alternative energy resources in Minnesota, wind and biomass, will be the key to meeting the long-term goals established by the RES. Furthermore, Anderson said Minnesota Power's goal, like many other utilities investing in renewable energies, is to minimize its costs to consumers while also complying with the RES. Even though wind energy is the most prevalent renewable resource in Minnesota, transmission constraints and rising cost and availability of equipment both pose obstacles to utilities pursuing wind projects, said Anderson.

Betsy Engelking, director of resource planning, Xcel Energy, said Xcel's renewable energy standards are more aggressive than other utilities, citing an obligation to obtain 30 percent of Minnesota sales from renewable sources by the year 2020. Engelking said 25 percent of the 2020 goal must come from wind, which is nearly four times as much wind power as currently being generated by Xcel. In conclusion, Engelking said the federal stimulus plan will likely contribute funding and innovation to the renewable energies initiative which will help utilities to reach their RES goals.



**U.S. Congressman James Oberstar (DFL-Eighth Congressional District) addresses a joint hearing of the Senate and House Transportation Committees Thurs., Jan. 29, updating legislators on the details of a federal economic stimulus package.**

Photo by David J. Oakes

## Environment and Natural Resources

### Lead bullets discussed

The Environment and Natural Resources Committee devoted the Wed., Jan. 28, meeting to hearing reports and discussing the use of lead bullets.

The panel, chaired by Sen. Satveer Chaudhary (DFL-Fridley), began with a report on a study done by the Dept. of Natural Resources (DNR) on bullet fragmentation. Lou Cornicelli, big game program coordinator, DNR, said the study was done to provide data to hunters so they can make informed decisions when selecting bullets and to discover bullet fragmentation tendencies in order to allow hunters and meat processors to minimize lead fragments when process-

ing deer. Cornicelli said several common types of bullets were tested to determine the amount of expansion and fragmentation. He said the study concluded that selecting an appropriate bullet design is the best way to manage fragmentation. Cornicelli said lead was not found when enclosed lead core bullets and copper bullets were used. In addition, practicing marksmanship and outdoors skills to get cleaner, closer and better shots also helps in managing fragmentation, he said. Cornicelli said traces of lead were consistently found much farther from the wound channel than expected.

John L. Stine and Erik Zabel, both of the Dept. of Health, reported on a Center for Disease Control (CDC) study, done in North Dakota, assessing human health risk from consumption of wild game meat with possible lead contamination. The

study concluded that participants who consumed wild game had higher lead levels than those who did not consume wild game. However, the study said no participant had higher lead levels than the CDC recommended threshold.

Dr. Heidi Kassenborg, Dept. of Agriculture, reported the results of departmental test on donated venison. Kassenborg said lead was found in 32 percent of 239 samples. In addition, evidence of metal was found in 22 percent of 1,239 samples collected from 39 processors, and the percent of samples with metal evidence varied by individual processor, ranging from 0 percent to 77 percent. She said in response, all venison processed for donation is being collected and tested for metal prior to distribution. Kassenborg said about six percent of the product collected had evidence of lead.

# Committee update

## Environment, Energy and Natural Resources Budget Division

### DNR audit heard

The Senate Environment, Energy and Natural Resources Budget Division, chaired by Sen. Ellen Anderson (DFL-St. Paul), gathered Tues., Jan. 27, for a presentation by the Office of the Legislative Auditor on its audit of the Department of Natural Resources (DNR).

David Poliseno, audit manager, Office of the Legislative Auditor, presented the findings of the audit, which showed that the DNR's internal controls were not adequate to ensure that it used dedicated game and fish fund revenues in accordance with applicable legal requirements. Poliseno said the DNR did not use consistent, appropriate methods to allocate police and fire aids revenue, payroll expenses, and central support service costs to the game and fish fund and its dedicated accounts. Poliseno also said the DNR did not fully reimburse the game and fish fund for costs associated with its hosting of the North American Wildlife Enforcement Officers Association's annual conference. Furthermore, the DNR did not effectively monitor electronic payroll allocations to the game and fish fund and did not properly identify all expenditures in the state's accounting system, said Poliseno. Finally, Poliseno said the DNR did not ensure compliance with policies related to cell phone and purchase card use by its employees and did not always have documentation to support authorization of special expenses.

In response to the findings of the audit, Assistant Commissioner Larry Kramka, DNR, said, "It is very critical for the DNR to learn from the findings of the audit and respond to the issues as quickly as possible." Kramka said the DNR is working diligently to overhaul its management and financial systems and has already addressed most of the concerns noted in the audit.

Before adjourning, the committee heard a bill, S.F. 119, authored by Anderson, providing financial support for the Lessard Outdoor Heritage Council by appropriating \$150,000 in fiscal year 2009 from the game and fish fund for administrative expenses and travel expenses of heritage council members. Anderson



*William Mitchell College of Law Professor and expert on U.S. - Iranian relations John Radson testifies at the Wed., Jan. 28, meeting of the State and Local Government Operations and Oversight Committee. He spoke in favor of a bill requiring the State Board of Investment to divest from companies doing business in Iran.*

Photo by David J. Oakes

said the funds will also help to pay for staff members who will work on behalf of the heritage council. Anderson said the appropriation must be reimbursed to the game and fish fund from the outdoor heritage fund after July 1, 2009, and before October 1, 2009. The transfer of funds must be completed before any other funds are expended from the outdoor heritage fund under the bill, said Anderson.

The panel took no formal action on the bill.

### LOHC appropriation gains

The Environment, Energy and Natural Resources Budget Division met Thurs., Jan. 29, to consider a measure making an initial appropriation for the Lessard Outdoor Heritage Council. In addition, the division, chaired by Sen. Ellen Anderson (DFL-St. Paul) also heard a budget presentation from the Dept. of Commerce Office of Energy Security.

S.F. 119, carried by Anderson, appropriates \$150,000 from the natural

resources fund to the Legislative Coordinating Commission for initial start-up costs of the Lessard Outdoor Heritage Council. Anderson said the appropriation is temporary and will be transferred back to the natural resources fund by Oct. 1, 2009. Anderson said the appropriation is needed for administrative expenses, compensation and expense reimbursement of council members. After the outdoor heritage fund begins collecting revenue, pursuant to the constitutional amendment passed in November, 2008, the funds will be reinstated in the natural resources fund. Members approved the bill and advanced the measure to the full Finance Committee.

The panel also heard from William Glahn, Jeremy DeFiebre and Tim Jahnke of the Office of Energy Security on the budget items under the jurisdiction of the division. Glahn said the Office of Energy Security provides energy-related services to the citizens of the state by advocating on behalf of the public interest in regulated utility matters, administers Minnesota's low-income heating assistance and weatherization programs, assists viable new energy technologies to the marketplace and distribute information to individual energy users on actions they can take to use energy wisely. The office administers \$77 million in federal energy assistance program funds to low-income households, administers \$20 million in federal weatherization program funds and administers approximately \$30 million for energy efficiency and technology programs, he said.

## Health and Human Services Budget Division

### Personal care assistance report heard

The Health and Human Services Budget Division, chaired by Sen. Linda Berglin (DFL-Mpls.), met Tues., Jan. 27, to hear a report on the personal care assistance (PCA) program, a plan run by the Department of Human Services which provides in-home care for elderly and disabled citizens.

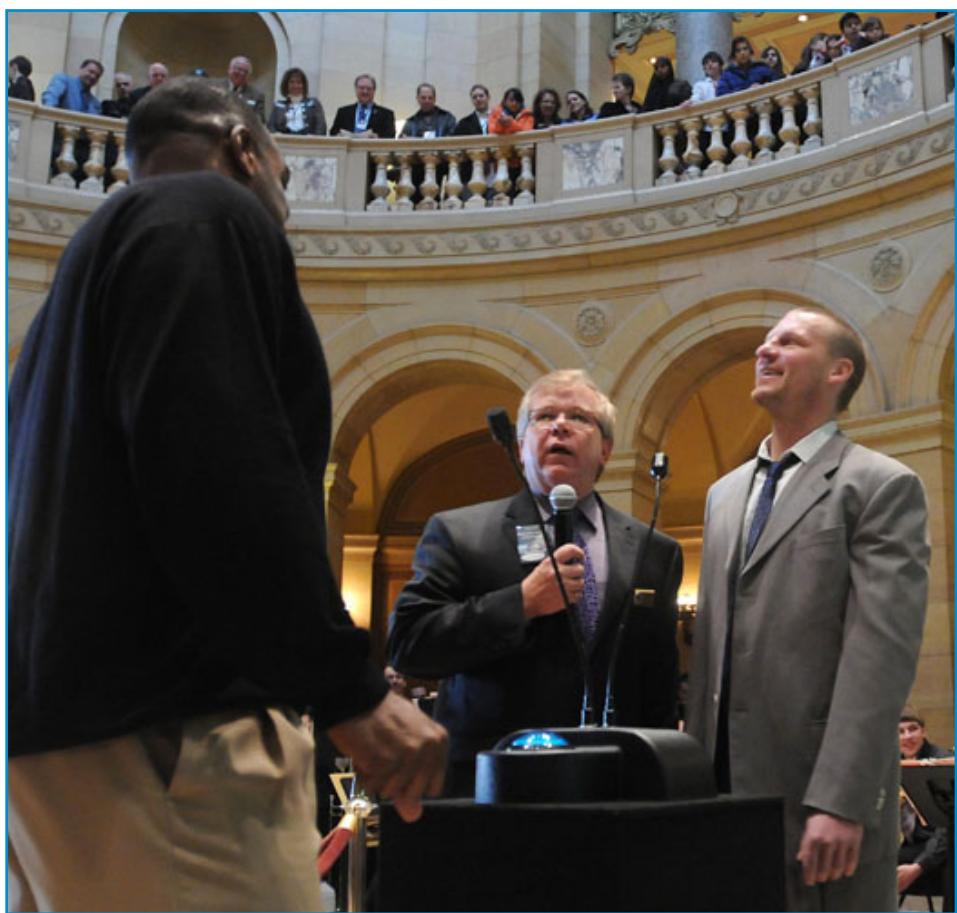
Joel Alter, project manager and program evaluation coordinator, Office of the Legislative Auditor, presented the findings of the PCA evaluation report. Alter said annual publicly funded PCA expenditures grew from \$153 million dollars in 2002 to

just over \$400 million in 2007. The rising costs along with improper oversight and insufficient program assessment by the DHS have left the PCA program unacceptably vulnerable to fraud and abuse, said Alter. Alter also said supervision of personal care assistants is inadequate and recipient care may be insufficient because provider agencies are allowed to administer PCA services without demonstrating proper understanding and compliance with state requirements. Finally, Alter said many recipients strongly value the PCA services they receive, although there has been little systematic analysis of outcomes to determine effectiveness of the program.

Alter made a number of recommendations for improving the fiscal integrity and overall quality of the PCA program. First, Alter said DHS should conduct more quality assurance reviews and

investigations of PCA agencies while also promptly and regularly analyzing claims data to identify improper payments. Next, Alter said the Legislature needs to establish mandatory training requirements for PCA assessors and the provider agencies that administer PCA services. The Legislature should also require all Medical Assistance state plan PCA recipients to have their services periodically supervised by a qualified professional such as a registered nurse, said Alter. Finally, Alter recommended the Legislature amend statutes to give DHS responsibility for investigating all maltreatment reports involving personal care providers.

Disability Services Director Alex Bartolic, Department of Human Services, also made some recommendations for the PCA program, which include increasing standards for state mandate compliance on agencies administering PCA



Rochester City Council President Dennis Hanson, center, takes on the role of moderator during a friendly game of "Family Feud" in the Capitol Rotunda during Rochester on Tour at the Capitol Day Wed., Jan. 28. Former University of Minnesota and Green Bay Packer football player Darrell Thompson, left, and former professional hockey player Shjon Podein, far right, both of Rochester, played the role of contestants.

Photo by A.J. Olmscheid

# Committee update

services, limiting hours of eligibility for those providing assistance and mandating training standards and guidelines for all agencies and personal care assistants. In conclusion, Bartolic said increasing costs and improper oversight and regulation have drastically altered the integrity of the PCA program. The demand for home care services will increase in coming years, thus improvements of the system are absolutely essential to ensure longevity of the program, said Bartolic.

## Budget recommendations heard

The Health and Human Services Budget Division, chaired by Sen. Linda Berglin (DFL-Mpls.) met Thurs., Jan. 29, to hear a presentation on the governor's budget recommendations concerning the Minnesota Dept. of Health.

The budget recommendations include several changes to the general fund including an addition of a behavioral risk factor surveillance survey, an e-health initiative and increased funding for tuberculosis prevention and control while reducing the administrative budget by 7.5 percent. The budget also calls for a grant reduction related to family planning, eliminating two time-limited single source grants and changing the payment schedule for local public health grants.

Changes to the health care access fund include a reduction of \$23 million in funding for the statewide health improvement program and an elimination of the essential benefit set workgroup. The workgroup would be replaced with a research study conducted by the Health Economics Program, under the recommendation.

Changes to the state government special revenue fund include an addition of several fees relating to the adverse health events program, the x-ray program and environmental certification fees. Increases to the special revenue fund will also come from certification and inspection costs related to swimming pool inspections, drinking water contamination, food manager certification, lead program renovation, youth camp and park and recreation facility inspections and food, beverage and lodging establishment fees.

Craig Acomb, chief financial officer, Minnesota Dept. of Health, said the added certification and inspection fees would contribute roughly \$4 million in additional revenue for the biennium.



With his 2 year old daughter Gabriella in hand and his wife Jeneva holding their 3 week old son Gavin, Joe Cook, St. Michael, tells members of the press on Mon., Jan. 26, about the struggles his family has encountered in trying to obtain health insurance since losing his job. A press conference was held at the Capitol to introduce legislation intended to remove a number of the barriers families face in attempting to obtain public health insurance coverage.

Photo by A.J. Olmscheid

## Health, Housing and Family Security

### State-wide health care bill heard

The Health, Housing and Family Security Committee, chaired by Sen. John Marty (DFL-Roseville), met Mon., Jan. 26, to hear two bills, one bill relating to state-wide health care coverage and the other regarding sexually transmitted infection prevention and treatment.

S.F. 118, authored by Sen. Marty, establishes the Minnesota Health Plan to provide health care to all Minnesotans. Marty said the bill is funded through premiums based on ability to pay and other revenue sources. Marty said the Minnesota Health Plan ensures all Minnesotans receive quality health care, regardless of their income while also allowing patients

to choose their own providers. Marty also said the Minnesota Health Plan would be governed by a Minnesota Health Board, which would be responsible for determining costs, premiums and payment schedules for patients and health care providers participating in the plan. "The United States has some of the best medical facilities, researchers and providers in the entire world, yet our access to these resources is very minimal. Our health care system is dysfunctional and we need to fix it," said Marty.

Beth McMullin, Minnesota Business Partnership, spoke in opposition of the bill and said the Minnesota Health Plan discourages medical innovation and infringes on the confidentiality rights of patients. McMullin also said the plan will not help to control increasing medical

costs and would likely increase taxes paid by all Minnesotans.

Sen. Linda Berglin (DFL-Mpls.) moved to amend the bill by deleting a provision repealing parts of existing health care programs and revenue sources. The committee approved the amendment. The committee approved the bill on an 8-5 roll call vote and re-referred the measure to the Commerce and Consumer Protection Committee.

S.F. 273, also authored by Sen. Marty, establishes preventative measures to reduce sexually transmitted infections (STI's) and teen pregnancies by creating responsible family planning and sexuality education programs and appropriating funds for research, education and treatment of chlamydia and gonorrhea.

Peter Carr, STI and HIV Director, Minnesota Department of Health, presented information showing the number of chlamydia and gonorrhea cases dramatically increasing in Minnesota over the past 10 years. Carr said STI rates are highest among young women between the ages of 15 and 29. Carr also said STI rates are higher among African Americans compared to any other ethnic group. Increased screening and treatment along with heightened STI education in schools would likely decrease the number of STI cases in the state, said Carr.

The committee approved the bill and re-referred the measure to the Education Committee.

## Higher Education

### Panel visits U of M

The Higher Education Budget and Policy Division devoted the Tues., Jan. 27, hearing to a site visit at the University of Minnesota. Sen. Sandra Pappas (DFL-St. Paul) chairs the panel.

### Access initiatives discussed

The Higher Education Budget Division, chaired by Sen. Sandra Pappas (DFL-St. Paul) met Thurs., Jan. 29, to discuss the higher education systems' access initiatives. Representatives from the University of Minnesota, Minnesota State Colleges and Universities (MnSCU), and the Office of Higher Education all described programs designed to increase access to higher education.

Chancellor Jim McCormick, MnSCU, began the presentation by saying

there is a moral obligation to enable and provide access to higher education for all Minnesotans.

Linda Baer, vice chancellor for student and academic affairs at MnSCU, echoed McCormick's statement by laying out the MnSCU goals for increased enrollment, retention, and graduation of underserved populations. She said the four main goals include increased access and opportunity, the promotion and measurement of high-quality learning programs and services, enhancement of the economic competitiveness of the state and its regions, and innovation for current and future educational needs. Dr. Whitney Harris, executive director for diversity and multi-culturalism at MnSCU, said the gap in educational achievement at the high school level has a direct impact on how higher education manages its programs and classrooms.

Donovan Schwichtenberg, president of Saint Paul College, spoke on the power of you program implemented by St. Paul College, Metro State University, and Minneapolis Community and Technical College. The program, which has been in existence for two years, was designed to increase enrollment, retention, and graduation of underserved populations, he said. Schwichtenberg said the schools saw both increased enrollment and retention during the past two years. The results for graduation have not yet been calculated, but he said it is expected that graduation rates will also increase.

Louis Mendoza, Office of Equity and Diversity, University of Minnesota spoke about the University's efforts to recruit and integrate students from underserved populations. The different programs implemented at the University work to foster a culture of belonging said Mendoza. Students involved in the multicultural programs take classes together, are paired with mentors, and are involved in tutoring programs, he said.

Robert McMaster, vice provost and dean of undergraduate education at the U, spoke about the access to success (ATS) program designed to serve students who have demonstrated strong potential to succeed, but whose high school records have not matched the typical profile of students admitted to the college. He said three colleges participate in the program, College of Education and Human Development, the College of Food, Agricultural, and Natural Resources Sciences,

and the College of Liberal Arts, with each developing its own unique program to ensure success for ATS students. McMaster also talked about the bridge to academic excellence program designed for students transitioning to college. He said the program is residential and takes place during the summer. McMaster said students complete 6-7 credits, learn study skills and receive the support to reach their full academic potential while participating in the program.

Kent Pekel, executive director of College Readiness Consortium from the University, reported on three methods the University is using to increase the number of students ready for college. First, he said, the University is incorporating college readiness in high schools by making changes to policy; second, the University created the Minnesota Principal's Academy, which works with principals on how they can create school environments that are conducive to preparing students for college; and third, the University initiated the program ramp up to readiness, which targets the parents and family members of students.

Director of Community Outreach, Office of Higher Education, Mary Lou Dresbach, spoke about the get ready program, which is an early college awareness program targeted to lower income students and students of color, primarily funded through a federal grant. The program is currently in eleven schools throughout St. Paul and Minneapolis and begins working with students in fourth grade, as well as teachers and counselors.

## Judiciary

### Primary seat belt bill gains

One of the first items of business at the Tues., Jan. 27, meeting of the Judiciary Committee was discussion of a bill making seat belt violations a primary offense. The bill, S.F. 42, authored by Sen. Steve Murphy (DFL-Red Wing), allows peace officers to stop drivers for seat belt violations without having to have another prior violation. Murphy said the bill is aimed particularly at young drivers who have a disproportionate number of fatal accidents.

The bill also extends the seat belt requirement to drivers and passengers of commuter vans, type III school buses, type III Head Start buses, pickup trucks and vans. In addition, the measure provides

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that the driver is subject to a \$25 fine for each violation of the seat belt law by the driver and any passengers under the age of 15. In addition, the measure provides for a \$25 court surcharge for seat belt violations.

Commissioner Michael Campion, Dept. of Public Safety, said the State Patrol's primary responsibility is ensuring safety on Minnesota's highways. "We can never eliminate all crashes, but what is within our grasp is lowering the number of fatal crashes," Campion said. Last year, Minnesota had the lowest number of highway fatalities in years, Campion said. He said a lot of factors contributed to the lower number including high gas prices, safer cars, better driver education and better medical treatment, but another factor is greater seat belt use. Campion said right now 87 percent of Minnesotans do wear seat belts, but of the 13 percent who do not, a disproportionate number are young, male drivers. Campion said a majority of Minnesotans believe seat belt violations should be a primary offense. He said passage of the bill will save lives and reduce the number of life altering injuries.

Sen. Linda Scheid (DFL-Brooklyn Park) offered an amendment adding newspaper carriers to the limited number of exemptions contained in the bill. Members adopted the amendment.

Donette Taintaphyllithou spoke against the measure. She said she has experienced accidents in which injuries would have been more severe if she or a passenger had been wearing a seat belt.

Sen. Julianne Ortman (R-Chanhassen) said raising the seatbelt violation to a primary offense opens the door to officers stopping vehicles with little cause. She said the bill is an example of too much government.

Campion said the issue is not enforcement, but rather one of sending a message. The panel approved the bill and re-referred to the Finance Committee.

The committee, chaired by Sen. Mee Moua (DFL-St. Paul), also heard two measures authored by Sen. Ron Latz (DFL-St. Louis Park). S.F. 94 clarifies provisions governing the I-35W bridge collapse survivor compensation process. Latz said the measure is a corrections bill to fix technical errors. The measure was approved and advanced to the Senate floor.

The second bill Latz sponsored, S.F. 93, removes the tort cap of \$1.2 million for claims against the state for a single occurrence. Latz said the bill arose out of his experience on the panel deciding the

compensation for victims of the I-35W bridge collapse. He said there was almost unanimous agreement that the limit for a single occurrence was unfair and if it was unfair for the bridge collapse victims, it is unfair for other potential claimants. Under the bill, there is no limit on the liability of the state or its employees for any number of claims arising out of a single incident, subject to the availability of appropriations. Latz said the bill would apply to claims on or after July 1, 2009. The individual claims tort limit is not changed under the bill, Latz said.

Linda Paul, a survivor of the bridge collapse, spoke in support of the bill. She said, "Future victims of malfeasance by the state should not have to fight over a limited aggregate cap. Last year, the Legislature understood the logic of eliminating the cap for victims of the I-35W bridge collapse. That same logic should justify the elimination of the cap once and for all."

Sen. Warren Limmer (R-Maple Grove) said that the cap may need to be increased, but removing the cap altogether leaves the amount of money too wide open. Latz said that no matter what amount is designated as a cap, it is an arbitrary number and can lead to unfairness in future incidents.

Tom Grundhoefer, League of Minnesota Cities, said local governments oppose the bill because of the possibility of applying state tort law to local governments. He said local governments tort caps become vulnerable under the bill.

The measure was laid over in order to fashion language to clarify that local governments would continue with the current liability limit.

## Judiciary Budget Division

### Legal representation report heard

The Judiciary Budget Division, chaired by Sen. Leo Foley (DFL-Coon Rapids), devoted the Thurs., Jan. 29, meeting to hearing a report by the Parent Legal Representation Workgroup.

Judge Terri Stoneburner, Minnesota Court of Appeals, James Backstrom, Dakota County attorney, Kevin Kajer, chief administrator, Board of Public Defense and John Tuma, Metropolitan Inter-County Association, presented the report. Stoneburner said the report is the result of work done by the workgroup on the legal representation of parents in child in need

of protection or services (CHIPS), termination of parental rights (TPR) and other permanency cases. As a result of a recent decision of the Board of Public Defense to cease representation of parents, there is no longer a statewide process to appoint qualified attorneys to represent parents in CHIPS, TPR and other permanency cases, they said. In addition, there are no statutes mandating a right to court-appointed, publicly funded attorneys for custodial and non-custodial parents in CHIPS, TPR and other cases, according to the report. As a result, Stoneburner said, it is left to each county to decide whether they will pay for court-appointed legal representation for parents, what amount to pay attorneys and what minimal practice standards to impose.

According to the report, the workgroup found the objective of child protection court proceedings is to achieve child safety, permanency and well being. In proceedings involving Indian children, the objective is to protect the best interests of the Indian child and to promote the stability and security of Indian tribes and families, the report said. The workgroup also found representation of parents in child protection cases by qualified and culturally competent attorneys for parents improves outcomes for children and families.

In addition, the report states that the workgroup found that representation of parents in child protection cases by qualified, competent attorneys is an important element of a cost-effective investment to avoid long-term expenses, such as extended foster care. According to the report, representation of parents improves judicial decision making and may also improve performance on the nation standards under the federal Child and Family Services Review.

Finally, the report made two recommendations. The first recommendation is that the Legislature should amend the statutes to provide that parents or legal guardians have a right to legal representation, that indigent parents or indigent legal guardians who are parties to CHIPS, TPR and other cases have a mandatory right to a court appointed attorney. In addition, the first recommendation specifies that legal representation be provided by qualified and culturally competent attorneys. The second recommendation is that the Legislature identify a separate statewide funding source for the attorneys.



*Inspired by interest generated during the recent presidential election, Ruth Straub and her daughters Ayla, age 6, left, and Naomi, age 4, get a first hand look at democracy in action from the east gallery of Senate Chamber during the Thurs., Jan. 29 floor session.*

## Public Safety Budget Division

### Budget recommendations heard

The Wed., Jan. 28, meeting of the Public Safety Budget Division, chaired by Sen. Linda Higgins (DFL-Mpls.), was devoted to hearing budget presentations from the Dept. of Human Rights, the POST Board, the Sentencing Guidelines Commission and the Private Detective Board.

Velma Korbel, commissioner of the Dept. of Human Rights, said the Dept. of Human Rights has a \$6.5 million budget for FY 2010-11, which is a 24.7 percent decrease from FY 2008-09. Korbel said each enforcement officer's caseload will increase because of the anticipated rise in filings and a decrease in the number of enforcement officers. "The service that we will be able to provide to the state of Minnesota will be affected," Korbel said.

Neil Melton, executive director of the Minnesota Board of Peace Officer Standards and Training (POST), said the board awards and renews peace officer licenses, manages recertification processes, makes on-site visits at the 23 colleges and universities that offer peace officer programs and conducts on-site law enforcement agency compliance reviews.

Melton said that 75 percent of the Post Board budget is used for training reimbursement with most of the remainder used for general operating costs. Based on the governor's recommendations, the Post Board will have another lay-off within the next year, Melton said.

Chair Jeff Edblad, Minnesota Sentencing Guidelines Commission (MSGC), said he is proud of the goals the commission has met in setting sentences for felons. Suzanne Alliegro, executive director of MSGC, said that 5,500 felons were sentenced in 1981 when the sentencing

Photo by David J. Oakes  
guidelines went into effect, compared to 16,168 felons sentenced in 2007.

Alliegro said the MSGC's budget for FY 2010-11 is \$1.218 million. The commission is decreasing operating expenses by reducing the in-state travel allotment, changing over to web-based tools for training and by possibly relocating the agency to the state-owned Centennial Office Building, she said.

Executive Director Marie Ohman of the Minnesota Private Detective and Protective Agent Services Board said the board's budget for FY 2010-11 is \$251,000, which is a five percent reduction from FY 2008-09. To accommodate for the five percent reduction, one of the two agency staff positions will have to be eliminated, Ohman said. The five percent reduction will also impact the processing of license applications and renewals, compliance monitoring and other administrative processes, she said.

# Committee update

## Rules and Administration Committee

### Postage resolution amended

The Rules and Administration Committee, chaired by Sen. Lawrence Pogemiller (DFL-Mpls.), met Mon., Jan. 26, to consider a change to the postage resolution, the allocation of duties between the two positions carrying out the responsibilities of the Secretary of the Senate and a change to an internal Senate policy.

Members adopted an amendment to the Senate's postage resolution reducing the number of stamps automatically allocated to members from 5,500 to 2,750. Under the resolution, members who need additional stamps are required to make a written request justifying the need. The resolution allows the chair of the Rules and Administration Committee, upon receipt of the request, to authorize an additional 2,000 stamps. Pogemiller said that the amendment is a response to a discussion on the Senate floor, when the original resolution passed, about whether all members needed the entire allocation of 5,500 stamps. He said that most members do not use all of the stamps and that the amendment allows for a small savings in the Senate budget. According to staff, reducing the number of stamps will result in about \$45,000 in savings.

Senators also approved a document outlining the duties of the Secretary of the Senate (Legislative) and the Secretary of the Senate (Administration). In general, the duties associated with bills, the Senate journal, the Senate Calendars and the other legislative business fall under the purview of the Secretary of the Senate (Legislative). Secretary of the Senate (Administrative) duties include overseeing the internal operations of the Senate and the nonpartisan offices that provide administrative support to the Senate.

The final item on the agenda was a change to the internal Senate policy on salary administration. The changes update the salary administration program to reflect current practices.

The panel also spent a few moments discussing possible changes to the Permanent Rules of the Senate and the Joint Rules of the Senate and House of Representatives. Pogemiller said one proposal for the Joint Rules is that the chairs of conference committees rotate every 24 hours. Another proposal is to alter rules

relating to the selection of regents for the University of Minnesota, he said. Pogemiller said that with passage of a statute relating to the regent selection process, the rules are in conflict with the law. He said there have also been staff level discussions on deadlines and targets, but that those discussions are in the preliminary stages.

## State and Local Government Operations and Oversight

### Committee okays bills

The State and Local Government Operations and Oversight Committee, chaired by Sen. Ann Rest (DFL-New Hope), met Mon., Jan. 26, to hear four bills.

S.F. 104, authored by Sen. Steve Murphy (DFL-Red Wing), authorizes the city of Cannon Falls to use the design-build process for the construction of a library and fire station. This process is patterned after the design-build authorization for Hennepin County, Murphy said. He said design-build saves time and money by allowing a single entity to contract for and provide services for the project. The bill was approved and sent to the Senate floor.

S.F. 103, sponsored by Sen. Rick Olseen (DFL-Harris), authorizes the city of Taylors Falls to designate all or part of the city as a border city development zone. Mayor Mike Buchite of Taylors Falls said business taxes are 50 percent higher in Taylors Falls than nearby Wisconsin, causing many businesses to move across the border. Olseen said a border city development zone would prevent businesses from moving because the designation lowers the taxes for the border city. The bill was approved and re-referred to the Taxes Committee.

S.F. 41, authored by Sen. Jim Vickerman (DFL-Tracy), makes the office of county auditor-treasurer appointive in Jackson County if the county board approves the measure by a four out of five vote or if a petition of 10 percent of registered voters is filed and approved at an election. The bill was approved and sent to the Senate floor.

S.F. 57, carried by Sen. Ann Rest (DFL-New Hope), modifies the duties of the commissioner of finance. The measure establishes a process to monitor the implementation of recommendations made to state agencies by the legislative auditor.

The bill also changes the commissioner's role to include the development of training materials and policies on internal financial controls. The commissioner must ensure that employees in the executive branch who have financial management responsibilities will undergo regular training on internal controls and financial management, according to the bill. The bill was approved as amended and advanced to the Committee on Finance.

### Divestment and cultural diversity bills heard

The Committee on State and Local Government Operations and Oversight, chaired by Sen. Ann Rest (DFL-New Hope), met Wed., Jan. 28, to hear two bills, one related to divestment from investments relating to Iran and the other extending the deadline of a cultural diversity working group.

S.F. 131, authored by Sen. Terri Bonoff (DFL-Minnetonka), establishes a process for the State Board of Investment to use for evaluation of state investments in companies doing business in Iran. The bill requires the board to follow a timeline for divestment from companies determined to have active business operations in Iran, ultimately fully divesting from those companies within 15 months after they have been identified by the board, if they continue to maintain active business in Iran. Bonoff said Iran is one of four countries identified by the United States government as a terrorist threat to our country. Bonoff said 14 other states have already passed similar bills and the bill is meant to influence Minnesota corporations to decrease business operations with Iran.

"This bill will be part of a collective reminder to Iran that we (United States) are opposed to their actions," said John Radsan, professor of national security law, William Mitchell College of Law.

Howard Bicker, executive director, Minnesota State Board of Investments, said he has no formal stance on the bill at this time.

The committee clarified some language that had previously been contradictory. The panel approved the bill as amended and sent the measure to the senate floor.

S.F. 185, authored by Patricia Torres Ray (DFL-Mpls.), extends the deadline for activities relating to understanding and appreciating ethnic and cultural diversity

in Minnesota coordinated by the Ethnic Heritage and Cultural Diversity Working Group. The bill extends the deadline by two years. Torres Ray said the workload facing the working group is much larger than originally expected, thus the need for the extension.

John Keller, executive director, Immigrant Law Center of Minnesota, said the working group has made great strides in their efforts to organize information that may someday lead to the full participation of immigrants in social, cultural and political life in Minnesota.

The committee approved the bill and recommended the measure be re-referred to the Rules and Administration Committee.

## State Government Budget Division

### Revenue Dept. initiative discussed

The State Government Budget Division, chaired by Sen. Don Betzold (DFL-Fridley), met Wed., Jan. 28, to hear a report on the expanded tax compliance initiative for FY 2008-09 and to discuss the governor's budget recommendations for the Dept. of Revenue.

Dan Salomone, deputy commissioner of the Dept. of Revenue, said the department provides forms and instructions to over 4 million taxpayers and conducts over 115,800 audits annually.

Salomone said the Legislature appropriated \$20.5 million to the department to generate an added \$102.4 million through stepped-up tax enforcement activities. As of Nov. 30, 2008, the department has spent \$11.9 million of the \$20.5 million, which has led to the collection of \$87.9 million, he said. Salomone said that of the \$87.9 million collected, \$47.6 million was generated from identifying nonfilers and increasing the number of audits of individuals and businesses. He said \$40.3



From left, Senator Terri Bonoff (DFL-Minnetonka), former Senator Duane Benson, currently the executive director of the Minnesota Early Learning Foundation, and former Gov. Al Quie participate in a bi-cameral and bi-partisan Summit on Early Care and Education in the House Chamber Wed., Jan. 28.

million resulted from an increase in delinquent tax collection activities.

Increasing tax audit and enforcement activities is an effective tool in improving tax compliance, Salomone said, but multiple strategies are needed to significantly improve and sustain tax compliance.

Salomone said the department is undergoing a project to replace old tax systems with a modern tax-processing system. The main benefit is that the new processing system will be the consolidation of 142 computer applications into a single tax system, he said. The new system will also reduce cost, enhance compliance and have significant long-term revenue increases, Salomone said.

Work on the integrated tax system began in March, 2008, and rollout one was completed on Dec. 15, 2008, Salomone said. Rollout one converted 648,000 taxpayers and over 3 million prior tax returns, he said. The project has four total

rollouts, and the last will be completed in December, 2011.

Salomone also addressed the \$2.7 million unallotment for FY 2009. Activities affected by the unallotment include support services, tax research, employee training and technology development and maintenance, he said. The department has also had 14 lay-offs, left 38 vacated positions unfilled, restricted travel and off-site business meetings and suspended achievement and service awards to accommodate for the budget reductions, Salomone said.

## Transportation

### Panel hears transportation plan

The Transportation Committee, chaired by Sen. Steve Murphy (DFL-Red Wing), met Tues., Jan. 27, to hear the Counties Transit Improvement Board (CTIB) annual legislative report and the

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Metropolitan Council's 2030 transportation plan.

Peter McLaughlin, chair of the CTIB and Hennepin County commissioner, said the CTIB made a formal commitment to fund 30 percent of the capital costs of the Central Corridor light rail transit line (LRT) and approved grants totaling \$86 million to help build and operate at least six transit lines in five metropolitan counties in 2008. CTIB has also invested in LRT and bus transit lines to allow these lines to stay open to commuters, McLaughlin said.

Arlene McCarthy, Metropolitan Council, said the transportation policy plan meets federal requirements for a long-term transportation plan and includes all modes of transportation including highways, transit, biking and pedestrians. Finances are an issue because there is a lack of funding for highway expansion and the growth of bus operations, and costs are increasing faster than inflation, she said.

McCarthy said the Metropolitan Council wants to shift the emphasis from fixing congestion to managing it, she said. Between now and 2030, the Metropolitan Council plans to spend \$3 billion on the preservation of highways, \$385 million on safety improvements and \$670 million on congestion mitigation, she said.

The Metropolitan Council wants to double ridership on bus transit by 2030, said McCarthy. She said the Northstar Commuter rail is scheduled to open in late 2009 and the Central Corridor LRT is finishing preliminary engineering for its 2014 opening. Also, bus transit improvements will be made to meet growing demand on local routes, to expand bus transit coverage and to develop long distance express service, McCarthy said.

Metropolitan Council Chairman Peter Bell said the transit funding principles include capital investments with minimal operating tails and capital investments that improve operating efficiency.

## Historical database available

The Legislative Reference Library has developed a database, "Legislators Past and Present," containing information about Legislators who have served since territorial times. The database's information was compiled from official legislative directories, obituaries, news clippings, family files and other sources. It contains

information about terms of service, education, occupation, party or caucus affiliations, leadership positions, represented communities and more.

The database also includes information about Minnesota Legislators who served in other government functions, ranging from the local level to the national level. For example, almost two dozen Legislators have served on the University of Minnesota Board of Regents; the most recent is current Regent and former Senate Majority and Minority Leader Dean E. Johnson. The database even indicates which Minnesota Legislators also served in another state's legislature; there have been at least 15, and the number may climb as more information is compiled.

"Legislators Past and Present" is available online at <http://www.leg.state.mn.us/legdb/index.asp>

## Capitol Report: on air, online

Explore current policy issues and hear lawmakers discuss current legislative proposals by watching "Capitol Report," a weekly public affairs program produced by Senate Media Services. The program includes interviews with Legislators, agency heads and prominent policy experts. It also features historical and informational features about the Senate, the Capitol and Minnesota.

"Capitol Report" airs weekly on public television affiliates on cable access channels across Greater Minnesota. It is also available online, with archives going back to 2000: <http://www.senate.mn/media>

## Senate on the World Wide Web

The Minnesota Legislature's Web site has been updated. A joint effort of the Senate, House of Representatives, Legislative Reference Library, Legislative Commissions, and the Office of the Revisor of Statutes, the site offers easier access to a variety of legislative and government information.

The Legislature's page (<http://www.leg.mn>) includes links to other government agencies and departments, as well as copies of Minnesota Statutes, Session Laws, and Rules. The page also allows one to track legislation and get general

information about the legislative process. The site includes a district finder service for those who need to contact their House member or Senator. Other information—about visiting the Capitol, state history and symbols, and employment opportunities with the Legislature—is also available.

Information about joint legislative departments, the various legislative commissions, and task forces is available at <http://www.commissions.leg.state.mn.us>.

The House of Representatives Web page (<http://www.house.mn>) includes membership and committee information. It also has daily news, information, and the daily House schedule. House journals and legislative information are also available.

The Senate Web site (<http://www.senate.mn>) has information about members, committees and Senate staff. The page also has daily and weekly schedules for the Senate, as well as copies of the Journal and Senate Briefly. The status of legislation and confirmation of executive appointments by the Senate is also available.

## Information Services

The Senate Information Office and the Office of the Secretary of the Senate are located in Room 231 of the Capitol. These offices distribute all public printed materials and handle inquiries about Senate committee meetings, Senate districts, Senate telephone numbers, bill reference numbers and status and bill sponsorship. Interested citizens may also request copies of bills.

If you want to know the name of your Senator or have any other questions about the Minnesota Senate, call 651-296-0504 (tty 651-296-0250).

The Senate Information Office also has toll-free telephone numbers to enable citizens of Greater Minnesota to obtain general information about the Minnesota Senate. The telephone numbers are: 1-888-234-1112 (voice) and 1-888-234-1216 (tty). Staff members are available to answer questions about the Senate and the legislative process.

## Schedule available online

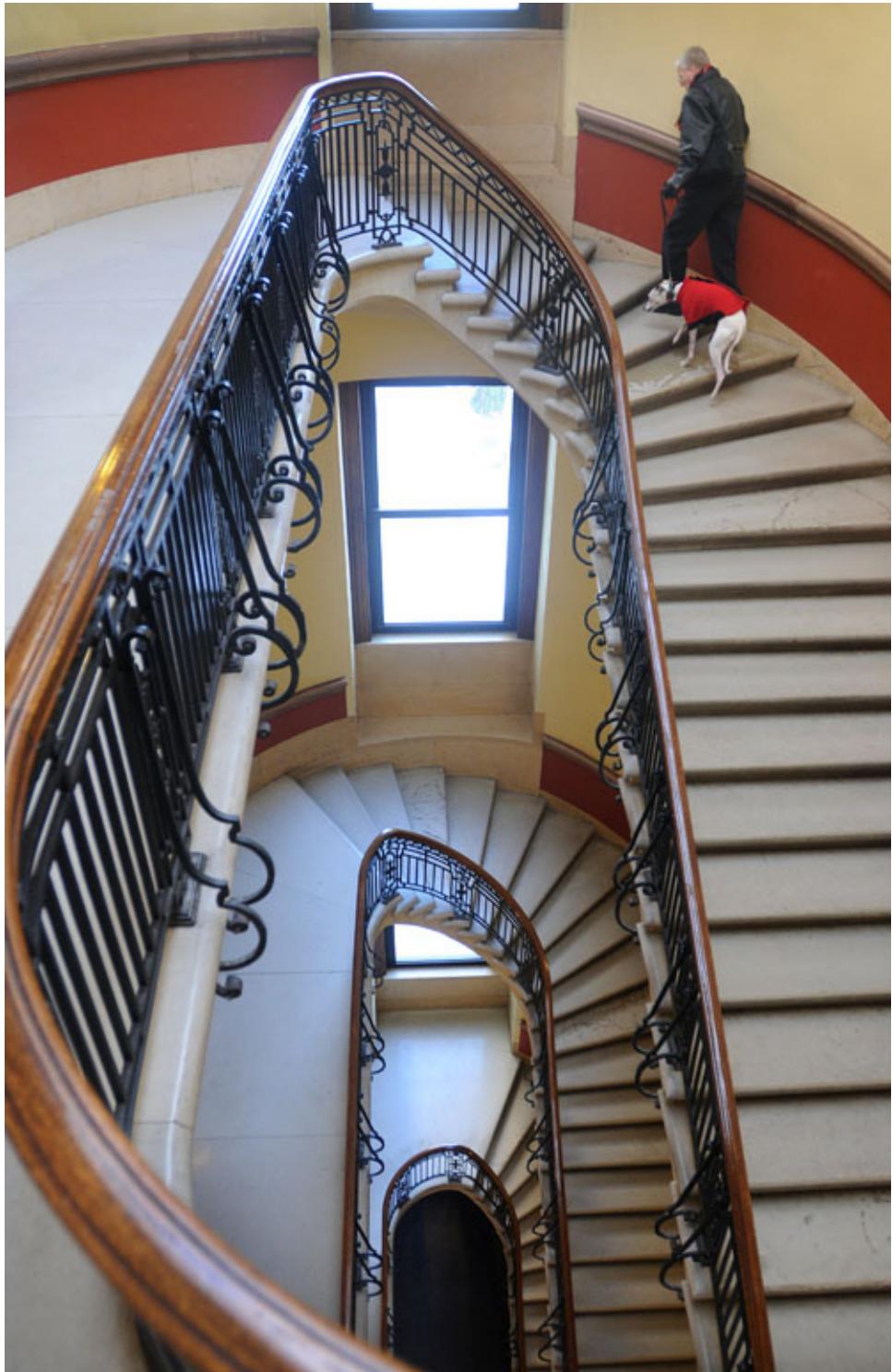
Next week's schedule is available online at: <http://www.senate.mn/schedule/schedule.php?date=2/1/2009&type=monthly&ls=86#header>

# Senate Briefly

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*Kathleen Brockway, Mora, and her service dog Tweek climb the cantilevered staircase to the third floor of the Capitol Wed., Feb. 4. Photo by A.J. Olmscheid*



*February 6, 2009*

# Highlights

## Bills, appointments considered

The Thurs., Feb. 5, floor session was devoted to processing bills and approving several gubernatorial appointments.

Three measures were granted final passage on the Senate Calendar. Bills on the Senate Calendar are bills that have been given preliminary passage on General Orders. S.F. 29, sponsored by Sen. Kathy Sheran (DFL-Mankato), makes changes in provisions relating to pharmacy practices. S.F. 41, authored by Sen. Jim Vickerman (DFL-Tracy), provides a process to make the Jackson County auditor-treasurer an appointed position. S.F. 94, carried by Sen. Ron Latz (DFL-St. Louis Park), makes technical changes on provisions relating to compensation for victims of the I-35W bridge collapse.

One measure on the Senate Consent Calendar was granted final passage. Bills on the Senate Consent Calendar are bills that have been acted favorably upon by one or more committees and deemed noncontroversial. Bills on the Consent Calendar are eligible for final passage. S.F. 212, authored by Sen. Yvonne Prettner Solon (DFL-Duluth), makes a technical change in boiler regulation provisions.

Members also approved the appointments of individuals to the Emergency Medical Services Regulatory Board. The appointments of Dawn Bidwell, Brenda Brown, Elizabeth Consie, Bonnie Engen, Dr. Paula Fink Kocken, James Rieber, Dr. Paul Satterlee and Dr. Mari Thomas to the board were all approved. In addition, members confirmed the appointment of Daniel Bartholomay as commissioner of the Housing Finance Agency. Two

gubernatorial appointments to the Housing Finance Agency, Gloria Bostrom and Tony Goulet, were also confirmed by the Senate.

One measure on Generals Orders was granted preliminary passage. Bills on the General Orders Calendar have been acted upon by one or more standing committees and are considered for preliminary passage by the Senate acting as one large Committee of the Whole. S.F. 104, authored by Sen. Steve Murphy (DFL-Red Wing), authorizes the city of Cannon Falls to use a design-build process to award contracts for construction of a library and fire station. Sen. Claire Robling (R-Jordan) said a provision in the measure authorizing best value in the awarding of contracts means that projects might not go to the lowest bidder and may end up costing more taxpayer dollars. Murphy said that best value means the city considers a number of factors in addition to cost that best suit the needs of the project. Sen. Dick Day (R-Owatonna) said that a number of projects may need to use the design build process in order to capitalize on federal stimulus funds. The bill was granted preliminary passage on a voice vote.

## Technical bills gain

Senators gathered for a brief floor session Mon., Feb. 2, to process bill introductions and committee reports and to take action on three bills on General Orders.

Two of the measures were primarily technical bills clarifying existing statutes. One measure, S.F. 41, sponsored by Sen. Jim Vickerman (DFL-Tracy), provides a process for making the office of the Jackson County auditor-treasurer appointive, rather than elective. The measure was granted preliminary passage on a 50-13 roll call vote.

S.F. 29, authored by Sen. Kathy Sheran (DFL-Mankato), clarifies a provision in the pharmacy practice statutes to allow pharmacists to continue providing a legend drug without getting the practitioner's signature again if the prescription falls within a particular practice guideline or protocol. Currently, pharmacists must get the practitioner's signature whenever there is a change in the prescription.

S.F. 94, carried by Sen. Ron Latz (DFL-St. Louis Park), clarifies provisions relating to the I-35W bridge collapse survivor compensation process.

Both measures were given preliminary passage on a voice vote.

## Permanent Rules discussed

The Rules and Administration Committee met Wed., Feb 4, to discuss several possible changes to the Permanent Rules of the Senate and the Joint Rules of the Senate and House of Representatives. The committee, chaired by Sen. Lawrence Pogemiller (DFL-Mpls.), discussed the changes, but took no formal action.

Three of the proposed changes were suggested by Sen. Don Betzold (DFL-Fridley). The first proposal is to move the Introduction and First Reading of Senate Bills up to the eighth order of business. Currently, bill introductions are the twelfth order of business. Betzold's second proposal is to extend the deadline for the Legislative Commission on Pensions and Retirement's omnibus pension bill to the third committee deadline, Apr. 16, 2009. Betzold said it is often difficult to get a quorum of commission members during the busiest time of the session. Betzold's third proposal specifies that committees, subcommittees or divisions may not consider a bill on the day it was introduced. Betzold said the proposal is designed to avoid situations in which bills are heard immediately after introduction before anyone has an opportunity to know what the bill is about. Pogemiller suggested changing the proposal to specify that a committee, division or subcommittee may not consider a bill on the day it was introduced, except by a vote of two-thirds of the members of the committee, division or subcommittee.

Pogemiller said staff had suggested one change to the Senate Permanent Rules. The proposal specifies that an appointment does not need to be placed on the Senate Confirmation Calendar if the appointee's term has expired or the appointee is no longer serving.

Sen. Sandra Pappas (DFL-St. Paul) offered a proposal to align the Joint Rules pertaining to the election of the University of Minnesota Board of Regents with changes in the law enacted last year. Members also discussed possible changes to Rule 7 of the Senate Rules. The rule sets forth a requirement and a timeline for the Senate to adopt a budget resolution. Pogemiller said the rule is difficult to follow because of the timeline and the difficulty in setting budget target numbers.

The panel also discussed a proposal for changing the Joint Rules relating to conference committees. The proposal, offered by Sen. John Marty (DFL-Roseville), specifies that from the time a

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**Editor/Writer:**  
Karen L. Clark

**Writers:**  
Amanda Lillie  
Justin Thiessen  
Sydne Westorff

**Photographers:**  
David J. Oakes  
A.J. Olmscheid

conference committee is appointed until it is disbanded, any negotiations between Senate and House of Representatives members of the conference committee or Senate and House of Representatives staff members related to the conference committee or the bill referred to the conference committee must be open to the public. In addition, the proposal also requires negotiations between legislative leadership and the governor to be open to the public. Pogemiller offered an alternative proposal specifying that a meeting of a conference committee occurs when a quorum of the members of the conference committee from one house meet with any member of the conference committee from the other house to discuss, decide, or receive information as a group on an issue within the jurisdiction of the conference committee. In addition, the proposal provides that the chair of a conference committee rotate between the Senate and the House of Representatives at least every calendar day.

Minority Leader David Senjem (R-Rochester) offered two proposals. The first proposal requires the Secretary of the Senate to submit a detailed report of Senate expenditures during the previous quarter to every member of the Senate. In addition, the proposal requires the Secretary of the Senate to make an electronic

copy of the report available to the public on the Senate's Web site. Senjem's second proposal requires every member who is in the Senate Chamber during a roll call to vote unless excused by the Senate.

### IRR RB appointment made

The Rules and Administration Subcommittee on Committees met briefly Wed., Feb. 4, to appoint a public member to the Iron Range Resources Rehabilitation Board. The panel, chaired by Sen. Lawrence Pogemiller (DFL-Mpls.), appointed former Representative Joe Begich to the position.

### Bisphenol-A bill gains

A bill prohibiting the use of bisphenol-A in children's products was one of four measures acted upon by members of the Health, Housing and Family Security Committee at the Wed., Feb. 4, hearing.

S.F. 247, sponsored by Sen. Sandy Rummel (DFL-White Bear Lake), prohibits the use of the chemical in products meant for children under three years of age. Rummel said the bill is designed to protect very young children. She said bisphenol-A has been shown to be an endocrine disrupter in very small concentrations and the bill is aimed at eliminating the chemical from products such as sippy-cups and infant bottles. The bill specifies

that by Jan. 1, 2010, no manufacturer may sell or offer for sale a new children's product that contains bisphenol-A, Rummel said, although, as a compromise, manufacturers of infant formula containers have until Jan. 1, 2013 to comply. Members approved the measure and re-referred the bill to the Environment and Natural Resources Committee.

The committee, chaired by Sen. John Marty (DFL-Roseville), also considered a second bill designed to protect children from harmful chemicals. S.F. 225, authored by Sen. Linda Scheid (DFL-Brooklyn Park), requires manufacturers of children's products to disclose the use of chemicals of high concern in their products, authorizes the Pollution Control Agency to designate priority chemicals of high concern and require the replacement of the chemicals with safer alternatives and authorizes participation in an interstate clearinghouse of chemical information. Scheid said the bill is aimed at setting up a comprehensive safe products framework to provide more protection for children. The panel approved the measure and re-referred the bill to the Environment and Natural Resources Committee.

S.F. 204, carried by Sen. Scott Dibble (DFL-Mpls.), requires the commissioner of health to design a statewide campaign to raise awareness about HIV transmission and prevention. Dibble said the bill provides that the education campaign include messages directed to the general population as well as culturally specific and community based messages. A toll-free resource and referral telephone line and Web site must also be included in the messages, he said. Lorraine Teel, executive director, Minnesota AIDS Project, said, "The HIV infection rate has increased over the past several years, and the number of people living with HIV is larger than ever before." She said HIV is a preventable disease, but the public needs HIV education. The bill was approved and advanced to the Finance Committee.

The committee also approved a bill, S.F. 230, providing for the licensure of physician assistants. Sen. Linda Higgins (DFL-Mpls.), chief author, said the measure changes the current registration requirement to a licensure requirement. In addition, Higgins said the bill authorizes a physician assistant to provide emergency care without physician supervision in cases of disasters. The measure was re-referred to the Judiciary Committee.



Senator Claire Robling (R-Jordan) examines a memorial to former Shakopee Valley News co-worker Ruth Lipska, Prior Lake, in the north corridor of the Capitol Mon., Feb. 2. The tribute to Lipska, who was killed in a November 2008 domestic violence incident, was part of the Minnesota Coalition for Battered Women Clothesline Project.

Photo by A.J. Olmscheid

# Committee update

## Agriculture and Veterans

### Green acres bills gain

The Agriculture and Veterans Committee, chaired by Sen. Jim Vickerman (DFL-Tracy), met Tues., Feb. 3, to hear two bills and a briefing from the Minnesota Dept. of Military Affairs.

S.F. 240, carried by Sen. James Metzen (DFL-South St. Paul), creates a Minnesota land conservation property program that is modeled on the green acres program. The bill provides for reduced property taxes on conservation land, and it provides that property made ineligible by the green acres program can be enrolled in the conservation property program without repayment of deferred taxes.

Vance Grannis of Inver Grove Heights said his only concern with the bill is the time frame provided for implementation. The bill is effective for taxes payable in 2010 and the application deadline for the 2009 assessment is Sept. 1, 2009. Grannis said more time might be needed

for all of the applications and paperwork to be processed.

The bill was approved and re-referred to the Environment and Natural Resources Committee.

S.F. 386, authored by Sen. Rod Skoe (DFL-Clearbrook), modifies the recapture that applies to some property in the green acres program and provides for assessment of certain rural vacant land. The bill provides amnesty for the payback of deferred taxes for land that does not qualify for the green acres program after May 28, 2008, and before Jan. 1, 2010.

Sen. Steve Dille (R-Dassel) offered an amendment to delete the words "to a son or daughter of the owner" so that no matter who the land is transferred to, it can still stay in the green acres program. The amendment was not adopted.

Sen. Sharon Erickson Ropes (DFL-Winona) offered an amendment that would essentially reinstate the green acres program to the same state it was prior to the 2008 changes. The amendment was adopted.

The bill was approved and forwarded to the Environment and Natural Resources Committee.

Major General Larry Shellito, adjutant general of the Minnesota Dept. of Military Affairs, said 95 percent of the department's budget comes from federal funding, and nearly five percent comes from state funding. Total expenditures equal \$382.717 million.

Terry Palmer, comptroller of the Dept. of Military Affairs, said the tuition and textbook reimbursement program was extended to include spouses of those who are eligible for the program, and the monthly tax credit for military service in a designated area increased from \$59 to \$120 per month starting Jan. 1, 2009.

### Panel hears bills, veterans' reports

The Agriculture and Veterans Budget and Policy Division, chaired by Sen. Jim Vickerman (DFL-Tracy), met Thurs., Feb. 5, to hear two bills and reports from the



Senators Tony Lourey (DFL-Kerrick), left, and Chris Gerlach (R-Apple Valley) examine the details of a proposed bill during a meeting of the State and Local Government Operations and Oversight Committee Wed., Feb. 4.

Photo by David J. Oakes

State Veterans Cemetery Study, County Veterans Services Working Group and the women veterans outreach and services.

S.F. 109, sponsored by Sen. Tony Lourey (DFL-Kerrick), establishes a medical response unit reimbursement pilot program and transfers money to fund emergency medical services programs. The bill transfers a portion of funds from the Cooper/Sams program established in the early 1990s to several under-funded EMS programs. The balance of the fund will otherwise be transferred to the general fund to help with the budget shortfall, Lourey said. The bill provides that \$400,000 be allocated to regional EMS programs, \$230,000 to the first responder pilot project, \$100,000 to comprehensive advanced life support, \$25,000 to emergency medical services for children and \$200,000 to the veteran's paramedic apprenticeship program, Lourey said.

The bill was approved and referred to the Committee on Finance.

S.F. 288, carried by Sen. Sharon Erickson Ropes (DFL-Winona), appropriates money for a grant to the Minnesota Assistance Council for Veterans (MACV) for continued outreach to homeless veterans in Minnesota. The bill appropriates \$750,000 in FY 2010 and \$750,000 in FY 2011 from the general fund, Erickson Ropes said. The assistance will be available to veterans and their families who are homeless or in danger of being homeless, she said.

Kathleen Vitalis, MACV, said that last year the program helped veterans with housing and employment options, and by the end of the year the veterans involved in the program had a combined income of \$3.5 million.

Testimony from three formerly homeless veterans attributed MACV services with saving their lives and enabling them to be productive members of the civilian sector. Members laid the bill over for possible inclusion in the omnibus bill.

Cemetery Administrative Supervisor David Swantek, Minnesota Dept. of Veterans Affairs, said the department is looking for a location for a new veterans' cemetery. Swantek said the National Cemetery Administration (NCA) found that there is support for a veterans' cemetery in the Duluth area. Outside of the seven-county Metro Area, St. Louis County has the largest veteran population in the state, making it the top priority location for a new cemetery, he said.

Swantek said there are two areas in southern Minnesota that are underserved by state veterans' cemeteries. The southwest Minnesota underserved area has a 50-mile radius and a population of 22,789 veterans, and the southeast Minnesota underserved area has a 50-mile radius and a population of 28,989 veterans, he said.

Erickson Ropes said the purpose of the County Veterans Services Working Group was to evaluate the Office of the Legislative Auditor's recommendations and decide whether, and to what extent, the OLA's findings should be addressed. Jim Golgart, LeSueur County veteran service officer of the County Veterans Services Working Group, said the working group also decided that it should not be a mandate for counties to consult with the Dept. of Veterans Affairs when hiring county veterans' services officers, Golgart said.

Brandie Wilson, women's veterans' representative of the Minnesota Dept. of Veterans Affairs, said there are 22,945 women veterans in Minnesota. Wilson said there are counseling services available for women veterans, many of which are available to women who have been sexually harassed or assaulted while in the military. She said a survey is being developed for women veterans to determine which areas of veteran support need improvement.

## Business, Industry and Jobs

### Destination 2025 presentation heard

The Business, Industry and Jobs Committee, chaired by Sen. James Metzen (DFL-South St. Paul), met Wed., Feb. 4, to hear a presentation on Destination 2025, a report done by the BioBusiness Alliance of Minnesota and Deloitte Consulting.

Dale Wahlstrom, CEO of the BioBusiness Alliance, said the BioBusiness Alliance is dedicated to the advancement of bioscience-related industries in Minnesota by bringing together all related areas of biosciences in a coordinated effort to ensure the industry's long-term health and success.

Wahlstrom said Destination 2025 is a roadmap for growth of six life science markets—medical devices, biologics and biopharmaceuticals, animal health, food, renewable energy and renewable materials. He said, Destination 2025 is in phase

three, which is the implementation phase. Wahlstrom said the report findings and recommendations reflect the global views of each life science industry, identify opportunities and challenges and provide direction for the evolution of Minnesota's public policy, academic investments and infrastructure.

Wahlstrom said the report recommended expanding University of Minnesota funding for a medical devices center, forming appropriate tax policies for growth and reinvention, developing programs for startup and small companies and developing incentives to attract investment to the state.

In the area of agricultural and biomass, the report recommends creating a center of excellence for engineering and manufacturing, developing incentives and programs for startup to growth phases and providing incentives for market creation through government contracts.

Wahlstrom said the alliance supports clean, green, renewable products and services and wants to establish Minnesota as a leader in biomass. He said the report recommends establishing a team to coordinate a comprehensive statewide database for biomass supply. The report also recommended the formation of a team of agronomists, forestry experts, plant geneticists, plant breeders and ecologists to develop new ways to minimize the carbon footprint of biomass production while also improving profitability.

## Commerce and Consumer Protection

### Insurable interest bill heard

The Committee on Commerce and Consumer Protection, chaired by Sen. Linda Scheid (DFL-Brooklyn Park), met Tues., Feb. 3, to hear a bill relating to the regulation of life insurance policies.

S.F.166, authored by Scheid, establishes the Insurable Interest Act, which prohibits stranger-originated life insurance (STOLI). Scheid said STOLI practices are defined as an act, practice or arrangement to initiate a life insurance policy for the benefit of a third-party investor who, at the time of the policy origination, has no insurable interest in the insured. Furthermore, the bill prohibits soliciting or marketing the purchase of a policy for the purpose of its subsequent sale in the secondary market, said Scheid. More-

# Committee update

over, said Scheid, the bill affirms that the beneficiary of a life insurance policy must have a stronger interest in seeing the insured individual live than seeing the individual die.

Robyn Rowen, Minnesota Insurance and Financial Services Council, said unlawful life insurance practices such as STOLI have already begun to increase life insurance premiums, especially for elderly individuals. Continued STOLI practices will negatively affect the pricing and availability of life insurance policies and may threaten the favorable tax treatment of assets received by the beneficiary of a policy, said Rowen.

Mike Abrams, Tamar Fink Agency, said the bill does not adequately protect consumers from STOLI because the measure focuses on the sale of a policy and not on the origination. Abrams also said the bill eliminates a secondary market in Minnesota, protects the insurance industry from competition and restricts consumers from utilizing the market value of their own policies as they see fit.

Scheid offered an amendment to the bill, clarifying the definition of "policyowner" and adding some language to a section pertaining to fraternal benefit societies. The committee approved the amendment, approved the bill and re-referred the measure to the Judiciary Committee.

## E-12 Education Budget and Policy Division

### Q-Comp report heard

The E-12 Education Budget and Policy Division, chaired by Sen. LeRoy Stumpf (DFL-Plummer), met Tues., Feb. 3, to hear a report on Quality Compensation for Teachers (Q Comp).

Evaluation Manager Judy Randall, Legislative Auditor's Office, said Q Comp provides career advancement opportunities for teachers, encourages professional development and provides teacher evaluation throughout the year. Schools that participate in Q Comp are eligible for up to \$260 per pupil in extra funding, Randall said. She said only 72 school districts and charter schools currently participate in the program and \$49 million in state funding is going to Q Comp in FY 2009.

Randall said 43 percent of teachers agreed or strongly agreed that Q Comp has improved teaching at their school, and 83 percent of administrators believed

the same. She also said 33 percent of teachers thought linking teacher pay to performance evaluations has a positive or strongly positive effect on their school districts, whereas 30 percent thought the link had a negative or strongly negative effect. Randall said that Q Comp's effect on student achievement cannot be adequately measured using existing data. In addition, she said applicants have been held to different standards depending on when they applied to the program.

The biggest barriers to participation in Q Comp are teacher reluctance, concern about whether the funding would continue and difficulty with time commitment for smaller districts, Randall said. Randall recommended that the Legislature remove the requirement to have external application reviewers, remove the 30-day application timeline and require the Dept. of Education to establish two or three specific application deadlines throughout the year. She also recommended that all Q Comp participants undergo periodic program reviews.

Commissioner Alice Seagren said Q Comp provides teachers a way to develop their careers without having to become principals. Instead, they can advance their careers by becoming mentors, lead teachers or evaluators.

Patricia King, Dept. of Education, said the department has reviewed the Office of the Legislative Auditor's recommendations and will work to develop a better application process, clarify the requirements for the program, implement periodic reviews of Q Comp participants and improve the goal review process.

Seagren said the department has no qualms with the legislative auditor's recommendations and the department intends to fulfill all of them. "It is all about the teacher and having a highly skilled teachers in the classroom," she said.

## Economic Development and Housing Budget Division

### Panel hears budget presentations

The Economic Development and Housing Budget Division, chaired by Sen. David Tomassoni (DFL-Chisholm), met Mon., Feb. 2, to hear presentations from the Minnesota Historical Society, Minnesota Housing Finance Agency and the Minnesota Dept. of Commerce.

Nina Archabal, director of the Minnesota Historical Society, said the Historical Society's budget for FY 2009 is \$24.429

million, and the governor's recommendations for FY 2010 and FY 2011 is \$21.758 million and \$21.642 million, respectively. This calculates to a reduction of \$5.5 million for the biennium. David Kelliher, legislative liaison for the Historical Society, said it costs \$4.80 per Minnesotan per year to preserve historical sites.

Tonja M. Orr, assistant commissioner of the Housing Finance Agency, said the goal of Minnesota Housing is to prevent homelessness and to aid those who have found themselves homeless. Sixty-five percent of the households that Minnesota Housing serves earn less than \$20,000 annually, Orr said. She said Minnesota Housing will be able to fund all of the activities it has done in the past, despite reductions to the budget.

Jeanette Blankenship, housing policy specialist, said the agency has a program for first-time homebuyers that defers loans for down-payment assistance. There is also a homelessness prevention and supportive housing program that provides rental assistance, temporary assistance to resolve a housing emergency and financial assistance, Blankenship said. The homelessness prevention program served 8,628 households and 21,892 individuals in FY 2008, Orr said.

Orr said the governor's budget recommendations include a five percent cut to the base budget. Orr proposed that \$1.5 million be taken out of the disaster relief fund to use as rental assistance for families living in shelters.

Budget Director Tim Jahnke, Minnesota Dept. of Commerce, said the entire agency appropriation for FY 2010-11 is \$552.8 million, and the general fund share is roughly \$43.6 million. Jahnke said the agency is going to move the investigation cost recovery proposal in-house, which will increase general fund expenditures by \$680,000, but increase general fund revenue \$754,000, decrease workers compensation fund expenditures \$84,000 and increase special revenue expenditures \$22,000.

Manny Munson-Regala, deputy commissioner of Market Assurance, said the Market Assurance Division provides assistance to consumers in business transactions the agency regulates, licenses businesses and individuals according to Minnesota statutes and enforces compliance and responsible business conduct. The division received 25,387 consumer calls in FY 2008, 18,999 of which were insurance related, he said.



**Senators Linda Higgins (DFL-Mpls.) and Ron Latz (DFL-St. Louis Park) look over proposed legislation during the Senate's Mon., Feb. 2, floor session.**

Kevin Murphy, deputy commissioner of the Financial Institutions Division, said the Financial Institutions Division goal is to minimize failure of financial institutions and foster a competitive market for financial services with many choices for Minnesota consumers. Murphy said there are 79 total Minnesota domestic companies, 87 Minnesota township mutuals and 1,259 foreign companies licensed in Minnesota. He also said Minnesota has 323 regulated and licensed state banks, 96 state credit unions, 183 consumer credit companies and 1,250 mortgage companies. The Financial Institution Division is not experiencing a reduction as part of their budget, he said.

#### **Housing issues heard**

The newly formed Joint Health, Housing and Family Security Committee and Economic Development Budget Divi-

sion Subcommittee on Housing met for the first time Wed., Feb. 4, to hear presentations on a variety of housing issues.

The panel, chaired by Sen. Ken Kelash (DFL-Mpls.), heard presentations on homelessness, affordable housing and current market issues, methods of leveraging private investments and foreclosures in Minnesota. Members also heard an overview of the Minnesota Housing Finance Agency presented by Assistant Commissioner Tonja Orr.

## **Energy, Utilities, Technology and Communication**

#### **Carbon intensity reduction bill revisited**

The Energy, Utilities, Technology and Communications Committee met Tues., Feb. 3, to revisit a bill, S.F. 13, authored

Photo by David J. Oakes  
by Sen. Kathy Sheran (DFL-Mankato), establishing standards to reduce the carbon intensity of transportation fuels.

Sheran said the bill calls for refiners, producers, blenders, and importers of transportation fuels to reduce the carbon intensity of the fuels for sale in Minnesota by an aggregate of at least 10 percent over the 10-year period from 2011 through 2020. Sheran also said there is no exclusive method recommended to achieve the reduction. She said methods could include changes in production or extraction processes or could incorporate blending high-carbon intensity fuels with low-carbon intensity fuels like biofuels.

Sheran offered an amendment revising and clarifying all sections of the original bill. Sections most affected by the amendment include those relating to the reduction standard, alternative carbon intensity value, the omission of a com-

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**Minnesota Medical Association President Dr. Noel Peterson, Rochester, stands in the Capitol Rotunda as he participates in MMA Day at the Capitol Thurs., Feb. 5.**

Photo by A.J. Olmscheid

pliance credit program and the addition of an alternative carbon intensity value study, said Sheran. The committee approved the amendment.

Darrell Bunge, American Petroleum Institute, said the bill would adversely affect the oil supplies that the state receives from Canada, which is the largest supplier of crude oil to the United States. The costs associated with refining the tar sands (extra heavy) oil that is imported from Canada to meet the new carbon standard would be immense, said Bunge. Bunge said the high refining costs, combined with increased extraction and transportation charges, could drastically constrict or

even eliminate the oil supplies Minnesota receives from Canada. Furthermore, jobs associated with the pipeline distribution of the oil imported from Canada could be in jeopardy, said Bunge.

Rick Kadansky, manager of state government affairs, Marathon Petroleum Company, said his facility in St. Paul Park does not have the technologies in place, nor does his facility have the means to expand its capabilities, to reach the carbon intensity goals set forth by the bill. Kadansky also said the bill could complicate fuel distribution in the state, increase costs at the pump and lead to job losses in the local refinery industry.

The committee, chaired by Sen. Yvonne Prettner Solon (DFL-Duluth), laid the bill over for further discussion.

## Wind energy bill heard

The Energy, Utilities, Technology and Communications Committee, chaired by Sen. Yvonne Prettner Solon (DFL-Duluth), gathered Thurs., Feb. 5, to hear a bill authorizing school boards to form a business entity solely for wind energy projects.

S.F. 249, authored Sen. Kevin Dahle (DFL-Northfield), permits school boards to jointly construct, acquire, own, operate, sell and retain and spend the payment received from selling energy from a wind energy conversion system, said Dahle. The bill also permits school boards acting jointly to be a limited partner in a partnership, a member of a limited liability company or a shareholder in a corporation operating a wind energy conservation system, he said. Finally, the bill authorizes the wind energy business operating on behalf of the school districts to receive a tax exemption, said Dahle. The committee laid the bill over.

Rick King, chair, Ultra High-Speed Broadband Task Force, gave a presentation on the possible economic impact of having a state-wide broadband network. King said a state-wide network could increase jobs, establish new businesses and increase property values.

J. Brent Legg, vice president, Connected Nation, presented a broadband service inventory map showing the connectivity availability for all regions of the state. Legg said 92 percent of Minnesotans already have access to some sort of broadband access. Legg also said a state-wide network could increase Minnesota's state ranking for overall download speed, which currently ranks forty fourth among the fifty states.

## Environment and Natural Resources

### RIM program reviewed

The Environment and Natural Resources Committee devoted the Wed., Feb. 4, meeting to a discussion of the re-invest in Minnesota (RIM) program and the federal wetland restoration (WRP) program. The committee, chaired by Sen. Satveer Chaudhary (DFL-Fridley), heard from John Jaschke, executive direc-

tor, Board of Water and Soil Resources (BWSR), and Roger Pederson, manager of conservation programs, Ducks Unlimited, Inc.

Jaschke said the RIM program has been in existence for 23 years and has 203,000 acres enrolled in 5,300 conservation easements. He said \$250 million in federal funds have been leveraged in last 10 years. Jaschke said the aim of the program is to improve water quality, sequester carbon, reduce flood damage, enhance wildlife habitat and promote rural economic development. He said the RIM program coupled with the federal WRP program allows the state to leverage federal farm bill conservation dollars and results in competitive payment rates to landowners and the sharing of restoration costs. Minnesota received almost 20 percent of the nation's WRP funds last year, Jaschke said. In addition, the combination of state and federal funds for wetland restoration projects created or supported an estimated 527 full-time jobs.

Jaschke said the conservation benefits include retiring sensitive land, protecting and improving water quality, reducing soil erosion and enhancing fish and wildlife habitat. In addition, the benefits include the potential for biofuel production, he said.

Pederson said the U.S. has lost 16.8 million acres of wetlands since the 1950s. Water quality and ecological integrity is compromised on the remaining wetlands, he said. Pederson said RIM program management actions can restore wildlife habitat and water quality. The ultimate goal, Pederson said, is to improve the watershed in Minnesota.

## Environment, Energy and Natural Resources Budget Division

### Panel hears budget presentations

The Environment, Energy and Natural Resources Budget Division, chaired by Sen. Ellen Anderson (DFL-St. Paul), met Tues., Feb. 3, to hear budget presentations from the Science Museum and the Board of Water and Soil Resources (BWSR).

Dr. Eric Jolly, executive director of the Science Museum, said the Science Museum has an appropriation of \$1.25 million annually for FY 2008 and FY 2009. The governor's recommendation is

a five percent cut to the museum's budget, Jolly said. The cut will mean the museum won't be able to expand ticketing opportunities for poorer visitors, and one FTE would most likely have to be eliminated also, he said. The state is the museum's only public source of operating support, and that funding is one-third of all funds contributed to general operating support, Jolly said.

John Jaschke, executive director of BWSR, said the mission of BWSR is to improve and protect Minnesota's water and soil resources by working with local organizations and private landowners. Jaschke said BWSR helps with emergency flood response, drainage management, watershed improvement and wetland restoration.

Jaschke said BWSR received \$35.5 million from the general fund in FY 2008-09, and the governor's recommendation for FY 2010-11 is \$31.2 million. The biggest percentage of cuts will come from grants, Jaschke said.

Three unspecified projects will be discontinued because of the budget reduction, Jaschke said.

### Clean Water Council report heard

The newly created Environment, Energy and Natural Resources Budget Division Subcommittee on Clean Water Legacy met Thurs., Feb. 5, to hear a report from the Clean Water Council and to hear an overview of the council's creation and activities. The panel, chaired by Sen. Sandy Rummel (DFL-White Bear Lake), also heard funding recommendations for the biennium.

Marilyn Bernhardson, chair of the Clean Water Council, said the council is recommending \$171.8 million be appropriated for wastewater and stormwater infrastructure, drinking water source protection and other critical needs. She said the passage of the legacy amendment to the state's constitution last November makes the council's recommendations particularly timely. She said the council recommends funding the activities identified by the council in order to meet the legacy amendment's water quality protection and restoration goals.

The full report may be found at <a href="<http://www.pca.state.mn.us/water/cleanwatercouncil/cwc-publications.html>">Biennial Report to the Legislature</a>

## Finance

### Budget overview heard

Members of the Finance Committee devoted the lion's share of the Tues., Feb. 3, hearing to a broad ranging discussion of the governor's proposed budget.

Commissioner Tom Hanson, Minnesota Management and Budget, outlined the budget problem and the governor's plan to resolve the \$4.847 billion shortfall. Hanson said general fund expenditures for FY 08-09 were \$34.36 billion, but the governor is proposing a reduction of \$750 million in general fund expenditures, to \$33.61 billion, for FY 10-11. The reduction amounts to about 2.2 percent of the general fund budget, Hanson said. He said the total state budget, from all funds, is \$57.6 billion with the general fund making up about 57 percent of the total.

Hanson said the governor's proposal includes \$2.521 billion in cuts and savings and \$3.197 billion in other resources such as k-12 payment shifts, federal stimulus funds and tobacco appropriation bonds. The governor's top budget priorities are enhancing Minnesota's job climate, improving k-12 education, protecting public safety programs, maintaining military and veterans programs and increasing government reform and accountability, Hanson said.

Hanson said the proposal increases k-12 funding and is aimed at transforming the k-12 education funding system by linking all future funding increases to improved performance. In addition, he said the governor proposes requiring all districts and charter schools to use the Q comp performance pay system.

Hanson said the proposal is also designed to aid job creation and improve the business climate. Elements leading to an improved business climate include reducing the high business tax rate, providing an upfront capital equipment sales tax exemption, providing a reinvestment tax credit, providing angel and early stage capital tax credits and providing a 50 percent capital gains exemption.

The proposal also contains cuts to county aids, local government aids and the higher education systems, Hanson said. In the area of health care, Hanson said, the proposal reduces provider payments, consolidates programs and simplifies requirements, reduces eligibility for parents in Medical Assistance to 100 percent of the federal poverty level and

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maintains limited state safety net programs for single adults.

In other action, the committee, chaired by Sen. Richard Cohen (DFL-St. Paul), also heard a bill providing an appropriation for the initial operating expenses of the Lessard Outdoor Heritage Council. S.F. 119, sponsored by Sen. Ellen Anderson (DFL-St. Paul), appropriates \$150,000 from a natural resources fund to the Legislative Coordinating Commission for the Lessard Outdoor Heritage Council for administrative expenses, compensation and expense reimbursement of council members. Anderson said the funds will be paid back to the Dept. of Natural Resources once the council begins receiving revenue authorized by passage of the legacy amendment last November. Members approved the measure and sent the bill to the full Senate.

## Health, Housing and Family Security

### Hazardous chemicals bills heard

Members of the Health, Housing and Family Security Committee, chaired by Sen. John Marty (DFL-Roseville), and members of the Environment and Natural Resources Committee, chaired by Sen. Satveer Chaudhary (DFL-Fridley), met Mon., Feb. 2, to hear two bills and an update on interagency atrazine collaboration.

Greg Buzicky, director of the Pesticide and Fertilizer Management Division, Minnesota Dept. of Agriculture, said the Dept. of Agriculture, the Minnesota Pollution Control Agency and the Minnesota Dept. of Health are performing an interagency registration review of the herbicide atrazine. "We may have taken on one of the most extensively studied pesticide products in the country," Buzicky said. They are examining whether additional restrictions and limitations are needed on the use of atrazine, he said.

S.F. 247, sponsored by Sen. Sandy Rummel (DFL-White Bear Lake), prohibits the sale of children's products, including infant formula containers, that contain bisphenol-A. The bill specifies that it applies to products for children ages three and younger. The bill states that by Jan. 1, 2010, no manufacturer may sell any new children's product that contains bisphenol-A, and as of Jan. 1, 2013, no infant formula containers containing bisphenol-A may be sold.

Dr. John Peterson Myers, founder, CEO and chief scientist of Environmental Health Sciences, said that small changes in the course of development of infants can significantly affect their future health. Exposure to low doses of bisphenol-A can cause obesity and increased risk of heart attack and type II diabetes, Myers said.

Steve Hentges, American Chemistry Council, urged members to oppose the bill. He said there is no proof that other products would be safer than bisphenol-A. Dr. John M. Rost, North American Metal Packaging Alliance, said the use of bisphenol-A in epoxy coating in metal packaging doubles the shelf-life of food. Rost said the longer shelf-life also means less food waste and greater conservation of energy.

No action was taken on S.F. 247.

S.F. 225, authored by Sen. Linda Scheid (DFL-Brooklyn Park), requires the Pollution Control Agency (PCA) to publish a list of chemicals of high concern found in children's products by July 1, 2010. The products will slowly be phased

out and the PCA will routinely review the list of chemicals and designate additional qualifying priority chemicals, Scheid said.

Kathleen Roberts, American Chemistry Council (ACC), spoke in opposition to the bill. She said there are many hazardous chemicals in children's products and to attempt to substitute each of these chemicals with safer materials would not only be a lengthy process, but might also end in substituting one problem for another.

No action was taken on the bill.

### Bisphenol-A bill gains

A bill prohibiting the use of bisphenol-A in children's products was one of four measures acted upon by members of the Health, Housing and Family Security Committee at the Wed., Feb. 4, hearing.

S.F. 247, sponsored by Sen. Sandy Rummel (DFL-White Bear Lake), prohibits the use of the chemical in products meant for children under three years of age. Rummel said the bill is designed to



Citing recent research on the adverse health effects of the chemical bisphenol-A, environmental health scientist John Peterson Myers appears before a joint hearing of the Health, Housing and Family Security Committee and Environment and Natural Resources Committee Mon., Feb. 2. The committees heard a bill prohibiting the chemical's use in childrens' products such as plastic baby bottles.

Photo by David J. Oakes

protect very young children. She said bisphenol-A has been shown to be an endocrine disrupter in very small concentrations and the bill is aimed at eliminating the chemical from products such as sippy cups and infant bottles. The bill specifies that by Jan. 1, 2010, no manufacturer may sell or offer for sale a new children's product that contains bisphenol-A, Rummel said, although, as a compromise, manufacturers of infant formula containers have until Jan. 1, 2013 to comply. Members approved the measure and re-referred the bill to the Environment and Natural Resources Committee.

The committee, chaired by Sen. John Marty (DFL-Roseville), also considered a second bill designed to protect children from harmful chemicals. S.F. 225, authored by Sen. Linda Scheid (DFL-Brooklyn Park), requires manufacturers of children's products to disclose the use of chemicals of high concern in their products, authorizes the Pollution Control Agency to designate priority chemicals of high concern and require the replacement of the chemicals with safer alternatives and authorizes participation in an interstate clearinghouse of chemical information. Scheid said the bill is aimed at setting up a comprehensive safe products framework to provide more protection for children. The panel approved the measure and re-referred the bill to the Environment and Natural Resources Committee.

S.F. 204, carried by Sen. Scott Dibble (DFL-Mpls.), requires the commissioner of health to design and implement an ongoing statewide campaign to raise awareness and educate the public about HIV transmission and prevention. Dibble said the bill also provides that the education campaign include messages directed to the general population as well as culturally specific and community based messages. A toll-free resource and referral telephone line and Web site must also be included in the messages, Dibble said. Lorraine Teel, executive director, Minnesota AIDS Project, said, "The HIV infection rate has increased over the past several years, and the number of people living with HIV is larger than ever before." She said HIV is an entirely preventable disease, but the public needs basic HIV education. The bill was approved and advanced to the Finance Committee.

The committee also approved a bill, S.F. 230, providing for the licensure of

physician assistants. Sen. Linda Higgins (DFL-Mpls.), chief author, said the measure changes the current registration requirement to a licensure requirement. In addition, Higgins said the bill authorizes a physician assistant to provide emergency care without physician supervision in cases of disasters. The measure was referred to the Judiciary Committee.

## Health and Human Services Budget Division

### Continuing care budget proposal heard

The Health and Human Services Budget Division, chaired by Sen. Linda Berglin (DFL-Mpls.), convened Tues., Feb. 3, to revisit the governor's budget recommendations related to the continuing care programs offered by the Department of Human Services (DHS).

Assistant Commissioner Loren Colman, Department of Human Services, spoke on the effects the budget proposal would have on continuing care programs. Colman said the budget recommends raising the threshold for nursing facility level of care criteria which determines access to certain home and community-based service waivers, nursing facility care and the state-funded alternative care program. Colman said the budget also recommends changing the basis of access to personal care assistance (PCA) services along with implementing new provider standards and modifying the assessment and authorization process. Under the new proposals, which are slated to take effect on Jan. 1, 2010, 3,200 Minnesotans currently receiving elderly waiver, alternative care or PCA services would no longer qualify for these services, said Colman. Furthermore, Colman said under the proposal, 6,000 individuals currently receiving PCA services would see a reduction in the number of hours authorized for care under the proposal.

The budget recommends establishing a statewide uniform service rate setting structure, strengthening provider standards and improving provider enrollment requirements to comply with federal and community-based long-term care waiver renewal requirements, said Colman. Colman said the budget also recommends implementing limits to manage the growth of the community alternatives for disabled individuals, development disabilities

and traumatic brain injury waivers. The governor also recommends establishing a moratorium on waiver services provided in new foster care shift-staff residential settings, said Colman. Colman said the budget eliminates nursing facility rebasing and implements maximum payment rate limits for 24-hour customized living services purchased under the elderly waiver program. The budget also calls for a three percent reduction in funding for long-term care providers, and a three percent base level reduction to aging, deaf services and other continuing care grants while eliminating two non-entitlement grants, said Colman.

Finally, the budget recommends repealing the nursing facility payment adjustments to county-owned nursing facilities and reducing the amount that Medical Assistance pays for a single-bed room in a nursing facility while making the payment available to all recipients regardless of medical necessity, said Colman. Colman said the single-bed payment policy proposal will reduce paperwork and the administrative burden for nursing facilities.

Continued DHS budget discussions  
The Health and Human Services Budget Division, chaired by Sen. Linda Berglin (DFL-Mpls.), gathered Wed., Feb. 4, to revisit the governor's budget recommendations related to the children and family services and sex offender programs offered by the Department of Human Services (DHS).

Assistant Commissioner Charles Johnson, Department of Human Services, spoke on the effects the budget proposal would have on children and economic assistance programs. He said the budget recommends combining the emergency general assistance (GA) and emergency Minnesota supplemental aid programs to allow counties to use these limited funds more effectively. The budget proposes limiting retroactive eligibility for child care assistance programs, modifying the child support withholding law and the diversionary work program, transferring appeal authority for revenue recapture appeals and fraud prevention investigations from county to state officials, and adjusting assistance program overpayments, adoption assistance and relative custody assistance programs, said Johnson. He said recommendations also include using federal funds to extend two pilot projects that support early learning for at-risk

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children, reducing funding for the child care assistance and Minnesota family investment programs (MFIP), eliminating integrated services funding and child and economic assistance grants, reducing MFIP fund allocations and diversionary work programs and refinancing general fund spending with federal temporary assistance to needy families (TANF) funds by transferring a corresponding amount of TANF funds to the child care assistance program.

Johnson said the budget calls for a major component of the children and community services act (CCSA) grant to counties be redirected to a Protecting Children and Strengthening Families Act grant. Other important components of the CCSA grant will be similarly redirected to specific categories, including children's and adult mental health, chemical dependency, and aging and disability services for adults, said Johnson. He also said the budget proposes using existing state spending in the child care assistance program and the MFIP consolidated fund to leverage additional federal food stamp, employment and training program funds. Furthermore, Johnson said the governor recommends recovering \$32 million in targeted case management payments from counties and tribes and expanding federal reimbursement for group residential housing (GRH) service and food costs; equalizing personal needs allowances; and eliminating the community living adjustment for people living in GRH settings. Finally, the budget proposal increases totaling \$189,000 in FY 2010 and \$199,000 in FY 2011 to correct errors from the 2008 Legislative Session in setting the base budgets for several of the department's programs.

Dennis Benson, executive director, Minnesota Sex Offender Program, spoke on the budget proposal as it relates to the sex offender program. Benson said the budget recommends increased general fund appropriations of \$5.7 million in FY 2010 and \$8.3 million in FY 2011 to address an increase in the number of referrals and commitments to the Minnesota sex offender program, restore base funding for the program and provide one-time funding to help the program bridge a cost reduction strategy that began in FY 2009 but will not be fully implemented until FY 2010. Benson said the program has taken a number of steps to address the current budget shortfall, including restructuring

the budget, reducing the use of overtime, revising the purchasing process and reducing administrative and contract costs.

Finally, Benson said projected increases to general fund appropriations for the sex offender program in FY 2010 and 2011 will help to compensate for the increased costs brought about by the increasing patient numbers.

## Proposed budget reductions heard

The Health and Human Services Budget Division, chaired by Sen. Linda Berglin (DFL-Mpls.), gathered Thurs., Feb. 5, to hear a presentation by Assistant Commissioner Brian Osberg, Department of Human Services, outlining the governor's budget recommendations for the Department of Human Services.



*Stating that Minnesota college students are the “future leadership of innovation and development for the state,” University of Minnesota Senior Jordan Bronston appeals to members of the Higher Education Budget Division Thurs., Feb. 5, as they hear testimony on the effects of the governor’s proposed budget cuts to higher education.*

Photo by David J. Oakes

Osberg said the governor's budget recommends changing eligibility requirements for General Assistance Medical Care (GAMC), hospital only and traditional MinnesotaCare for adults, and discontinuing dental, podiatry, chiropractic and rehabilitative services for non-pregnant adults in the medical assistance (MA), GAMC and MinnesotaCare programs. The governor's proposal also eliminates certain MinnesotaCare premium reductions and repeals the MinnesotaCare premium grace month and MinnesotaCare eligibility for an additional month for enrollees who fail to submit renewal forms. Furthermore, the governor's budget proposes increasing the minimum base premium for MA for employed persons with disabilities, eliminating the patient incentive grant program and reducing the rate for basic care services under the MA and GAMC programs by three percent. Osberg said nearly 84,000 Minnesotans could lose the medical coverage they receive from either MinnesotaCare or GAMC under the governor's budget proposal. Currently, there are roughly 670,000 people enrolled in one of the two programs, with a projected 709,000 enrollees by July 1, said Osberg.

The governor's budget also recommends eliminating the outreach incentive program, reducing fee-for-service pharmacy reimbursements, eliminating the critical access dental program for MinnesotaCare and MA programs, altering 2011 inpatient hospital rebasing, delaying health care provider and inpatient payments until the next fiscal year, increasing the withholding amount for MinnesotaCare managed care contracts, eliminating the withholding exemption for the Minnesota disability health options program, limiting medical education research costs capitation rates and eliminating the enhancement to hospitals in Greater Minnesota for certain diagnoses under the MA and GAMC programs.

Osberg said the budget recommends aligning the asset limit for parents in MA and MinnesotaCare with the MA asset limit for the elderly, blind and disabled, aligning the asset limit for individuals enrolled in Medicare savings programs, modifying the MA asset reduction policy, eliminating add/renewal notice mailings, contracting for special transportation services in the 11 county Metro Area and amending MA estate recovery statutes to create the authority for counties and the

state to collect from the estate of the recipient's surviving spouse for MA benefits received.

Finally, the budget proposes funding the implementation of the federally mandated public assistance reporting information system (PARIS) system, making budget and statutory changes to implement new federal requirements mandated in the Medicare improvements act of 2008, eliminating the dollar limit on administrative costs retained from payments to school districts for covered individualized education program services and modifying rules for calculating the income of persons receiving MA for long-term care under post-eligibility budgeting..

## Higher Education Budget and Policy Division

### Panel visits St. Thomas

The Higher Education Budget and Policy Division, chaired by Sen. Sandra Pappas (DFL-St. Paul), devoted the Tues., Feb. 3, meeting to a site visit at the University of St. Thomas.

#### Higher ed budget discussed

Members of the Higher Education Budget Division gathered Thurs., Feb. 5, to hear the leaders of the state's higher education institutions talk about the governor's budget recommendations.

President Bob Bruininks, University of Minnesota, said the governor's budget proposes a \$151 million reduction in state funding and for the first time in history, state revenue support for the University of Minnesota will be less than tuition revenue beginning in FY 2010. The reduction, which accounts for a projected eight percent shortfall in the University's general budget, is nearly four times as much as the reduction rate seen in other programs related to the state budget, said Bruininks. "Our budget cut seems very disproportionate to cuts seen in other programs and this suggests to me that higher education is not a priority to the governor," said Bruininks. Furthermore, Bruininks said the University's productivity and impact are growing while state funding is retracting.

In response to the proposed budget cuts, Bruininks said the U of M has already implemented a salary and hiring freeze along with a restructuring of its employee benefits and retirement incentive programs. He said the University is also streamlining many of its administra-

tive processes and canceling a number of capital projects. The U of M is taking every possible step to avoid reducing staff or increasing the cost of tuition, said Bruininks. "If we choose to deal with the budget shortfall by simply slashing staff and raising tuition, we would be looking at a layoff of 1,500 people and an 18 percent hike in tuition," said Bruininks. "We can't afford to lose this many people nor can our students afford a drastic tuition increase. Because of this, we are going to have to get creative as we look at balancing our budget," said Bruininks.

Jim McCormick, chancellor, Minnesota State Colleges and Universities (MnSCU), said the governor's budget proposes a \$146 million reduction in state support for the MnSCU system. McCormick said his strategy for dealing with the proposed shortfall centers around three key principles, how to best serve the students, the economic development needs of the communities related to MnSCU, and how the decisions made today will affect the long-term timeframe of institutions involved in the system. He said MnSCU is looking at substantial layoffs and a possible tuition increase to balance the budget. Losing staff would likely lead to numerous program closures, enrollment caps and possible campus closures, said McCormick. "Higher education is one of the key's to the economic recovery of our state," he said. Many recently laid off workers are utilizing the many programs offered by the state's technical and community colleges to learn additional skills and trades to pursue new careers, said McCormick. Like Bruininks, McCormick said his organization is going to have to take an innovative approach to becoming more efficient in light of forecasted budget concerns.

## Judiciary

### State tort claims bill gains

A bill to lift the state tort liability cap for claims arising from a single incident was the first item on the agenda for members of the Judiciary Committee at the Tues., Feb. 3, hearing.

S.F. 93, sponsored by Sen. Ron Latz (DFL-St. Louis Park), had been heard earlier by the panel. Latz said several amendments had been drafted to address concerns expressed by the committee. The bill specifies that there is no limit on the total liability of the state and

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its employees acting within the scope of their employment for any number of claims arising out of a single occurrence for claims arising on or after July, 2009, subject to the availability of appropriations for payment of the claims. Latz said the first amendment provides a legislative findings section that clarifies the limitation on the total liability of municipalities for multiple tort claims arising out of a single occurrence is necessary to protect the fiscal stability and integrity of municipalities.

The second amendment removes reference to available appropriations, Latz said, and the third amendment provides for a contingent repealer if a final nonappealable court decision holds that the limit is unconstitutional based on the changes in the bill. A final amendment specifies that claims may not be made from the trunk highway fund in excess of the amount specifically appropriated by the Legislature for payment of tort claims. All of the amendments were adopted. The bill was approved and re-referred to the Finance Committee.

The panel, chaired by Sen. Mee Moua (DFL-St. Paul), also considered several additional bills. S.F. 261, also carried by Latz, makes clarifying, technical and conforming changes to transfer on death deeds, expands common element certificates of title to include planned communities, establishes procedures for cartways in cities and modifies power of attorney provisions relating to real property transactions. The bill was approved and re-referred to the State and Local Government Operations and Oversight Committee.

Sen. Ellen Anderson (DFL-St. Paul) sponsored a bill, S.F. 297, repealing the prohibition on the practice of law by sheriffs, deputy sheriffs and coroners. Anderson said the current prohibition was brought to her attention by a constituent who was attending law school and working as a deputy sheriff. Members discussed the possibility of conflict of interest situations arising from the bill. An amendment, specifying that the prohibition does not apply to deputy sheriffs acting with the approval of the appointing sheriff, was adopted. The bill was approved and forwarded to the full Senate.

Sen. Ann Rest (DFL-New Hope) authored two measures. S.F. 137 modifies provisions governing access to adoption records and original birth certificates.

Under the bill, the Dept. of Health is required to prepare affidavits of disclosure and nondisclosure forms under which a birth parent may agree to or object to the release of the original birth record to the adopted person. The bill also requires the state registrar to provide a noncertified copy of the original birth record to an adopted person age 19 or older, unless there is an affidavit of nondisclosure on file. The measure also provides a court process for an adopted person to gain access to birth record information in cases where there is an affidavit of nondisclosure on file.

Rest said that times have changed and there are some compelling reasons for adopted persons to have access to their birth certificates. Sen. Warren Limmer (R-Maple Grove) countered that the state had, in effect, made a promise to birth mothers about the nondisclosure of birth records and the state should keep its promise.

Members approved the measure and re-referred the bill to the Finance Committee.

Rest also sponsored a second bill, S.F. 164, dealing with birth record information. The measure specifies that the employee or agent of a licensed child-placing agency must inform the birth parent that if the birth parent does not want the information on the original birth record disclosed, then the birth parent must file an affidavit of nondisclosure with the commissioner of health. Further, the bill requires the employee or agent of the child-placing agency to inform the birth parent of the requirement that the birth parent must complete an updated non-identifying medical history form. The bill was approved and advanced to the Senate floor.

S.F. 350, sponsored by Sen. Linda Higgins (DFL-Mpls.), clarifies the powers and duties of the Peace Officer Training and Standards (POST) Board. Higgins said the bill updates language relating to education and continuing education. The bill was approved and recommended for placement on the Consent Calendar.

## False claims bill heard

A bill enacting the Minnesota False Claims Act was the sole focus of discussion at the Thurs., Feb. 5, meeting of the Judiciary Committee.

S.F. 82, sponsored by Sen. Ron Latz (DFL-St. Louis Park), prohibits the in-

tentional submission of false or fraudulent claims for payment or approval to state officers or employees. The measure also imposes a civil penalty and liability for damages for violations. The bill authorizes the attorney general to investigate violations and bring a civil action to recover damages and penalties.

Latz said the bill also contains special provisions authorizing private remedies and delineates the roles of the attorney general and private persons in actions under the law.

The bill also prohibits employers from imposing policies or rules forbidding employees to disclose information and from discriminatory acts for disclosure, Latz said. Finally, the measure specifies that an action may not be commenced more than three years after the date of discovery of the fraudulent activity or more than six years after the fraudulent activity occurred, whichever is later, and in no event more than ten years after the date on which the violation is committed.

Doug Franzen, speaking on behalf of the Minnesota Council of Health Plans, said the council's position on false claims is that the council opposes them and prosecutes them vigorously. However, the vast majority of false claims are simply mistakes, Franzen said. He said the council's main area of concern is found in the retroactive language that permits actions up to ten years after the violation is committed. "Time is not our friend when prosecuting cases because of an intrinsic lack of reliability on the part of witnesses," Franzen said.

David Feinwachs, Minnesota Hospital Association, said the association has a number of problems with the bill. "No one is for fraud, but we believe the federal law is sufficient," he said. He said the association is concerned about providing new causes of action and about the impact of mistakes in billing or submitting claims.

Kari Thurlow, Aging Services of Minnesota, said language should be crafted to address the situation in which there is an inadvertent fraudulent claim made, but where the provider has done everything right as soon as the error is discovered.

Latz argued that there are protections in the bill to guard against punishing institutions for inadvertent mistakes. He said the retroactivity in the measure is to avoid giving a free pass to offenders from the last ten years. Sen. Don Betzold (DFL-Fridley) countered that it is always

problematic going backwards in prosecuting cases.

Committee Chair Mee Moua (DFL-St. Paul) laid the bill over for further discussion.

## Judiciary Budget Division

### Judicial budgets discussed

The Judiciary Budget Division met Tues., Feb. 3, to hear presentations on the governor's budget proposal relating to the Tax Court, the Public Defense Board, the Judicial Standards Board and civil legal services.

Chief Judge George Perez, Minnesota Tax Court, said funding remains stable under the governor's budget proposal, though the number of cases is expected to increase. Perez said the Tax Court has six full time staff—three judges and three administrative personnel—with an annual budget of \$825,000. The Tax Court is a specialized court within the executive branch with statewide jurisdiction to hear and determine all matters arising out of Minnesota's tax laws, Perez said. He said the court's mission is to provide the timely and impartial disposition of appeals from orders issued by the commissioner of revenue and petitions from local property tax valuation, classification, equalization and exemption issues. Perez said the judges travel throughout Minnesota to conduct trials where taxpayers are located.

Perez said the Tax Court generates approximately \$40,000 each biennium in non-dedicated revenue from filing fees on appeals to an order from the commissioner of revenue. Depending on caseload fluctuations, an additional \$980,000 to \$1.9 million in revenue is generated each biennium by property tax filings, Perez said.

Gary Hird and Jeremy Lane reviewed the operations and proposed budget for civil legal services. Hird said civil legal services are a statewide resource providing open, affordable and understandable services to people unable to afford an attorney. Civil legal services stabilize families, maintain communities and make society safer, save taxpayer money, help prevent legal problems and help people to become self-sufficient and participate effectively in society, he said.

Hird and Lane said the downturn in the economy has also affected civil legal services because of a drop-off in foundation grants and charitable funding. At the

same time, they said, the need for services increases during a downturn in the areas of evictions, foreclosures, domestic violence and credit problems.

Hird said the governor's budget calls for a 12 percent reduction from the current level of state funding. However, the Judicial Branch is requesting \$4 million for civil legal services, Hird said. He said it is an increase of about 16 percent that will merely keep funding at 2008 levels.

Kevin Kajer, chief administrator of the Board of Public Defense, said the mission of the Board of Public Defense is to provide quality criminal defense services to indigent defendants through a cost-effective and efficient public defender system. He said the board is committed to providing client centered representation, providing creative advocacy, and ensuring continual training for all staff. In addition, the board is committed to the recruitment and retention of excellent staff and to maintaining a full partnership in the justice system.

Kajer said public defenders provide service in every courthouse in the state and handle over 179,000 cases each year. He said it is estimated that public defenders provide service in 85 to 90 percent of the serious criminal cases in the state and over 90 percent of the juvenile delinquency cases. The governor's budget proposal recommends a five percent cut, Kajer said. However, the board doesn't control its caseload and an increasing caseload coupled with a perfect storm of ongoing deficit and past budget reduction has stretched the public defense system to its limit, he said.

Kajer said that on the appellate level staff reductions have meant that as many as 11 percent of the appeals will not be assigned to a lawyer and the average time that appellate courts will have to wait until counsel is assigned will be approximately six months. He said at some point, the delay in appellate services could eventually lead to the courts ordering the release of prisoners who have been on the waiting list too long. Without an adequate number of public defenders the court system must slow down the processing of cases, which in turn, creates larger court calendars, which means more time in court for lawyers, judges, court personnel and others.

David Paull, executive secretary of the Judicial Standards Board, also spoke

briefly on the budget proposal for the board. Paull said the board has two basic responsibilities—to educate and advise the public and judicial officers as to appropriate judicial conduct and to review and investigate the complaints received on judicial disability or alleged misconduct. Paull said the governor's budget recommendation increases funding from \$910,000 to \$920,000 for the biennium.

### Courts budget reviewed

The Judiciary Budget Division, chaired by Sen. Leo Foley (DFL-Coon Rapids), met Thurs., Feb. 5, to review the governor's budget recommendations for the court system.

Judge David Knutson, First Judicial District, began by discussing the critical situation within the judicial branch. "For years, the judicial system has been doing more with less through the use of technology, the implementation of efficiencies and increased productivity," Knutson said. He said, "We are at the point now where we are going to be doing less with less." Knutson said caseloads in Minnesota are almost 50 percent higher than the national average and there is an increasing backlog in the courts. Knutson said if the judiciary can't do all the work assigned because of the cuts, hard choices will have to be made in setting priorities. "Cuts of the magnitude we are seeing don't allow us to do the work," Knutson said.

Knutson said the impact of cuts in the 5 to 10 percent range mean a \$29 to \$59 million reduction to the judicial branch base budget, which would lead to staff reductions of up to 250 to 500 positions. As a result, the processing of up to 21 of the 51 types of cases would be stopped and case processing delays for other types of cases would worsen. "Cuts to the judicial system have a significant impact on local and state governments," Knutson said. He said the impact on counties includes increased jail costs and overcrowding and decreased revenue for state and local government. Knutson said courts collect \$200 million annually and the revenue would be significantly interrupted by implementing the cuts. In addition, Knutson said the cuts could lead to shutting down many of the successful drug courts, which cut the cycle of recidivism and avoid millions of dollars in jail and prison bed days, save lives and restore offenders to law abiding taxpayers.

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Knutson said the judicial system is in the process of addressing the existing \$19 million shortfall. Currently, the judicial system is operating with a nine percent staff shortage, holding open judge vacancies, cutting operating budgets, closing public counters a half-day per week in three judicial districts, terminating Fourth Judicial District arbitration services and reducing staffing for the Domestic Abuse Service Center, Knutson said. In addition, the courts have cut drug court budgets, cut retired judge service, and reduced mandated services budgets, he said.

The current situation has resulted in serious delays in calendaring and administrative processing throughout the state, Knutson said.

Judge Robert Rancourt, Tenth Judicial District, explained the history and circumstances of the 35 drug courts operating throughout the state. Rancourt said, "Drug and alcohol abuse has driven the explosion in the number of individuals incarcerated in the nation." He said nearly 80 percent of those incarcerated have alcohol or chemical abuse issues. He said the drug courts reduce the recidivism rate and allow individuals to undergo more extensive treatment.

Sue Dosal, state court administrator, described the governor's budget proposal and the impact of the cuts. The governor is recommending a \$25.212 reduction of the trial courts, a \$1.036 million reduction for the Court of Appeals and \$3.198 million in reduction for the Supreme Court. At the same time, Dosal said the judicial system is requesting \$5.586 million for mandated services. Dosal said the judiciary is a core government function and is a necessary component of the public safety priority. However, the judiciary has no control of the workload and no programs to cut, she said.

Dosal also explained the mandated services budget requests. She said the services—guardians ad litem, interpreters, psychological services and in forma pauperis services—have experienced increased demand and costs. She said the growth in guardians ad litem appointments have increased by 12 percent over the last two years and the increased complexity in abuse and neglect cases have resulted in the increased costs. She said the interpreter services provide interpreters in 81 languages and are used about 152 times per day in courts throughout the state.

## Public Safety Budget Division

### Members hear budget presentations

Members of the Public Safety Budget Division, chaired by Sen. Linda Higgins (DFL-Mpls.), met Wed., Feb. 4, to hear budget presentations from the Dept. of Corrections and the Dept. of Public Safety.

Joan Fabian, commissioner of the Dept. of Corrections, said Minnesota operates eight state adult prisons with a budget of \$472.3 million in FY 2009. Ninety-six percent of the department's operating budget is general fund supported, Fabian said. "We have cut every non-core position that we can cut," she said, acknowledging the department's reaction to budget reductions.

As a budget reduction strategy in 2004, the department started double bunking inmates, Fabian said. "It has been horrendous at Stillwater and we have had to cut down on the number of double-bunk beds," she said. Double-bunking can be unsafe and lead to offenders attacking officers, she said.

Lisa Cornelius, assistant commissioner of support services, said the Dept. of Corrections is receiving 2.8 percent of the entire proposed budget for FY 2010-11, while the national average is 6.8 percent. The department is experiencing a \$10 million shortfall for the current fiscal year, Cornelius said. She said the governor's budget proposes general fund appropriation of \$948.131 million. Cornelius said the proposal meets the agency's current operational goals while ensuring public, staff and offender safety. Under the proposal, approximately 800 non-security staff will be moved from the corrections early retirement plan into the state's general retirement plan. Some dental services for offenders, such as routine screenings, are also being reduced because of the budget reductions, she said.

Cornelius said there will be a five percent reduction to the Operations Support Division, which includes information technology, policy and legal services, human resources and financial services.

Assistant Commissioner Tim Leslie, Dept. of Public Safety, said the governor has not recommended any reductions for the public safety budget this biennium.

John Willems, director of the Alcohol

and Gambling Enforcement Division, said the division's budget change item transfers funds from the alcohol enforcement's special revenue account to the general fund. The change item neither increases nor decreases the governor's budget recommendations, he said.

Leslie said Homeland Security and Emergency Management will expend approximately \$81 million in assistance in FY 2009 to more than 300 local governments. John Kerr, deputy director of Homeland Security and Emergency Management, said the division met its goal of submitting presidential emergency declarations within the 30 day timeline. He also said the division completed two nuclear power plant exercises with no deficiencies.

Scott Wiggins, director of the Division of Emergency Communications Networks, said the division is working on implementing a statewide digital radio communications network for state and local emergency responders. He also said there are two budget change items for the division, one relating to switching over to the ARMER (Allied Radio Matrix for Emergency Response) system and one relating to the next generation 911.

Tim O'Malley, superintendent of the Bureau of Criminal Apprehension, said the bureau has two budget change items. The first will return \$1.57 million a year to the trunk highway fund from the general fund, O'Malley said. The second change item will annually appropriate the eight percent DWI reinstatement fee to the bureau's special revenue fund, he said. O'Malley also said that neither of the budget change items will change the base budget amount.

## State and Local Government Operations and Oversight

### Numerous bills heard

The State and Local Government Operations and Oversight Committee, chaired by Sen. Ann Rest (DFL-New Hope), met Mon., Feb. 2, to hear four measures.

S.F. 275, carried by Sen. Dennis Frederickson (R-New Ulm), renames the Minnesota River Basin Joint Powers Board as the Minnesota River Board, clarifies and adds duties for the board, and revises the composition and duties for the advisory committee that serves the board.

Frederickson offered an amendment to clarify language regarding the establishment of an advisory committee. The panel approved the amendment, approved the bill and re-referred the measure to the Environment and Natural Resources Committee.

S.F. 234, sponsored by Sen. Rick Olseen (DFL-Harris), amends both the county planning and zoning law and the Municipal Planning Act to allow the transfer of development rights to be handled by a neutral third party, such as a non-profit, private commercial enterprise, credit union, or privately held commercial bank that does not have a financial interest in the transfer. Dave Whitney, member, Chisago County Planning Commission, said the bill offers a simple solution for sensible land use in Chisago County by effectively preserving open spaces while allowing for more development growth in higher density areas. The committee approved the bill and sent it to the Senate floor.

S.F. 91, authored by Rest, requires the commissioner of finance, in consultation with the commissioners of administration and revenue, to maintain a website with a searchable database providing the public with information on state contracts, state appropriations, state expenditures and state tax expenditures. The bill repeals existing law requiring a searchable database for state contracts and grants, said Rest. Rest also said the bill provides a new level of transparency and accountability to the people of Minnesota. The committee laid the bill over for further additions and amendments.

S.F. 107, also authored by Rest, clarifies and strengthens laws prohibiting misuse of state funds while enhancing penalties and developing best practices for investigations. James Nobles, legislative auditor, Office of the Legislative Auditor, said the bill adds a criminal element for individuals found guilty of misusing state revenue by including a gross misdemeanor penalty punishable by imprisonment or a fine. The committee approved the bill and re-referred the measure to the Judiciary Committee.

### Committee hears five bills

The State and Local Government Operations and Oversight Committee met Wed., Feb. 4, to hear a variety of bills.

S.F. 91, authored by Committee Chair Ann Rest (DFL-New Hope), requires



Moorhead natives Dixie Duncan and her 8-year-old daughter Brynn appear before the Senate Transportation Committee Tues., Feb. 3, in support of legislation requiring the use of booster seats for children up until the age of 8.

Photo by David J. Oakes

the commissioner of finance to maintain a website with a searchable database containing information on state contracts, appropriations expenditures and tax expenditures. The bill repeals existing law requiring a searchable database for state contracts and grants, said Rest.

Rest offered an amendment adding data fields for pending and completed audits of state agencies conducted by the

Office of the Legislative Auditor. The committee approved the amendment, approved the bill and re-referred the measure to the Judiciary Committee.

S.F. 236, carried by Sen. Jim Carlson (DFL-Eagan), designates March 25 as Medal of Honor Day. Carlson said designating March 25 as Medal of Honor Day recognizes the individuals who have served in the military or naval forces of

# Committee update

the United States and have received the Congressional Medal of Honor, the highest honor bestowed upon an individual serving in the Armed Services. He said under the bill, the governor must issue a proclamation honoring the observance each year.

Carlson offered an amendment to the bill, which modifies the effective date of the bill and adds a specific reference to individuals in Minnesota. The committee approved the amendment, approved the bill and re-referred the measure to the Agriculture and Veterans Committee.

S.F. 237, also carried by Carlson, designates the first Sunday in October as Minnesota Fallen Firefighters Memorial Day. Carlson said the bill is meant to honor firefighters who have lost their lives in the line of duty. The measure calls for each American flag and Minnesota flag on the grounds of the Capitol to be flown at half-staff on that day, said Carlson.

The committee approved the bill and re-referred the measure to the Judiciary Committee.

S.F. 76, sponsored by Sen. John Marty (DFL-Roseville), requires conference committee communications and budget negotiations between legislative leaders and the governor to be open to the public. Sen. Jim Vickerman (DFL-Tracy) said the measure would complicate the law-making process and dramatically slow many aspects of business at the Legislature. Sen. Dick Day (R-Owatonna) said the bill has noble intentions, but wouldn't improve the quality of business performed by the Legislature and would likely slow the entire process.

Marty offered two amendments to the bill. One amendment clarifying language related to the discharge of conference committees. The bill also provides that a meeting between the majority leader of the senate and the speaker of the house to set budget targets or negotiate the state budget must be open to the public. The second amendment adds staff involved in negotiations with the governor to be open. The committee approved the amendments, approved the bill and sent the measure to the full Senate.

S.F. 351, also sponsored by Marty, prohibits former Legislators, constitutional officers and agency heads from lobbying for legislature or administrative action for two years after leaving office. Sen. Sandra Pappas (DFL-St. Paul) said retired Legislators make great lobbyists because

of their vast knowledge of the causes they typically lobby for.

The committee approved the bill and sent the measure to the full Senate.

## State Government Budget Division

### Budget presentations heard

The State Government Budget Division, chaired by Sen. Don Betzold (DFL-Fridley), gathered Mon., Feb. 2, for a presentation on internal financial controls for state agencies and to review the governor's proposed budget.

Cecile Ferkul, deputy legislative auditor, Office of the Legislative Auditor (OLA), spoke about internal auditing standards for Minnesota state agencies. While auditing a state agency said Ferkul, the OLA's internal controls assessment is based on three main themes—the agency's ability to prudently use its resources, protect its assets and accurately record its financial transactions. Furthermore, Ferkul said all state agencies are responsible for designing, implementing and maintaining effective internal control systems. Ferkul also said state agencies must provide leadership and direction in setting objectives, assessing risks, and periodically evaluating internal controls. Agencies must provide adequate supervision to ensure that internal controls are operating effectively while developing a plan to strengthen internal controls when weaknesses are detected, said Ferkul. Finally, Ferkul said agencies need to develop a code of conduct for employees with accounting, auditing, financial reporting and tax filing duties. The code would provide governance processes, ensure accountability and ensure accuracy and timely detection of significant internal control deficiencies, said Ferkul.

The committee reviewed the governor's proposed biennial budget for FY 2010-11.

Fiscal Analyst Kevin Lundeen said the governor's proposed budget, which allocates roughly \$33.6 billion in general fund spending, sets top spending priorities and recommends improvements in E-12 education, enhancements in Minnesota's job climate, protection of state public safety programs, maintaining military and veterans programs and increasing government reform and accountability.

The proposed budget calls for a \$2.5 billion dollar reduction in spending,

Lundeen said, including reduced spending in state government agencies under the division's jurisdiction such as the Dept. of Revenue, Dept. of Administration, MN Management and Budget and the Office of Enterprise Technology. He said the budget also calls for a reduction in spending for the Legislature and constitutional offices along with a number of smaller agencies relating to minority affairs councils and the Campaign Finance and Public Disclosure Board. The governor's proposal also recommends a lease-purchase financing program for major IT projects that would spread the development cost and budgetary impact over the life of the project, Lundeen said. The proposal recommends the lease-purchase program as a financing tool that would provide up-front capital for major systems projects in exchange for fixed lease payments over 10 years, he said.

### Minority council budget reductions heard

Members of the State Government Budget Division, chaired by Sen. Don Betzold (DFL-Fridley), met Wed., Feb. 4, to hear a report from the Office of the Legislative Auditor (OLA) on the Council on Black Minnesotans. The panel also discussed the governor's budget recommendations for the minority councils.

Jim Riebe, audit manager, OLA, outlined the findings of the internal control and compliance report performed on the Council on Black Minnesotans.

Riebe said the council did not have adequate internal controls over its payroll process to ensure that it paid employees accurately, recorded payroll transactions properly, and complied with certain payroll procedures. In addition, the council staff did not review key payroll reports and did not control who had backup authorization to approve hours worked and leave taken, said Riebe. He also said the council incurred expenses without adequate documentation to justify the public purposes of the expenses and did not conduct performance reviews of the executive director, as required by statute. Except for payroll, the council's internal controls were generally adequate to ensure that it safeguarded receipts and other assets, accurately paid vendors, produced reliable information and complied with finance-related legal requirements, said Riebe.

Executive Director Lester Collins, Council on Black Minnesotans, said he was concerned and disturbed by the

findings of the audit and would be taking immediate action in response to the recommendations made by the Office of the Legislative Auditor. Collins said the council will more closely monitor all future expenditures and will improve internal controls over payroll and personnel activities.

In response to the five percent operating budget reduction proposed by the governor, Collins said the council would likely reduce salaries and cut the hours of its current employees to offset the decrease. Collins said he would also be in favor of sharing services with other minority councils, but would be opposed to combining with those councils to form a single minority council.

Executive Director Ilean Her, Council on Asian Pacific Minnesotans, said the council would see a total reduction of \$28,000 in FY 2010 and 2011 under the governor's proposal. She said the council would probably reduce its staff to comply with the reduction. Her said she would also be in favor of a possible shared services program and would consider sharing space with other minority councils but would be against combining with any other organization. Finally, Her said the council would also consider some sort of fundraising effort to avoid losing any staff due to the budget reduction.

Executive Director Rogelio Munoz, Council on Chicano/Latino People and Executive Director Annamarie Hill-Kleinhans, Indian Affairs Council, both

said they would consider having their organizations participate in a possible shard services program as a way of cutting costs without losing staff.

## Taxes

### Tax recommendations presented

The Committee on Taxes, chaired by Sen. Thomas Bakk (DFL-Cook), met Thurs., Feb. 5, to hear an overview of the governor's budget recommendations relating to taxes.

Commissioner Tom Hanson, Minnesota Management and Budget, said the governor's top budget priorities are to enhance Minnesota's job climate, improve K-12 education, protect state public safety



Senators Rod Skoe (DFL-Clearbrook) and Linda Scheid (DFL-Brooklyn Park) consult as the Senate Taxes Committee hears a presentation of the governor's budget recommendations Thurs., Feb. 5.

Photo by David J. Oakes

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programs, maintain military and veterans programs and increase government accountability.

The tobacco fund bonds contained in the proposal will create almost \$1 billion to cushion the budget shortfall, Hanson said. "It's better than raising taxes or increasing the spending cuts," Hanson said. He also said the state can assume \$920 million in direct state aid from the federal stimulus package.

Commissioner Ward Einess, Dept. of Revenue, said the governor wants to cut the corporate income tax to stimulate job and economic growth. However, Bakk said cutting the corporate income tax would increase the shortfall by \$400 million.

Einess said the governor recommends a reinvestment tax credit, which is a 25 percent refundable tax credit targeted at small businesses that reinvest in their businesses in 2009. The recommendation is a one-time general fund revenue reduction of \$50 million, he said.

Commissioner Dan McElroy, Dept. of Employment and Economic Development, said the governor recommends the creation of a GreenJOBZ initiative, which will be exclusively for companies that create renewable energy, represent manufacturing equipment used in renewable energy or that create a product that reduces emissions. GreenJOBZ will create \$1.15 million in revenue in FY 2010, McElroy said.

The governor also recommends the creation of a sales tax exemption for qualifying capital investments made by businesses in the state, beginning in 2009, Einess said. Currently businesses must pay the sales tax and then apply for reimbursement, he said. Members of the committee said that providing the exemption up-front provides immediate relief for businesses. Einess also said the governor recommends reducing local government aid by \$77.8 million in FY 2010 and \$168 million in FY 2011.

## Transportation Budget and Policy Division

### Child safety bill gains

The Committee on Transportation, chaired by Sen. Steve Murphy (DFL-Red Wing) met Tues., Feb. 3, to hear four measures.

S.F. 99, carried by Sen. Jim Carlson (DFL-Eagan), requires drivers of vehicles

equipped with seat belts to use approved child passenger restraints for children who are both under eight years-old and shorter than four feet nine inches.

Gail Weinholzer, public affairs for AAA Minnesota/Iowa says that the current statute gives a false impression that children age four to eight are safe with just an adult seat belt. If the majority of parents look to Minnesota law for guidance about how to restrain a child properly, the law should say how to do so, she said. Weinholzer said Minnesota is one of only six states that does not have this specific language in law.

A physician from the Hennepin County Medical Center said that the proper use of child restraints reduces a child's chance of injury 59 percent and reduces the chance of death by 28 percent. Officer O'Neil of the Lakeville Police Department said the bill is not a means to give more citations, but to provide parents with proper and life saving answers about the correct ways to transport their child.

The committee approved the bill on a voice vote and referred the bill to the Committee on Finance.

S.F. 335, carried by Sen. Tom Saxhaug (DFL-Grand Rapids), designates the highway from Virginia to International Falls as Speaker Irv N. Anderson Memorial Highway. No state money will be spent; fundraising efforts will take place to pay for signs, Saxhaug said. The committee approved the bill and sent the measure to the Senate floor.

S.F. 152, carried by Sen. Ray Vandever (R-Forest Lake), prevents the introduction of toll roads on any highway or lane, unless the toll was imposed on or before July 1, 2006. Vandever said that toll roads put an unnecessary burden on Minnesota drivers, limiting the number of people using the lanes.

Nick Thompson, director of the Office of Policy Analysis, Research and Innovation at the Minnesota Department of Transportation, spoke in opposition to the bill. He said the benefits of toll roads include reducing the number of accidents and congestion. He said toll roads are an effective tool to best use the existing capacity of the roads.

The motion to approve the bill and re-refer to the measure to the Committee on Finance did not prevail.

S.F. 47, carried by Sen. Kevin Dahle (DFL-Northfield), removes restrictions on the Dan Patch commuter rail line

planning and development. Dahle said the 2002 legislation restricting planning and development was poor public policy. Janet Williams, mayor of Savage, spoke on behalf of the bill. The committee approved the bill and sent the measure to the Senate floor.

### Members hear MnDOT task force report

The Committee on Transportation, chaired by Sen. Steve Murphy (DFL-Red Wing), met with the House Committee on Transportation Thurs., Feb. 5, to hear a report from the MnDOT Strategic Operations and Management Task Force. The task force was created in 2008 and was established to inform the governor and the Legislature of strategies that will improve efficiency in transportation.

Adam Duininck, task force co-chair, said the task force wants to validate statewide interest in the MnDOT regional structure and allocation process and examine the implications of distributing highway funds through the eight district offices, Duininck said. He also said MnDOT needs to establish and use best practices for maintenance and construction operations. The task force is questioning if the best practices from the design-build concept could be incorporated into other projects at MnDOT, he said.

Task Force Co-Chair Clay Parker said MnDOT needs to provide financial accountability and address issues in the current accounting system. A gap in the accounting system has been recognized and is being examined through the Financial Integrity Gold Standard project, he said. Parker also said the task force would like to see stronger leadership in program management at MnDOT. Training and change process management could help in developing stronger leadership, he said.

Parker said the task force recommended that the MnDOT commissioner and the Legislature sponsor a workgroup to specifically target the topic of validating the statewide interest in MnDOT regional structure and allocation process.

Finally, Parker said the task force recommends that MnDOT be granted authorization to implement pilot projects using different contracting methods. Pilot projects could include bundling similar projects within one MnDOT district into one contract or allowing MnDOT to bulk purchase construction materials for use in many projects at once, he said.

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Minnesota Zoo Naturalist Alex Tasa displays a Solomon Island skink in the Capitol Rotunda Tues., Feb. 10, during the zoo's annual Day at the Capitol.  
Photo by A.J. Olmscheid



February 13, 2009

# Highlights

## Brief session held

Senators met for a brief, workman-like floor session Mon., Feb. 9, to process bills on the Calendar, the Consent Calendar and General Orders.

S.F. 350, sponsored by Sen. Linda Higgins (DFL-Mpls.), was granted final passage on the Consent Calendar. The measure clarifies and updates language in provisions relating to the Peace Officers Standards and Training Board. S.F. 104, carried by Sen. Steve Murphy (DFL-Red Wing), allowing the city of Cannon Falls to use a design-build process to award contracts for construction of a library and fire station, was granted final passage on the Calendar.

Two bills on General Orders were given preliminary passage. S.F. 335, sponsored by Sen. Tom Saxhaug (DFL-Grand Rapids), designates a portion of the highway between the city of Virginia and the city of International Falls as the Speaker Irvin N. Anderson Memorial Highway. S.F. 119, authored by Sen. Ellen Anderson (DFL-St. Paul), transfers funds from the water resources account in the Dept. of Natural Resource to the Lessard Outdoor Heritage Council for start up costs. The funds will be transferred back to the water resources account once revenue is collected from the sales tax authorized by passage of a constitutional amendment last November, Anderson said.

## Heritage Council initial funding gains

The Senate held a brief floor session Thurs., Feb. 12, to process bills, committee reports and bill introductions.

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**Editor/Writer:**  
Karen L. Clark

**Writers:**  
Amanda Lillie  
Justin Thiessen  
Sydne Westorff

**Photographers:**  
David J. Oakes  
A.J. Olmscheid

The members granted final passage to two measures on the Senate Calendar. S.F. 119, sponsored by Sen. Ellen Anderson (DFL-St. Paul), transfers funds from an account in the Dept. of Natural Resources (DNR) to the Lessard Outdoor Heritage Council for the council's initial start-up costs.

S.F. 335, authored by Sen. Tom Saxhaug (DFL-Grand Rapids) designates a portion of the highway between the cities of Virginia and International Falls as the Speaker Irvin N. Anderson Memorial Highway.

Senators, acting as one large Committee of the Whole, granted one bill preliminary passage on General Orders. S.F. 47, sponsored by Sen. Kevin Dahle (DFL-Northfield), removes restrictions on the planning and development of the Dan Patch commuter rail line. Sen. Geoff Michel (R-Edina) said studies have been done that show a commuter rail line is not a viable option in the corridor. However, Sen. Claire Robling (R-Jordan) said the studies were done a decade ago and things have changed, particularly in the growth of counties along the Dan Patch corridor. Sen. Scott Dibble (DFL-Mpls.) said it is unusual to have an outright prohibition on planning in a particular area and the bill simply removes the prohibition.

## Medical marijuana bill gains

The Health, Housing and Family Security Committee, chaired by Sen. John Marty (DFL-Roseville), met Wed., Feb. 11, to hear three bills.

S.F. 97, authored by Sen. Steve Murphy (DFL-Red Wing), allows for the medical use of marijuana. The bill allows a qualifying patient an allowable amount of marijuana, which is 2.5 ounces or 12 marijuana plants, Murphy said. He said the bill requires patients and caregivers to possess registry identification cards. If a cardholder sold their identification card or their medicinal marijuana they could be convicted of a felony, he said.

Dr. George Wagoner said his wife was diagnosed with cancer and passed away in 2007. He said his wife experienced nausea caused by chemotherapy and he knew marijuana would help the symptoms, so he obtained a small amount of the plant. After his wife smoked marijuana, she experienced complete relief of her nausea for over four hours at a time, Wagoner said. "The benefits of the medicinal use of marijuana are well-documented," he said.

Joni Whiting, citizen, said her daughter was diagnosed with melanoma cancer at the age of 24. Whiting's daughter was unable to eat because of the nausea caused by treatment, but once her daughter used marijuana she was able to keep down three meals a day and gain back energy. "I would rather spend the rest of my life in prison than deny her medicinal marijuana to keep the pain at bay and allow her to live 89 more days," Whiting said.

Ryan Rasmussen, citizen, said he is opposed to the bill because he grew up around marijuana and became addicted to it in high school. "I see marijuana as a gateway drug," he said. "I started trading my weed for meth. ... Pot is very addictive and it severely impairs judgment and reaction."

Tom Pritchard, Minnesota Family Council, said he is opposed to the bill because the bill is not specifically restricted to terminally ill patients. He said the bill sends the wrong message to young people and could open up the possibility of a broader acceptance of marijuana in communities throughout the state. Pritchard also said the bill lacks the necessary regulations for dosages and proper use of marijuana.

The bill was approved and referred to the Judiciary Committee.

S.F. 302, sponsored by Sen. Jim Carlson (DFL-Eagan), limits excessive co-payments on drugs that treat multiple sclerosis. The bill does not allow any health plan to assess a co-payment over \$50 per 30-day supply of a multiple sclerosis drug, Carlson said.

Scott Ruhsam, Multiple Sclerosis Society, Minnesota chapter, said that in 2006 multiple sclerosis drugs experienced a 1,200 percent increase in price.

Sandy McCline, a citizen with multiple sclerosis, said that when her prescription price rose from \$17 to \$200 per month, she was forced to sell her home. She said the prices proposed in the bill would make her medication prices more manageable.

Mike Hickey, National Federation of Independent Business, said he is opposed to the bill because it is a mandate, and only 27 percent of the people in the private market are being affected by recent state mandates. "We're really not accomplishing what we think we're accomplishing," he said. "This is a burden you're only really putting on small employers and individuals."



Stating that "I would have no problem going to jail for my suffering child," Joni Whiting tearfully relates the ordeal of her daughter Stephanie's bout with skin cancer, and subsequent 2003 death at the age of 26, to members of the Health, Housing and Family Security Committee Wed., Feb. 11. With committee members considering legislation to legalize the medicinal use of marijuana, Whiting said that her daughter's suffering was significantly eased as a result of using marijuana during the final weeks of her life.

Photo by David J. Oakes

The motion to approve the bill failed. S.F. 203, authored by Sen. Gary Kubly (DFL-Granite Falls), establishes oversight for rural health cooperative arrangements. Properly supervised health care cooperative arrangements will enhance the availability of health care in rural areas, Kubly said.

The bill was approved and re-referred to the Commerce and Consumer Protection Committee.

### Minnesota Health Act gains

The Commerce and Consumer Protection Committee, chaired by Sen. Linda Scheid (DFL-Brooklyn Park), met Tues.,

Feb. 10, to hear the Minnesota Health Act.

S.F. 118, authored by Sen. John Marty (DFL-Roseville), provides health care to all Minnesotans, funded through premiums based on ability to pay and other revenue sources. Marty said approximately 400,000 Minnesotans are currently living without health care. The bill allows Minnesotans to choose their own health care providers and it allows continued coverage even after loss of a job, graduation from college or other current barriers to health care access, Marty said.

Marty said the bill covers all necessary care, including mental health servic-

es, chemical dependency treatment, prescription drugs, medical equipment and supplies, dental care, long-term care and home care services. The only prescription drugs not covered in the bill are those that are advertised directly to consumers, he said. Marty said the bill ensures an adequate number of health care professionals and facilities to guarantee timely access to quality health care. S.F. 118 also reduces health care costs through prevention of illness and efficiency of treatment, Marty said.

Funding for the bill comes from the Minnesota Health Fund, which will receive premiums and other sources of revenue, Marty said. He said that under the bill there are no deductibles, co-payments, co-insurance or other cost-sharing. Marty said the Minnesota Health Plan will cost approximately 20 percent less than what the state is currently spending on health care.

Marty said the bill is effective the day following final enactment and must be operational within two years from the day of final enactment.

Dr. Ann Settgast, internal medicine physician, said she is committed to health care reform because she believes the health care system is flawed. "As a physician, but also as a citizen, I believe that health care is a right," Settgast said. "Health care alleviates human suffering."

Julie Brunner, executive director of the Minnesota Council of Health Plans, said S.F. 118 does not sufficiently address the cost problems of health care. She said there needs to be some way to control the price of health care itself and not just the price of insurance coverage. "A government run system in Minnesota is not the answer," Brunner said. "This is neither the quickest nor the most efficient way to cover all Minnesotans."

Director of Health Policy Stacia Smith, Minnesota Chamber of Commerce, said the Minnesota Chamber opposes a government run health care program and also opposes a business health tax to fund such a program.

The bill was approved on a 7-3 roll call vote and re-referred to the Committee on State and Local Government Operations and Oversight.

# Committee update

## Agriculture and Veterans

### Panel hears report, bill

The Agriculture and Veterans Budget Division, chaired by Sen. Jim Vickerman (DFL-Tracy), met Tues., Feb. 10, to hear a report on the dairy profitability enhancement program and to hear a bill on the veterinarian education loan forgiveness program.

S.F. 132, authored by Sen. Steve Dille (R-Dassel), establishes an education loan forgiveness program for qualifying veterinarians and appropriates money for the loan program. The bill appropriates \$225,000 from the general fund to the commissioner of agriculture in FY 2010 for the large animal veterinary loan forgiveness program, Dille said. He said qualifying applicants must agree to practice for five years in a rural area that is designated as underserved.

The bill allows the commissioner of agriculture to select a maximum of five

applicants each year for participation in the program, Dille said. The commissioner must make annual disbursements of \$15,000, or the balance of the participant's qualifying educational loans, directly to the participant for each year that the participant meets the service obligation.

Dr. Trevor Ames, dean of the College of Veterinary Medicine, U of M, said the 2,500 veterinarians produced by the 28 U.S. veterinary colleges is an insufficient number to meet societal needs. In Minnesota alone, there are 14 counties that do not have a food animal veterinarian, he said. In 2006, it cost nearly \$210,000 to train a veterinary student at the U of M, he said. Ames said the loan forgiveness program gives students a financial incentive to go into food animal veterinary work.

The bill was laid over for possible inclusion in the division's omnibus bill.

Pat Lunemann, president, Min-

nesota Milk Producers Association, said the existing dairy situation is in a state of crisis. Milk producers are currently at the lowest milk-to-feed ratio they have ever seen, Lunemann said. He said 576 producers sent in applications for the livestock investment grant to help offset the costs of dairy operations, and out of the \$1 million that was appropriated for the grants, 38 producers were funded. Approximately 900 jobs were created due to the grant appropriations, he said.

Sadie Frericks, dairy farmer from Melrose, Minnesota, said she and her husband have been dairy farming for almost four years. She said the livestock investment grant allowed she and her husband to spend 10 percent less on improvements to their farm.

"We at Minnesota Milk believe the livestock investment grant should be fully funded," Lunemann said. For each dollar that was invested through the program last year, there was a \$75 return, he said.



Senators Warren Limmer (R-Maple Grove), left, and David Senjem (R-Rochester) consult during the Senate's Mon., Feb. 9, floor session.

Photo by David J. Oakes

## Business, Industry and Jobs

### Manufacturers' presentations heard

The Business, Industry and Jobs Committee, chaired by Sen. James Metzen (DFL-South St. Paul), met Mon., Feb. 9, to hear reports from Enterprise Minnesota and the Central Minnesota Manufacturers Association.

Bob Kill, president and CEO of Enterprise Minnesota, said Enterprise Minnesota and Public Opinion Strategies conducted a survey of 400 Minnesotan manufacturers. Seventy-nine percent of manufacturers felt confident about the future of their firms, despite the fact that 56 percent of them said they were experiencing a recession, Kill said. He also said manufacturing executives are expecting their positions to require more years of education.

Les Engel, president of Central Minnesota Manufacturers Association (CMMA), said CMMA projects 3,500 new jobs in the state by 2014. Ninety percent of the 3,500 jobs will be in Central Minnesota, Engel said. He said the association recommends that state unemployment compensation laws be reformed to match federal laws, that the corporate income tax be reduced to 7.9 percent or lower, that there be upfront sales tax exemption on capital equipment and that workers compensation laws be reformed.

## Commerce and Consumer Protection

### Committee hears presentations

The Committee on Commerce and Consumer Protection met Thurs., Feb. 12. The panel, chaired by Sen. Linda Scheid (DFL-Brooklyn Park), heard a presentation from the Minnesota Comprehensive Health Association (MCHA) and a presentation on occupational licensing.

President Lynn Gruber, MCHA, provided an overview of the association. Gruber said MCHA was created in 1976 and its mission is to give Minnesotans with pre-existing health conditions an option for health assurance. MCHA also covers special needs children, patients with HIV, spouses and children of employees working for employers who do not provide dependent health coverage and Minnesotans who have lost their jobs and qualify for coverage, she said. Gruber

said the association currently has 28,000 enrollees.

Gruber said MCHA's losses will equal \$150 million in 2009. The losses for 2009 are triple that of 10 years ago in 1999, she said. "We don't think we can go on much longer with the funding formula...from the 1970s," Gruber said.

Mike Hickey, National Federation of Independent Business (NFIB), said it is troubling that small employers and individuals are paying more for MCHA than large employers are paying. Stacia Smith, director of Health Policy for the Minnesota Chamber, said the chamber does not think terminated employees should receive MCHA coverage simply because they cannot afford COBRA health insurance. She also said there needs to be broader funding for MCHA.

Dr. Morris Kleiner, U of M, Humphrey Center, presented information on occupational licensing. Kleiner, who wrote a book about occupational licensing, said that some licenses require internships, continuing education, or exams for a person to obtain and keep his or her license.

Kleiner said licensing can impact consumers by increasing prices from four to 35 percent. The economic loss of licensing is between \$34.8 and 41.7 billion each year, Kleiner said. He said the estimated loss is less than one-tenth of one percent of total national consumption expenditures annually. He also said the estimated loss for Minnesota was approximately \$1.1 billion in 2003. Occupational license legislation needs to be drafted and passed carefully so as not to create monopolies while trying to protect consumers, he said.

## E-12 Education Budget and Policy Division

### Education bills heard

The E-12 Education Budget and Policy Division met Tues., Feb. 10. The panel, chaired by Sen. LeRoy Stumpf (DFL-Plummer), heard three bills.

S.F. 142, authored by Sen. Katie Sieben (DFL-Newport), allows ISD # 200, Hastings, to participate in the alternative facilities bonding and levy program. Fiscal Analyst Eric Nauman said the bill allows the financing of school facilities in the district. Hastings does not qualify for debt service aid under the current law, so the

revenue would come entirely from local taxpayers, Sieben said.

Superintendent Tim Collins, Hastings, said \$140,000 in building allocations is spent annually between the four schools in the district, thus \$35,000 is available for desk, chair and carpet replacement, among other maintenance costs, for each school. Collins also said \$500,000 for textbooks is spent annually between the four. If the \$12 million bond passes, \$4.971 million would be spent on the Hastings middle school, \$1.885 million on JFK Elementary, \$1.234 million on Pinecrest Elementary and \$1.178 on Christa McAuliffe Elementary, Collins said.

Collins said that since voters in the district have voted no on the bond twice already, he advised the board to bond for \$4 or 5 million for roof maintenance before bonding the entire \$12 million.

The bill was approved and laid over for possible inclusion in the division's omnibus bill.

S.F. 68, carried by Sen. Gary Kubly (DFL-Granite Falls), allows ISD #2853, Lac Qui Parle, to permanently transfer \$220,660 from its debt redemption fund to the general fund without a levy reduction. The bill was approved and laid over for consideration for the omnibus bill.

S.F. 327, sponsored by Sen. Amy Koch (R-Buffalo), allows staff development funds to be spent on CPR training, automatic external defibrillator training and first aid training, with an option for certification, for teachers.

Kelly Capouch, mother of two children who attend elementary school in Saint Michael, said her son had an accident on the playground in 2007 after which he was sent home. Capouch said she took her son to the hospital and discovered he had two broken wrists and a sprained leg. Because of the accident, Capouch said she wants to see legislation passed that requires teachers to have first aid training.

The bill was laid over for consideration for the omnibus bill.

## Panel discusses three bills

The E-12 Education Budget and Policy Division, chaired by Sen. LeRoy Stumpf (DFL-Plummer), met Wed., Feb. 11, to hear three bills.

S.F. 344, authored by Sen. Michael Jungbauer (R-East Bethel), continues the compensatory revenue pilot project program for certain school districts and

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appropriates money for the program. The bill is already built into the budget forecast at \$2.175 million in both FY 2010 and FY 2011.

Laurie Resch, Anoka-Hennepin elementary curriculum director, said that because of past revenue from the program students are able to engage in small group learning every day of the week instead of two or three days per week. Resch said the funds have also allowed for staff development activities.

The bill was laid over for possible inclusion in the division's omnibus bill.

S.F. 86, sponsored by Sen. Terri Bonoff (DFL-Minnetonka), modifies alternative teacher pay calculation for intermediate school districts. The bill puts an end to basing alternative teacher compensation aid on \$260 multiplied by the number of students enrolled in the school and establishes that compensation aid be based on \$3,800 multiplied by the number of licensed teachers teaching in the school, Bonoff said.

Mike Smart, teacher with Intermediate School District #287, said that since the current system awards funds based on student enrollment, intermediate school districts are being left behind. He said the passage of the bill will allow intermediate schools to be functionally involved in Q-Comp with other schools throughout the state.

The panel discussed administrative details in the bill, including how to prevent double funding in situations where teachers or students teach at or attend both intermediate and independent school districts. The bill was laid over for further refinement.

S.F. 343, carried by Jungbauer, expands the alternative compensation revenue program for school districts and increases property tax levies. Eligible school districts may levy an amount of up to \$65 per student, Jungbauer said.

Randy Keillor, student performance improvement program coordinator at ISD #15 and advocate of the bill, said his school district used Q-Comp to increase teachers' starting salary by 20 percent, recruit and hire new teachers and to build a support system for staff. He said that if the Legislature's goal is to reform steps and lanes, then a static amount of money will not support the goal over a number of years.

Fiscal Analyst Eric Nauman said the levy would cost approximately \$5 million

in FY 2011, \$13 million in FY 2012 and \$16 million in 2013.

The bill was laid over for possible inclusion in the omnibus bill.

## Panel hears TIMSS presentation

The E-12 Education Budget and Policy Division, chaired by Sen. LeRoy Stumpf (DFL-Plummer), met Thurs., Feb. 12, to hear recommendations from the Trends in Mathematics and Science Study (TIMSS).

Dr. William Schmidt, SciMath Minnesota, said that in the 2007 study, fourth graders in Minnesota scored higher in mathematics than other students in many European countries, and fourth graders also scored just under students in Japan and Hong Kong. Minnesota students' scores jumped from 516 to 554 from 1995 to 2007, he said. Schmidt said that eighth grade students' math scores also gained from 1995 to 2007, but not enough to be statistically significant.

Schmidt said the 2007 TIMSS fourth grade test focused primarily on basic concepts like numbers and geometry and less on data or using fractions. The eighth grade test, however, focused more on algebra, geometry and numbers, he said. Schmidt said the gains in test scores since 1995 might be due to teachers shifting their focus and teaching more basic concepts in fourth grade and introducing fractions, equations and algebra at a later age when the students already understand basic math.

Schmidt said he believes there should be national standards for math and science. "If we don't have that we are essentially creating a hugely inequitable system," he said. Schmidt also said improvements in teacher preparation are needed in Minnesota.

## Economic Development and Housing Budget Division

### Budget reports heard

The Economic Development and Housing Budget Division, chaired by Sen. David Tomassoni (DFL-Chisholm), met Mon., Feb. 9, to review the budgets of the Public Facilities Authority, the Board of Barber and Cosmetologist Examiners and the Dept. of Employment and Economic Development.

Terry Kuhlman, executive director, Public Facilities Authority, said the

authority is comprised of the commissioners of six state agencies and serves to finance local government infrastructure projects. Kuhlman said the Public Facilities Authority provides funding through low interest loans and grants for infrastructure projects, primarily clean water and drinking water systems. He said the Public Facilities Authority has statutory authority to sell up to \$1.5 billion in tax-exempt revenue bonds. Kuhlman said the authority targets limited resources to high priority projects identified by regulatory agencies through their project priority lists.

The economic stimulus bills working their way through Congress would direct most of the funding for wastewater and drinking water infrastructure through the clean water and drinking water revolving funds, Kuhlman said. He said the authority is seeking appropriations from dedicated clean water sales tax revenues for three infrastructure programs—the small community wastewater treatment program, total maximum daily load grant program and the phosphorus reduction grant program.

Gina Stauss Fast, executive secretary, Board of Barber and Cosmetologist Examiners gave a brief overview of the board and the governor's budget recommendation. Fast said the board is responsible for licensing and regulating individual, establishment and school licenses for a variety of cosmetology and barbering related fields. Currently, she said the board regulates 28 different types of licenses and registrations, which include 31,000 individuals and 7,000 establishments.

Fast said the number of licensees is increasing by about 10 percent a year, while the number of licensees who do not renew is about four percent a year. She said the board serves barber and cosmetology customers by licensing only those individuals, establishments and schools that meet established educational, examination and other requirements. The board also investigates complaints regarding barber and cosmetologist care and initiates corrective or disciplinary action, if necessary.

Fast said the board collects about \$1.55 million in revenue from license fees, which is returned to the general fund. She said the governor recommends that the board establish new fees for a lapsed license, revoked license, duplicate licenses and letters of verification. The new fees

would generate about \$90,000 each fiscal year, Fast said.

Commissioner Dan McElroy, Dept. of Employment and Economic Development (DEED), presented an overview of the department and reviewed the department's budget proposal. McElroy said the department's aim is to support the economic prosperity of individuals, business and communities by improving opportunities for growth. He said DEED's goals center on creating and retaining jobs, cultivating entrepreneurs, enhancing community vitality, strengthening the workforce, fostering self-sufficiency and addressing economic change. McElroy said 68 percent of DEED's funding is from federal sources, 13 percent is from the workforce development fund, 11 percent from the general fund, six percent from a special revenue fund and two percent from the petroleum tank release cleanup fund.

McElroy said DEED has three operational divisions—unemployment insurance, workforce development and business and community development. In the area of business and community development, McElroy said, the department made over 700 direct contacts with companies to encourage growth and expansion, which resulted in 37 expansions with 1,800 new jobs. He said that in the entrepreneurship and small business development program area the agency helped create over 6,000 jobs through direct services. JOBZ and created 6,392 new jobs between 2004 and 2007 through 315 projects, McElroy said. He said the Minnesota investment fund and the urban initiative program combined \$5.8 million to leverage \$169 million in private investment in 2007. The Minnesota Trade Office saw Minnesota manufactured exports reach a record high in 2007 and exports to China have increased 77 percent since 2005, McElroy said.

McElroy said the unemployment insurance program area provides an economic stabilizer in times of economic downturn. He said that in 2008, approximately 214,000 Minnesotans were paid just over \$1 billion in unemployment insurance benefits. Under current economic conditions, the fund will remain solvent through the first quarter of 2010, he said.

In the area of workforce development, the Minnesota job skills partnership program trained more than 13,000 workers and leveraged nearly \$24 million in 2007, McElroy said. Youth programs

provided services and training for approximately 10,000 of the state's neediest youth per year, he said with a return of \$3.65 for every dollar invested. Other programs include vocational rehabilitation, services for the blind, independent living, extended employment and disability determination, McElroy said.

### Budget reviews continue

The Economic Development and Housing Budget Division, chaired by Sen. David Tomassoni (DFL-Chisholm), met Wed., Feb. 11, to discuss the budget proposals for the Dept. of Labor and Industry, the Minnesota Board of Tourism, the Minnesota Arts Board and the Minnesota Humanities Center.

Commissioner Steve Sviggum, Dept. of Labor and Industry, provided a brief overview of the department. Sviggum said the department administers laws related to employment, apprenticeship, workplace safety, workers compensation and the construction of buildings. "The department provides training and other resources to customers, promulgates construction codes, reviews workers compensation claims, provides vocational rehabilitation services and issues professional licenses and certifications," Sviggum said.

Sviggum said the Safety and Workers Compensation Division helps employees injured on the job to receive proper medical treatment and benefit payments in a timely manner, mediates disputes about injuries and benefits and reviews records to ensure state laws are followed. The Workers Compensation Division has a biennial budget of \$159.038 million, Sviggum said. The department also enforces the Minnesota Occupational Safety and Health Act to ensure safe and healthful working conditions, Sviggum said. He said the Construction Codes and Services Division advises the public and enforces laws, rules and regulations regarding construction codes and licensing and has a biennial budget of \$62.014 million. Sviggum said the labor Standards and Apprenticeship Division provides outreach and education to employers about labor laws and regulates and promotes apprenticeship programs. Finally, Sviggum said the General Support Division supports agency operations through communications, financial management, research and statistics, legal advice and litigation.

Cecelia Jackson, director of financial services, reviewed the change items in the

governor's budget proposal. Jackson said the governor is proposing fee increases in the Construction Codes and Services Division to help recover costs associated with licensing, fee increases for building permits and plan reviews, elimination of a construction codes transfer and a reduction in the agency's operating budget.

John Edman, director, Explore Minnesota Tourism Board, said the leisure and hospitality industry generates \$11 billion in gross sales annually. He said tourism is responsible for about \$679 million in sales tax revenue and over 247,000 jobs. He said the board's mission is to promote travel to and within the state of Minnesota. Edman said the board's goals include increasing the number of resident and nonresident travelers in the state and increasing leisure and hospitality employment in Minnesota. Explore Minnesota Tourism is organized into four areas—communications, industry relations, marketing and research and operations and consumer services, Edman said.

Edman said Explore Minnesota Tourism has received the Travel Industry of America Associations' Odyssey Award twice in the last two years. The agency has a \$10.06 million operating budget, \$500,000 in public private incentive funding and \$650,000 in the snowbate film jobs production program, Edman said. He said the governor's budget recommendation include a \$1.113 million reduction in base funding in each fiscal year. He said the snowbate program, which provides incentives for the film industry, will have about \$100,000 less each year.

Edman said even though consumer confidence is at a low, consumers still need a break. He said the agency is changing its marketing strategy to emphasize value, connecting with others, maintaining balance in life and making memories. He said the agency will be altering its message to encourage travelers to "take a break" and promoting the importance of vacations as a way to relieve stress.

Sue Gens, interim executive director, Minnesota Arts Board, said 67 percent of Minnesotans participated in an arts activity within the past year and 82 percent of Minnesotans believe public funding for the arts and cultural activities help to make them affordable and accessible to all. In addition, Gens said 94 percent of all Minnesotans believe that arts and cultural activities make the state an attractive place to live and work.

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She said the arts are part of a creative economic development strategy and that nonprofit arts are a \$1 billion industry.

Gens said the board is comprised of 11 members appointed by the governor and uses advisory committees made up of volunteers to review grants. In addition, Gens said the board is responsible for distributing funds through 11 regional arts councils.

The governor's budget proposal reduces the grant programs from \$13.234 million to \$6.7 million for the FY 2010-2011 biennium, the operations and services of the board are reduced from \$1.292 million to \$658,000 and the regional arts councils are reduced from \$5.916 million to \$2.969 million. She said the budget proposal reduces general fund appropriations by 33 percent in FY 2010 and 66 percent in FY 2011 and then transitions the Minnesota Arts Board from state government into a private nonprofit agency.

Gens said the board has been involved in planning the best way to

serve the citizens of the state within state government and as a private nonprofit organization. She said the board is also considering the possibility of funding through the Legacy Amendment passed last fall.

Stanley Romanstein, president of the Minnesota Humanities Center, said the humanities center has a statewide reach and is well recognized throughout the country. Romanstein said the center works with schools to strengthen literacy and close achievement gaps, strengthens the work of dozens of small cultural centers and leverages funds from corporations, the federal government and foundations. He said a 2007 appropriation of \$500,000 delivered \$7.1 million in economic impact—\$5.6 million in additional funds and \$1.5 million in additional community economic activity.

Romanstein said the governor's budget proposal eliminates funding for the Humanities Center. He said funding for lifelong learning programs for retired

adults, indigenous culture and language preservation assistance and authors in communities events have all been suspended. In addition, the Humanities Center is also preparing to close the Humanities Center's meeting and event center, Romanstein said. He said that although the general fund appropriation is small, the effect is multiplied by the elimination of federal matching funds. Romanstein said private foundations have said if the public funding is eliminated the Humanities Center is no longer a public-private partnership.

## Energy, Utilities, Technology and Communications

### Wind energy bills approved

Members of the Energy, Utilities, Technology and Communications Committee met Tues., Feb. 10, to hear three bills related to wind energy.

S.F. 400, authored by Sen. David Tomassoni (DFL-Chisholm), authorizes



From left, Senators Tarryl Clark (DFL-St. Cloud), Steve Dille (R-Dassel) and Paul Koering (R-Fort Ripley) enjoy a lighter moment during the Senate's Mon., Feb. 9, floor session.

Photo by A.J. Olmscheid

the Mountain Iron Economic Development Authority to form or become a member of a limited liability company. The bill permits the authority to develop a community-based energy development project while also allowing the authority to acquire a leasehold interest in property outside its corporate boundaries, said Tomassoni.

The committee, chaired by Sen. Yvonne Prettner Solon (DFL-Duluth), adopted an amendment preventing Mountain Iron from selling, transmitting or distributing the electrical energy produced at the facility to an off-site facility. The bill was approved and re-referred to the Business, Industry and Jobs Committee.

S. F. 316, carried by Sen. Dan Skogen (DFL-Hewitt), provides a tax credit for small wind power generator installations. The credit is equal to 35 percent of the total cost of installation for a small wind generator and applies to individuals who install a wind generator purchased after Dec. 31, 2006, said Skogen.

Dan Matfeld, general manager, Residential Wind Power, Inc., said the bill provides an excellent incentive program for residential home owners and small businesses to pursue renewable energy resources. The wind turbines, which would be utilized as a supplemental form of energy, would back-feed power to the utility power grid during times of low consumption, said Matfeld. Matfeld said the energy fed back to the power grid from the wind generator will be credited back to the individual owning the generator supplying the energy. Finally, Matfeld said the bill will likely increase jobs in businesses that manufacture and install small wind generators.

The committee approved the bill and re-referred the measure to the Taxes Committee.

S.F. 512, sponsored by Sen. Julie Rosen (R-Fairmont), provides a tax credit for a small wind turbine investment. The bill allows an individual taxpayer credit, not to exceed \$1,500, equal to 30 percent of the amount paid during the taxable year for qualifying small wind energy property placed in service during the taxable year, said Rosen. Rosen said a qualifying small wind energy property is one that uses a small wind turbine to generate electricity for a residence or farm.

Rosen offered an amendment specifying that the qualifying small wind energy property must be located in Minnesota.

The committee approved the amendment and the bill and re-referred the measure to the Taxes Committee.

### Greenhouse gas bill heard

The Energy, Utilities, Technology and Communications Committee, chaired by Sen. Yvonne Prettner Solon (DFL-Duluth), met Thurs., Feb. 12, to hear both a report and a bill related to greenhouse gas emissions.

David Thornton, assistant commissioner, Pollution Control Agency, said Minnesota

is roughly on track to meet the 2015 greenhouse gas (GHG) reduction goal that was established in the 2008 Legislature. Thornton said there are several actions that have or will play a particularly significant role in helping to reduce the state's GHG emissions, including the conservation improvement program, the renewable energy standard, the metropolitan emission reduction project, and the Midwest Governors Association Greenhouse Gas Accord.

Other keys to meeting the GHG reduction goals include improvements in energy efficiency standards for retail products, increased use of renewable electricity, advanced coal and carbon capture and enhanced renewable standards for transportation fuels, said Thornton. Furthermore, Thornton said Minnesota should coordinate climate change actions with "green" job initiatives to maximize job creation in the state while also advocating for federal regulation to reduce GHG emissions from motor vehicles. Finally, Thornton recommended that Minnesota investigate infrastructure needs for supporting electric vehicles. He said the state may want to consider lifting the statutory ban on new nuclear energy facilities to allow for consideration of next generation nuclear technology to meet future energy needs.

S.F. 444, authored by Prettner Solon, establishes a system for reporting and maintaining an inventory of greenhouse gas emissions. The system, which would be regulated by the commissioner of the pollution control agency, will be put in place as a reasonable means of measuring the progress in meeting the GHG emissions reduction goals established by the Legislature, said Prettner Solon.

Charles Dayton, Minnesota Center for Environmental Advocacy, said the bill develops a comprehensive GHG emissions

and tracking inventory system that can be appropriately integrated with any future GHG mandatory reporting expected from the United States Environmental Protection Agency.

The committee approved the bill and re-referred the measure to the State and Local Government Operations and Oversight Committee.

## Environment and Natural Resources

### Wild rice, forest reports heard

The Committee on Environment and Natural Resources, chaired by Sen. Satveer Chaudhary (DFL-Fridley), met Mon., Feb. 9, to hear reports from the Department of Natural Resources and the Minnesota Forest Resources Council.

Director Ed Boggess and Ray Norrgard both from fish and wildlife, DNR, reported on the natural wild rice study. The study includes the current location, estimated acreage and area of natural stands, the potential threats to natural stands, and six recommendations for protecting and increasing natural wild rice stands in the state. Norrgard said the range of natural wild rice today includes 55 counties, which support a minimum of 64,328 acres of natural wild rice when growing conditions are favorable. Today, there is a complex mix of tribal, federal, state, and local laws and regulations associated with the formal recognition of the significance of natural wild rice and its protection, management, and harvest, he said.

Executive Director Dave Zumeta and Calder Hibbard, policy analyst, for the Minnesota Forest Resources Council presented the 2008 report on the implementation of the Sustainable Forest Resources Act. Zumeta said the four program areas of focus for the Council are forest policy initiatives, resource management, monitoring forest resources and practices, and research. The report also outlines major accomplishments.

Calder Hibbard expanded on the four major policy areas the council is focusing on. The first is forest land parcelization and development; second, forest biomass and biofuels harvest; third, forest carbon sequestration; and forth, threats to forest health. Zumeta concluded by stating the council's approach to prevention and research integrates the needs of urban forests as well as rural wilderness.

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As the names of domestic violence victims are recited, Chisago County Refuge Network's Stefanie Morrison places a symbolic memorial rose in a vase during a ceremony, sponsored by the Minnesota Coalition for Battered Women, in the Capitol rotunda Wed., Feb. 11.

Photo by David J. Oakes

## Greenhouse gas goals bill okayed

Members of the Environment and Natural Resources Committee devoted the lion's share of the Wed., Feb. 11, meeting to discussion of a bill setting forth greenhouse gas reduction goals and strategies. The committee, chaired by Sen. Satveer Chaudhary (DFL-Fridley), also approved a bill aimed at protecting children from harmful chemicals.

S.F. 549, authored by Sen. Scott Dibble (DFL-Mpls.), adds greenhouse gas reduction goals and strategies to various state and metropolitan programs and plans. Dibble said the bill also establishes goals for per capita reductions in vehicle miles traveled to reduce greenhouse gases.

Dibble said that changes in development patterns are needed for Minnesota to achieve the greenhouse gas reduction goals set in statute. He said the bill attempts to set policies and strategies to improve land use planning and development practices that target growth in ways that reduce the number and length of vehicle trips in order to meet the goals. Dibble said that what has worked in the past no longer works in planning development.

"We need to make changes and to make use of the existing infrastructure more efficiently and effectively," Dibble said.

Dibble said the bill authorizes grants to local units of government for changes in municipal ordinance that will encourage development patterns that support providing citizens with safe and convenient transportation alternatives, increasing the quantity and quality of wetlands, wildlands, lakes and rivers, increasing physical activity through community design changes and expanding lifecycle housing opportunities for all income levels.

The bill also requires that environmental assessment worksheets, environmental impact statements, alternative urban area reviews or other environmental reviews identify and consider alternatives and mitigation measures that will reduce, eliminate or offset any greenhouse gas emissions resulting from the project.

Dibble said the bill also contains provisions requiring the Dept. of Transportation and the Metropolitan Council to include policies designed to reduce the number of vehicle miles driven in plan-

ning documents. In addition, local units of government are required to identify strategies to reduce the number of vehicle miles driven in their comprehensive plan amendments.

John Bailey, 1000 Friends of Minnesota, speaking in support of the measure said the bill sets a policy framework for Minnesota. Chuck Dayton, Minnesota Climate Change Advisory Group, and Julian Marshall, associate professor of Environmental Engineering at the University of Minnesota, also spoke in support of the bill, particularly the provisions aimed at reducing vehicle miles driven and including transportation options such as biking, mass transit and pedestrian ways. John Jaschke, Board of Water and Soil Resources spoke on the provisions requiring the inclusion of carbon sequestration in determining the public values of wetlands.

Representatives from the Association of Minnesota Counties, the League of Cities and the Metropolitan Counties Association said their associations were concerned about the provision in the bill requiring environmental assessment worksheets, environmental impact statements, alternative urban area reviews or other environmental reviews to identify and consider alternatives and mitigation measures that will reduce, eliminate or offset any greenhouse gas emissions resulting from the project. They said the provision could prove both costly and cumbersome. Sen. Steve Dille (R-Dassel) offered an amendment to delete the provision. The amendment was adopted.

Members approved the bill and advanced the measure to the Energy, Utilities, Technology and Communications Committee.

Members also considered a bill phasing out the use of bisphenol-A in products for small children such as plastic baby bottles and sippy cups. S.F. 247, authored by Sen. Sandy Rummel (DFL-White Bear Lake), prohibits manufacturers from selling new children's products that contain bisphenol-A after Jan. 1, 2010 and infant formula containers that contain the chemical after Jan. 1, 2013. Rummel said that bisphenol-A has been shown to be an endocrine disrupter and that the aim of the bill is to protect very young children.

Members adopted an amendment specifying that "children's product" does not include food or beverage products contained in a can, except those used to contain infant formulas. The bill was

approved and re-referred to the Business, Industry and Jobs Committee.

## Environment, Energy and Natural Resources Budget Division

### Bonding bill, DNR budget reviewed

Members of the Environment, Energy and Natural Resources Budget Division met Thurs., Feb. 12, to hear a bonding bill and review the governor's budget recommendations for the parks and trails division of the Department of Natural Resources (DNR).

S.F. 55, carried by Michelle Fischbach (R-Paynesville), changes the name of the recipient for a parks appropriation in Stearns County. The bill appropriates a grant of \$492,000 to Stearns County to acquire 23 acres of land adjacent to Warner Lake Park to serve as part of the Central Minnesota parks and trails.

The committee approved the bill and referred the measure to the full Finance Committee.

Commissioner Mark Holsten, Department of Natural Resources, said the governor is recommending an annual appropriation of \$470,000 to support a proactive, coordinated outreach effort to engage young adults, families, youth and minorities in Minnesota's great outdoors. Currently, the DNR manages 67 state parks, 54 state forest campgrounds and 21 state trails, encompassing 1,266 miles of developed, multi-use trails, said Holsten. Holsten said the proposal seeks to build on and extend high-quality outdoor recreational opportunities to the 1.5 million Minnesotans who visit state parks each year.

The governor's budget also recommends \$6.536 million in FY 2010 and \$13.642 million in FY 2011 be appropriated to the DNR from the Parks and Trails Fund. Holsten said the change is necessary to implement the parks and trails portion of the Clean Water, Land, and Legacy amendment to Minnesota's Constitution, which dedicates an increase of three eights of one percent of the state sales tax to clean water, habitat, arts and parks and trails. The DNR will use the funds to renew, restore and rehabilitate state parks and state trails and to enhance visitor services and outreach, said Holsten. Holsten said the governor is

also recommending appropriating \$4.128 million in FY 2010 and \$8.616 million in FY 2011 to the DNR from the parks and trails fund for grants for regional parks and trails in accordance with the Clean Water Constitutional amendment. Of this amount, 24 percent will be used for grants for regional parks and trails statewide, said Holsten.

Finally, the governor is proposing an annual increase of \$1.4 million from the water recreation account in the natural resource fund to enable the DNR to meet the public demand for water access facilities. Holsten said the additional funds will help the DNR meet critical water recreational needs such as maintaining public water accesses, restoring shorelines, providing downloadable global positioning system waypoints and interception of river level gauge information. The proposal also adds roughly 70 docks and repairs 150 boat ramps to public waters around the state, which ranks first in the nation for number of boats per capita. Minnesotans are driving larger, more powerful boats, and public facilities are needed to provide more suitable access for these boats, especially on larger lakes and heavily used sites, said Holsten.

## Health, Housing and Family Security

### Committee approves four bills

The Health, Housing and Family Security Committee, chaired by Sen. John Marty (DFL-Roseville), gathered Mon., Feb. 9, to hear four measures ranging from a bill modifying the definition of doula services to extending the moratorium on radiation therapy facility construction.

S.F. 401, authored by Sen. Sandra Pappas (DFL-St. Paul), modifies the definition of doula services to mean continuous emotional and physical support throughout labor and birth and intermittent emotional and physical support during the prenatal and postpartum periods.

Pappas offered an amendment to remove a section requiring health care providers to supply information on pain relief and medical interventions as part of prenatal care. The committee approved the amendment and the bill and sent the measure to the full Senate.

S.F. 213, carried by Sen. Sharon Erickson Ropes (DFL-Winona), permits WIC coupons to be used to purchase

organic foods. Erickson Ropes said the bill allows a healthier variety of food to be available to individuals using the coupons.

Erickson Ropes offered an amendment establishing the commissioner of health as the individual responsible for evaluating the list of WIC allowable foods. The committee approved the amendment and the bill and sent the measure to the full Senate.

S.F. 245, sponsored by Sen. Linda Berglin (DFL-Mpls.), provides equal access to a licensed acupuncture practitioner for acupuncture services covered under a regulated health plan. Speaking in opposition to the bill, Phil Griffin, Minnesota Council on Health Plans, said the bill would increase the cost of health care premiums because it increases the number of services that are required to be covered under certain health care plans.

Berglin offered an amendment to remove provisions citing the measure as the Equal Access to Acupuncture Act and as a memorial to Edith R. Davis. The amendment and the bill were approved by the committee and re-referred to the Committee on Commerce and Consumer Protection.

S.F. 162, also sponsored by Berglin, extends the moratorium on radiation therapy facility construction in 14 counties until 2014. Dr. Irv Lerner, Minnesota Oncology, said the Legislature extended the moratorium by two years last session and should revisit the issue next session after all interested parties have had a full three years to find a workable solution to the moratorium.

The committee approved the bill and sent the measure to the full Senate.

## Health and Human Services Budget Division

### Small boards budget proposals heard

Members of the Health and Human Services Budget Division assembled Mon., Feb. 9, to continue the page by page analysis of the governor's budget proposal.

Executive Director Randy Snyder, Board of Examiners for Nursing Home Administrators, spoke on the governor's budget recommendations for to the board. The budget proposes allocating \$201,000 in FY 2010 from the state government special revenue fund to the administrative services unit (ASU) to pay for retire-

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ment costs in the health related boards. The budget also recommends allocating \$172,000 to the ASU for a legal analyst position. Snyder said the fund allocation will allow ASU to support the health related licensing boards, especially the smaller ones without specialized staff, by providing legal assistance, particularly for legal drafting services. Finally, the governor's budget proposes allotting \$38,000 to the ASU for an increase to the volunteer health care provider program. The funding will be used to purchase medical professional liability insurance for health care providers who are registered with the program and who are not otherwise covered by a medical professional liability insurance policy.

Rene Cronquist, assistant director, Minnesota Board of Nursing, said the governor's budget made only one recommendation for the nursing board, proposing an appropriation of \$144,000 for an additional legal analyst to assist with the processing of complaints, primarily for drafting legal documents necessary to resolve open cases.

Dr. Larry Spicer, executive director, Minnesota Board of Chiropractic Examiners, said the governor recommends that the Board of Chiropractic Examiners fees be increased in the amount of \$79,000 in FY 2010 and \$79,000 in FY 2011. The charge will allow the board to recover costs to fulfill its mission to protect the health and safety of the public, Spicer said. Dr. John King, executive director, Veterinary Medicine Board, said the governor also recommends a fee increase to the veterinary board in the amount of \$107,000 in both FY 2010 and 2011.

Representatives from the Board of Social Work and the Dietetics and Nutrition Board both said the governor recommends fee reductions for their respective boards. Furthermore, the governor's budget also proposes a five percent reduction in the general fund budget for the Council on Disability, Ombudsman for Mental Health and Developmental Disabilities and the Ombudsperson for Families.

Christine Kiel, legislative liaison, Veterans Affairs Department, said the governor is proposing an increase of \$980,000 for both FY 2010 and 2011 to support the information technology needs of the department. The budget also appropriates \$2.5 million for repair and betterment projects for the five state run veterans homes and recommends an increase of \$5.2 million to the department

to maintain current service levels. Finally, the governor is proposing an increase of \$220,000 in each fiscal year to the mental health program at the Hastings Veterans Home, said Kiel. Kiel said the funds will allow the Hastings facility to expand their mental health program to meet the increased need for psychiatric care by adding two additional staff members and providing annual mental health training.

## Mental health, chem dep budgets heard

The Tues., Feb. 10, meeting of the Health and Human Services Budget Division, chaired by Sen. Linda Berglin (DFL-Mpls.), was devoted to reviewing the budgets of the Dept. of Human Services mental health and chemical dependency programs.

Assistant Commissioner Read Sulik said the chemical and mental health services have four divisions—adult mental health, children's mental health, alcohol and drug abuse and state operated services. He said the budget proposes to save \$5.3 million by delaying new Medical Assistance (MA) coverage for children's treatment foster care. Sulik said part of the savings will go toward reducing the budget shortfall and the balance will go toward equalizing children vs. adult partial hospital rates, improve crisis response availability and buy out the county share of Rule 5 for prepaid Medical Assistance program (PMAP) kids. He said the rule 5 buyout will save counties \$1.8 million, improve availability of partial hospitalization and crisis response services and relieve pressure on inpatient hospitals.

Sulik said the budget proposal also reforms the payment method for chemical dependency providers. Sulik said that currently, rates for chemical dependency treatment are frozen, but there is a wide variation in rates. In addition, Sulik said the current payment method provides no incentive to take more difficult patients or to improve service outcomes. The proposal links payment to performance and patients' level of acuity and complexity, Sulik said. He said the proposal saves \$10.9 million for the biennium and provides more uniform rates statewide.

The budget proposal also seeks to delay new MA coverage for adolescent assertive community treatment, Sulik said. He said the delay avoids across-the-board cuts in adult and child mental health infrastructure grants from the 2007 mental

health initiative. Sulik said the budget proposal also eliminates certain chemical dependency grants. Under the proposal, eliminating chemical dependency grants that have a narrow focus saves \$1 million, he said. Sulik said the budget proposes to eliminate methamphetamine abuse grants and prenatal alcohol grants effective Jan. 1, 2010. He said federal funding for similar services will continue to be available on a competitive basis through the department's Alcohol and Drug Abuse Division.

Another proposal, Sulik said, is for mental health inpatient rateable reduction. Inpatient mental health services will have a rateable reduction equal to about six percent, or half of the rateable that applies to other services, and will save \$21.5 million over the biennium, Sulik said. He said \$4.7 million in new funding is proposed for state operated services to address increased commitments due to the rateable reduction and other health care reductions.

Sulik said another proposal provides for state operated services pension reform. The proposal clarifies who is eligible to participate in the corrections early retirement plan and moves non-security positions at the Minnesota Security Hospital to the state general employee retirement plan.

Sulik also described proposals for child and adolescent behavioral health services (CABHS). He said the budget proposes to transform the program to an appropriation-based program and to redesign existing capacity into inpatient services, partial hospitalization and outpatient services. Sulik said the proposal stabilizes funding for the program and fills in gaps in the system.

Sulik said the proposal also shifts dental services to the safety net to stabilize funding for dental clinics and preserves safety net services.

Jerry Kerber, Dept. of Human Services, reviewed the licensing and compliance portions of the governor's budget proposal. Jayne Rankin, budget director, Dept. of Human Services, reviewed the administrative services portion of the budget. One of the major changes under the governor's budget proposal is to combine the health care access fund with the general fund, Rankin said.

## Impact of budget cuts heard

The Health and Human Services Budget Division, chaired by Sen. Linda Berglin (DFL-Mpls.), gathered Wed., Feb.

11, to hear public testimony on the possible impacts of the governor's proposed budget.

Father John Estrem, executive director, Catholic Charities of St. Paul and Minneapolis, urged the committee to take whatever steps it saw necessary to ensure that the most vulnerable members of society are not abandoned during their time of greatest need. Estrem said that the governor's proposed cuts to health and human services puts added pressure on those who are already struggling financially to provide for themselves and their families. Estrem also said that state has a responsibility to take care of all of its residents, especially the ones who are sick and poor and can't take care of themselves.

Jessica Webster, advocate Legal Aid, said the governor is proposing reductions to the Minnesota Family Investment Program. She said the reduction would take money from 7,000 of the state's most needy families. "I hope you won't look for big savings from those who can afford it the least," said Webster.

Deby Ziesmer, director, Family Children's Center, YWCA, said proposed cuts and modifications to early childhood learning programs would lead to staff reductions and decreased enrollment. The reductions would mean that fewer children would be able to participate in the programs and those who do participate won't receive the proper skills development they need to enter into school, she said.

Susie Brown, executive director, Child Care WORKS and Lisa Thompson, child care provider, both said the governor's proposed increase in co-pays for families and reduced reimbursement rates for licensed child care providers will be harmful. Increasing the co-pays will make child care less affordable to families who are already struggling to make ends meet while reduced reimbursement will hurt many small businesses that provide the care, said Thompson.

Cathy Barr, vice president, Bethesda Hospital, said the proposed budget would reduce operating margins at her facility by 8.5 percent. The nearly \$8 million in cuts will lead to reduced programs and decreased levels of care and will likely leave hundreds of patients without a facility to receive the extended hospital care they need, said Barr.

Dr. Patrick Lloyd, School of Dentistry, University of Minnesota, said the



*Coming off of three recent surgeries, Charles Brett tells members of the Health and Human Services Budget Division Thurs., Feb. 12, how the state health plan Minnesota Care has been "life changing" for him as the committee takes a look at the Governor's budget recommendations.*

Photo by David J. Oakes

proposed budget eliminates dental care for adults in the MinnesotaCare and GAMC programs. Eliminating dental care for these individuals will lead to increased emergency room visits, increased health problems for those needing dental care and will likely prompt the closure of many dental outreach clinics and trigger scale backs in critical programs, said Lloyd.

Betty Nelson, president, SAFPlan, said the governor's cuts to family planning grants will hurt roughly 27,000 low income women who receive critical financial, physical and emotional planning services in preparation for beginning a family. Nelson said family planning is a strategic investment in Minnesota because every dollar spent to support family planning services saves the state four dollars in public spending related to medical and financial assistance in the future.

Mavis Brehn, chief executive officer, West Side Community Health Services

said the governor's proposed elimination of MinnesotaCare and general assistance medical care (GAMC) eligibility for adults without children will have devastating consequences on facilities that provide care to uninsured patients. An increased number of uninsured patients combined with a decrease in state and government aid will drive up the costs that each clinic incurs, which will likely lead to clinic's cutting crucial services and programs along with reductions in staff and hours, said Brehn. Brehn said the cuts will also lead to an increase in hospital emergency room visits as uninsured patients needing medical attention wait until their illnesses become dire before seeking care.

Kari Thurlow, Aging Services of Minnesota, said the governor's budget proposal is a step backwards in reforming the services of long-term care providers. Thurlow said the budget eliminates

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nursing facility rebasing while offering no financial investment for replacing or renovating the numerous facilities around the state that are in need of attention.

Anne Henry, Minnesota Disability Law Center, said the governor's budget proposal would cut 2,500 people off of the personal care assistance (PCA) program with an additional 6,600 recipients experiencing a cut in hours of service. Dramatic cuts to the PCA program will leave many Minnesotans with disabilities and mental illness with very few other options to receive the supervision and care they desperately need, said Henry.

## Public discussion continues

The Health and Human Services Budget Division, chaired by Sen. Linda Berglin (DFL-Mpls.), reconvened Thurs., Feb. 12, to continue public discussion of the possible impacts of the governor's proposed budget.

Michele Kimball, state director, AARP, said reductions to the health and human services budget proposed by the governor are disproportionate compared to the cuts proposed in other areas. Kimball said older Minnesotans have been among the hardest hit by the current economic crisis and cuts to programs serving these individuals will only compound their financial difficulties. "It is important to recognize that as we move forward with discussions on how best to address Minnesota's budget shortfall, we are talking about real people with real needs," said Kimball. Kimball said he is opposed to the provisions in the governor's budget that would eliminate health care coverage for more than 87,000 adults. Furthermore, Kimball said he opposes the cuts in eligibility for long-term care waiver programs, reductions in funding for long-term care and continuing care providers and changes in eligibility for personal care assistance (PCA) programs. "We must all

work together-at the state, as well as the federal level-to guarantee that our most vulnerable can be assured of basic needs," said Kimball.

Christine O'Brien, former MFIP participant, said proposed reductions to the Minnesota family investment program (MFIP) will hurt any single parent trying to care for his or her family while working part time and attending school. O'Brien said the proposed budget would require all MFIP participants to be employed at least 20 hours a week to be approved for a post-secondary educational program. The increased work hour requirement will be very trying for single parents, especially for those who need and utilize child care services, said O'Brien.

David Van Wyk, president, Midwest Welfare Fraud Investigation, said the governor's proposed state takeover of the fraud prevention investigation (FPI) program is deeply flawed and has little or no support from the counties that currently handle the program. Van Wyk said the current FPI program has returned over \$200 million to the general fund and will save tax payers at least another \$24 million during the next two years if the program is left alone. If the Department of Human Services takes over the program, Van Wyk said, the amount of return from successful investigations will likely be significantly less than the return seen by the current program.

Stephanie Stull, care management coordinator, Portico Healthnet, said eliminating the outreach incentive program recommended in the governor's budget will reduce enrollment in MA and MinnesotaCare programs by roughly 5,300 enrollees. Stull said reducing enrollment in the programs is counterproductive because recent economic troubles have sparked a dramatic rise in applications due to large amounts of people losing jobs and health care benefits. A loss of access to these vital health care services and the medications covered under these programs will lead to increased emergency room visits and increased costs to the state for these expensive visits, said Stull.

Jeff Nachbar, co-chair, Consortium for Citizens with Disabilities, said the governor's budget proposes harmful cuts to disability services. "Persons with disabilities and their family members have sacrificed mightily in previous state budget battles and there is little room left for further cuts," said Nachbar. The budget



Senators Jim Carlson (DFL-Eagan) and Sharon Erickson Ropes (DFL-Winona) look over proposed legislation during the Senate floor session Mon., Feb. 9.

Photo by A.J. Olmscheid

calls for an additional \$300 million in cuts to disability services including a three percent reduction to disability providers, eliminating \$85 million worth of PCA services, reducing personal needs allowance by \$32/month and limiting growth in the disability waiver programs by cutting \$42 million in services through annual caps, said Nachbar. "Governor Pawlenty has said he is committed to protecting Minnesota families and promoting job growth, but proposals in his budget do neither. In fact, they threaten both. Stop trying to balance the budget on the backs of persons with disabilities," said Nachbar.

Karen Sames, director of government relations, Minnesota Occupational Therapy Association, said the governor's elimination of coverage for rehabilitative services for adults in medical assistance (MA), general assistance medical care (GAMC) and MinnesotaCare programs will hurt the 3,624 people who currently receive occupational therapy through the program. Sames said occupational therapy has a great return on investment as far as rating the success of the program goes and cuts to the program would save a small amount of money up front while creating larger budget concerns in the future.

## Higher Education Budget Division

### PSEO discussed

The Higher Education Budget and Policy Division devoted the Tues., Feb. 10, hearing to a discussion of post-secondary enrollment options (PSEO) and the higher education systems PSEO initiatives. The panel, chaired by Sen. Sandra Pappas (DFL-St. Paul), also heard a presentation of the higher education systems efforts to help students graduate in four years.

Cyndy Crist, MnSCU, system director for P-16 collaboration, outlined the history of the PSEO program. She said the program was established in 1985 as the first state-wide dual credit program in the nation. The program provides both high school and college credit, Crist said. She said the program provides tuition-free college level learning opportunities for high school juniors and seniors. The program allows both public and private postsecondary institutions to enroll students in nonsectarian courses, she said. Crist said the colleges and universities

determine the admissions standards, the space available and require completion of a placement test before enrolling.

Crist said initially, PSEO was limited to high school students taking courses on college or university campuses, but was later changed to allow courses according to agreement. Courses according to agreement may be taught by high school or college or university faculty and may be offered at a high school or other location, Crist said.

Crist said all 32 institutions in the Minnesota State Colleges and Universities system enroll students in some form of PSEO. She said participation rates vary by location, but that most students are in Greater Minnesota. She said 21,655 students are participating and the online PSEO grew by 185 percent between 2004 and 2008.

Members also heard a presentation about the Discovery Academy, a partnership between St. Cloud Technical College and Sartell High School, and online college in the high school, two MnSCU PSEO initiatives. Susan Henderson, director of pre-college programs, University of Minnesota, outlined a new initiative designed to acculturate members of racial or ethnic minorities, first generation collect students, multilingual or English as a second language students and students from families of low to moderate income to college-level expectations while supporting their success.

### MnSCU programs discussed

The Higher Education Budget and Policy Division, chaired by Sen. Sandra Pappas (DFL-St. Paul), devoted the Thurs., Feb 12, meeting to hearing Minnesota State Colleges and University (MnSCU) officials answers to questions raised at previous hearings.

Manuel Lopez, associate vice chancellor for academic program quality, responded to questions about the MnSCU system's centers of excellence, competitive salaries, services for underserved populations and the power of you program, technology, performance funding indicators and non-resident tuition funding. Lopez also described the results of ongoing funding for community energy projects, economic development and e-folio upgrade, and NHED-range vocational education.

In addition, members discussed the textbook pricing/rental program, board policies on degree requirements, the

results of a study on tuition and fees, revenue and expenses and information about the reserve funds in the system.

## Judiciary

### False Claims Act gains

The Minnesota False Claims Act bill was the focal point of discussion at the Tues., Feb. 10, meeting of the Judiciary Committee.

S.F. 82, carried by Sen. Ron Latz (DFL-St. Louis Park), establishes civil liability and remedies for claims against persons who make false or fraudulent claims against the state or political subdivisions of the state. The committee, chaired by Sen. Mee Moua (DFL-St. Paul), had heard testimony on the measure at a previous hearing.

Members adopted several amendments to further refine the measure. One amendment clarifies that the state or its employees or political subdivisions cannot be a defendant under the bill. Another amendment clarifies provisions relating to inadvertent or mistaken claims. A third amendment further defines the role of the attorney general and specifying that if the attorney general elects not to participate at the outset, the attorney general may subsequently intervene in actions under the bill.

Committee members also discussed a provision in the bill allowing for retroactivity. An amendment to clarify the provision was adopted, but another amendment to delete the retroactivity provisions was adopted.

The bill was approved and re-referred to the State and Local Government Operations and Oversight Committee.

Sen. Ann Rest (DFL-New Hope) authored two measures. S.F. 107 clarifies and strengthens laws prohibiting the misuse of state funds. Rest said the bill provides that if a legislative auditor's examination discloses that a state official has used money for a purpose other than the purpose for which money was appropriated or discloses any other misuse of public money or other resources, the legislative auditor must file a report with the Legislative Audit Commission, the attorney general and the appropriate county attorney.

Members adopted an amendment specifying that the commissioner of finance is to develop and make available best practices policy for conducting inves-

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tigations. A second amendment, specifies that the penalty is a gross misdemeanor, unless a greater penalty is specified in law, was adopted. The panel also adopted a third amendment clarifying the scope of individuals included in the bill. The measure was approved and re-referred to the Finance Committee.

S.F. 91, Rest's second bill, requires the commissioner of finance to set up a Web site with a searchable database of state expenditures. The bill was also approved and re-referred to the Finance Committee.

S.F. 230, sponsored by Sen. Linda Higgins (DFL-Mpls.), creates licensure for physician assistants. Higgins said the bill was before the committee because of two provisions relating to the commitment law. She said the bill provides that licensed physician assistants would be eligible to be examiners for purposes of commitment law and makes other changes in the commitment law to reflect the change from a registration to a licensing system. The bill was approved and advanced to the Senate floor.

S.F. 143, authored by Sen. Joe Gimse (R-Willmar), clarifies that the aggravated forgery law covers documents associated with federal I-9 employment eligibility verifications forms. Gimse said the bill is aimed at individuals using false identification to obtain employment or state benefits. In addition, Gimse said the measure is another tool to use against identity theft.

Several committee members said the bill was too inclusive. Sen. Mary Olson (DFL-Bemidji) said the bill would apply to college students who use fake IDs to get into bars. "We don't want to create a felony penalty for college students who alter their driver's licenses," Olson said.

Sen. Julianne Ortman (R-Chanhassen) said the bill raises some valid issues but there are a number of difficulties with the measure. Ortman moved the bill be laid on the table. The motion was adopted.

## Adult certification bill heard

The Judiciary Committee, chaired by Sen. Mee Moua (DFL-St. Paul), met Thurs., Feb. 12, to hear two bills.

S.F. 256, carried by Sen. Dan Skogen (DFL-Hewitt), authorizes the court to try a juvenile as an adult, if the juvenile is 13 years of age and if he or she is being tried for murder in the first, second or third de-

gree or manslaughter in the first or second degree. Senate Counsel Ken Backhus said the bill also allows the court to designate the proceeding an extended jurisdiction juvenile prosecution, regardless of the offense they have committed.

Lynn Johnson, citizen, spoke in favor of the bill. She said her 2-year-old daughter was sexually assaulted and violently thrown against a wall, resulting in her daughter's death, by a 13-year-old boy who was 19 days away from his fourteenth birthday. Because he was not yet 14 years old, the boy was not able to be tried as an adult and instead plead guilty to second-degree manslaughter, Johnson said.

Doug Johnson, Minnesota County Attorneys Association, spoke in opposition to the bill. He said he does not believe Minnesotans want to place a 13-year-old in prison for life without the possibility of parole, which would be a possibility under the bill. "Are you prepared to spend the money to commit a 13-year-old to prison for the rest of their lives for what it costs to keep somebody in prison?" he asked.

Sondra Samuels, Peace Foundation, also spoke in opposition to the bill. Samuels said she hopes members will not make an emotional decision, but instead will consider all the implications that go along with the bill. Samuels said that rehabilitation is a more successful route than prison for juvenile criminals.

Sen. Linda Scheid (DFL-Brooklyn Park) proposed an amendment to delete the portion of the bill that authorizes a juvenile aged 13 to be tried as an adult for murder in the first, second, or third degree or manslaughter in the first or second degree. Thus, the bill would only allow extended jurisdiction juvenile prosecution for juveniles 13 years-old being tried for murder in the first, second, or third degree or manslaughter in the first or second degree.

Members of the committee discussed the ability of young people to understand right and wrong or to be aware of the consequences of their actions. Some members argued that 13 was old enough to know the difference in right or wrong, but others countered that children of that age do not have the capacity to understand their actions and do not belong in adult prison.

Moua thanked the Johnsons and Skogen for bringing the bill forward and said that work needs to be done in the area of

juvenile justice. She said the panel was torn between wanting the Johnston's to feel justice will be done in other similar situations and the need to take a comprehensive view of the implications of trying 13 year-olds as adults.

The motion to amend the bill failed on a 5-4 divided voice vote. The bill was laid on the table.

S.F. 321, authored by Sen. Rick Olseen (DFL-Harris), authorizes the disbursement of minimum fines for controlled substance offenses to juvenile substance abuse court programs.

The bill was approved and re-referred to the Committee on Finance.

## Judiciary Budget Division

### Seat belt bill approved

Members of the Judiciary Budget Division met Tues., Feb. 10, to hear a bill making seat belt violations a primary offense.

S.F. 42, authored by Sen. Steve Murphy (DFL-Red Wing), makes seat belt violation a primary offense in all seating positions, regardless of age. The bill establishes a \$25 court surcharge for seat belts violations and subjects the driver to a fine of \$25 for each violation of the law by the driver and any passenger under the age of 15, said Murphy. Murphy said passing the bill entitles the state to \$3.4 million in federal incentive grants and would save roughly 30 lives each year. Furthermore, Murphy said the bill saves the state about \$30 million in costs normally attributed to fatal highway accidents. The bill will likely change the personal safety behaviors of many motorists, especially young drivers, Murphy said.

Sen. Don Betzold (DFL-Fridley) offered two amendments to the bill, one to change the effective date and one to remove Kathryn Swanson's name from the measure, which is currently named the "Kathryn Swanson Seat Belt Safety Act." The committee approved the change of effective date to June 1, 2009, but did not approve the removal of Swanson's name. Murphy said the inclusion of Swanson's name on the bill is meant to honor her memory and recognize all the guidance and leadership she exhibited with seatbelt and general safety legislation, while working for the Dept. of Public Safety.

The committee approved the bill as amended and advanced the measure to the Finance Committee.

## **Public Safety Budget Division**

### **Budget presentations continue**

The Public Safety Budget Division, chaired by Sen. Linda Higgins (DFL-Mpls.), met Mon., Feb. 9, to hear continued budget presentations from the Dept. of Public Safety.

Mary Ellison, deputy commissioner, Dept. of Public Safety, explained that the reduction in FTEs in the budget doesn't necessarily mean there will be lay offs; rather, there is not as much money with which to pay salaries, thus positions may be held open.

Ellison said many of the reductions for the battered women shelter service and the law enforcement and community grants are due to the fact that the alloca-

tions this biennium were one-time funds and will not be reallocated in FY 2010-11. The federal Byrne grants have been reduced by 67 percent, she said.

Funding for the agency is through a combination of general fund appropriations, special revenue appropriations and fees. The current general fund appropriation is \$196.926 million and the governor is recommending a general fund appropriation of \$182.542 million.

### **Budget presentation continued**

The Public Safety Budget Division, chaired by Sen. Linda Higgins (DFL-Mpls.), met Wed., Feb. 11, to hear a continued presentation from the Dept. of Corrections.

Assistant Commissioner Lisa Cornelius, support services, said the Dept. of

Corrections is experiencing a \$10 million shortfall this biennium. Because of the shortfall, cuts are being made wherever possible, with \$1.1 million being cut in the IT unit, Cornelius said. She said the IT unit is responsible for technology planning, research and evaluation, the statewide supervision system, maintaining the level three sex offender Web site and prison population projections.

Assistant Commissioner David Crist, Minnesota Dept. of Corrections, discussed the department's decision to double-bunk inmates to cut costs and said that prisoner infractions increased from approximately 30 per month to 90 per month in the six months that inmates were double-bunked.

Crist said the prison facilities track the number of incarcerated gang members through the Gang Strike Force. He said there are 905 active gang members, 765



*Senators Dan Skogen (DFL-Hewitt) and Mee Moua (DFL-St. Paul) converse in the Senate Chamber following the Thurs., Feb. 12, floor session.*

Photo by David J. Oakes

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suspected gang members and approximately 2,000 inactive or suspected inactive gang members in the prison facilities. Gang affiliation is determined by ten gang criteria established by the strike force, Crist said.

Crist said that as of July 1, 2008, there were 663 DWI inmates in prisons in the state. Twenty-three of the inmates had only prior DWI convictions without other felonies on their records, he said, and 411 of them were serving only their current active DWI sentence. The remaining 252 inmates were serving their DWI sentence while also serving prison sentences for non-DWI crimes, he said. Between 80 and 90 percent of DWI offenders need chemical dependency treatment, and the department is able to provide treatment to approximately 34 percent of them, Crist said.

## State and Local Government Operations and Oversight

### Committee hears two bills

Members of the State and Local Government Operations and Oversight Committee met Mon., Feb. 9, to hear two bills and a presentation on the Minnesota redesign project.

S.F. 307, carried by Sen. Rick Olseen (DFL-Harris), modifies local government out-of-state travel policy requirements. Olseen said the 2005 Legislature enacted a requirement that every local government, except a township, adopt a travel policy for travel outside the state of Minnesota. The bill would removes the annual review requirement established in the 2005 provision while retaining a requirement that the policy remain in effect, said Olseen.

The committee approved the bill and recommended the measure be placed on the Consent Calendar.

S.F. 233, authored by Sen. Thomas Bakk (DFL-Cook), proposes a constitutional amendment to change the method for amending the Minnesota Constitution.

Under the bill, the Minnesota Constitution would be amended to provide that a vote of three-fifths, rather than a majority, of the members of each house of the Legislature is required to propose an amendment to the Minnesota Constitution, said Bakk.

The committee approved the bill and re-referred the measure to the Rules and Administration Committee.

Jim Mulder, executive director, Association of Minnesota Counties, spoke on the Minnesota redesign project. Mulder said the current state/county relationship encourages inequities and inefficiencies that are damaging to communities and citizens. To be successful, counties must redesign how services are delivered and paid for and must have an effective partnership with the state, said Mulder. Mulder said there must be clear responsibilities and outcomes for state and local governments along with an open decision-making process and a focus on outcomes to achieve a successful relationship between the two governments.

### Elections bills heard

The Subcommittee on Elections, chaired by Sen. Katie Sieben (DFL-Newport), met Wed., Feb. 11, to hear four elections bills.

S.F. 160, carried by Sen. Sandra Pappas (DFL-St. Paul), allows candidates and campaign workers to enter into a multiple unit facility for the purpose of campaigning, registering voters and getting out the vote, said Pappas. Furthermore, the bill permits the candidate and workers to leave campaign materials for the residents of the facility, said Pappas.

Sen. Chris Gerlach (R-Apple Valley) offered an amendment deleting the "getting out the vote" wording from the measure. Sen. John Marty (DFL-Roseville) offered an amendment clarifying the purpose of entry into the units and Pappas offered an amendment clarifying the definition candidate. All three amendments were adopted. The bill was approved and advanced to the full committee.

S.F. 32, sponsored by Sen. Linda Scheid (DFL-Brooklyn Park), clarifies that an election judge may affirm to, rather than swear to, when taking the oath to perform the duties of an election judge.

The committee approved the bill and sent it to the full committee.

S.F. 284, sponsored by Sen. Linda Higgins (DFL-Mpls.), applies certain privileges to major political party caucuses held in cities of the first class during odd-numbered years.

The committee approved the measure and sent it to the full committee.

S.F. 551, authored by Sen. Rick Olseen (DFL-Harris), expands the use of mail balloting by allowing municipalities having fewer than 1,000 registered voters with no polling place other than the office

of the auditor or clerk to utilize the ballot-by-mail system.

Olseen offered two amendments, one to remove a section from the measure modifying opening and closing times in voting precincts and the other adding a section to the measure relating to submitting questions to voters at special elections by use of mail balloting. The amendments were adopted, the bill was approved and the measure was sent to the full committee.

### Noncontroversial measures gain

The State and Local Government Operations and Oversight Committee, chaired by Sen. Ann Rest (DFL-New Hope) met briefly Wed., Feb. 11, to hear two noncontroversial bills.

S.F. 261, sponsored by Sen. Ron Latz (DFL-St. Louis Park), makes technical modifications and corrections to provisions relating to transfer on death deeds, common element certificates, real estate designated transfers, power of attorney and cartway procedures. The bill was approved and advanced to the full Senate.

S.F. 271, authored by Sen. Mary Olson (DFL-Bemidji), provides additional whistleblower protection to state employees. The bill adds an employee in the classified service who communicates information that the employee, in good faith, believes to be truthful and accurate and that relates to state services, to a legislator or an employee in the legislative branch or an elected official in the executive branch to the categories of employees afforded whistleblower protections. Sen. Don Betzold (DFL-Fridley) offered two amendments to the measure adding constitutional officers and the legislative auditor as government officials protected under the measure. The committee approved the amendments and the bill and re-referred the measure to the Judiciary Committee.

### Election bills heard

Members of the State and Local Government Operations and Oversight Subcommittee on Elections met Fri., Feb. 13, to hear three election bills.

S.F. 659, authored by Sen. Rick Olseen (DFL-Harris), makes several changes to the law governing election judges, including implementing additional limitations regarding who may serve as an election judge, eliminating the requirement for election judges to initial election bal-

lots and requiring the secretary of state to prepare lists of election judges for service in particular precincts. Donna Tilsner, head election judge, Edina, said initialing ballots is very tedious and time consuming and adds to the many duties already being performed by election judges. The initialing process is unnecessary and not crucial to the counting or recounting of ballots, said Tilsner.

Olseen offered an amendment requiring the secretary of state to notify political parties of any proposed election judges with addresses that could not be located within the precinct that they request to serve in. The committee approved the amendment and the bill and referred the measure to the full committee.

S.F. 658, carried by Sen. Katie Sieben (DFL-Newport), places additional obligations on polling place challengers by requiring them to be registered voters and to read and sign an election law compliance statement prior to admittance into a polling location. Sieben said the bill also requires a challenger to obey an order from an election judge to leave a polling place if the challenger fails to comply with the law. Finally, the bill prohibits poll challengers from interfering with an election judge who is performing official duties or using any electronic communication device inside a polling place, said Sieben.

Sieben offered an amendment specifying the head election judge as the individual authorized to remove poll challengers not complying with election law. Sen. John Marty (DFL-Roseville) offered an amendment to simplify the process by which a poll challenger seeks election law compliance at polling locations. Both amendments were adopted. The committee approved the bill and referred it to the full committee.

S.F. 662, sponsored by Sen. Jim Carlson (DFL-Eagan), makes changes to election recount provisions and ballot validity determinations. The bill prohibits candidates in an election from determining validity of absentee ballot envelopes and also specifies that write-in votes may not serve as identifying marks on ballots, said Carlson. Carlson said the measure also eliminates automatic recounts in primary elections and makes a recount contingent upon a request by the candidate with the next highest number of votes. Finally, the bill provides that a county canvassing board need not conduct a postelection review of votes cast for governor, U.S.



Roger Miller, left, and Adam Elg, Minneapolis, advocate for marriage equality during a rally in the Capitol Rotunda Thurs., Feb. 12.

Photo by David J. Oakes

senator, or U.S. representative if the race is subject to a recount under current law, said Carlson.

Carlson offered, and members approved, an amendment establishing primary and general elections as contests in which a recount may be requested. The committee approved the bill and referred it to the full committee.

## State Government Budget Division

### Budgets reviewed

The State Government Budget Division, chaired by Sen. Don Betzold (DFL-Fridley), met Mon., Feb. 9, to review the budget proposals of the Campaign

Finance and Public Disclosure Board, the Office of Administrative Hearings, the State Investment Board and the four major retirement systems.

Gary Goldsmith, executive director, Campaign Finance and Public Disclosure Board, updated the panel on the duties of the board and the governor's budget recommendations.

The board establishes the regulatory and reporting requirements for political candidates, party units, political committees and funds, lobbyists and certain officials, Goldsmith said.

Goldsmith said the board maintains systems ensuring compliance with registration requirements, administers the disclosure requirements, obtains and publishes the economic interest disclosure

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Perpich Center for the Arts High School Seniors Ben Braden and Sarah Parson perform an original composition in the Capitol rotunda Mon., Feb. 9, during the Perpich Center's Day at the Capitol.

Photo by A.J. Olmscheid

statements from designated public officials, distributes public subsidy funding for election campaigns to qualified candidates and parties, publishes campaign finance, lobbying and economic interest data and provides educational programs to enable those covered by the campaign finance and disclosure provisions to understand and comply with their statutory obligations.

Goldsmith said the board has been able to remain cost-efficient by maximizing the use of technology. He said technology solutions have helped committees filing reports using the board's software to eliminate compliance violations because users are alerted of the problem immediately. In addition, the use of the software eliminated data entry by the board's staff, thus reducing errors, he said.

Goldsmith said the board added scanned candidate reports for previous election years and implemented interac-

tive database search capability for contributions and independent expenditures. There is now an online system for filing economic interest statements and 24-hour notices of large pre-election contributions, he said. He said the board has proactive procedures in place to ensure the public subsidy is paid on time, to the right people and in the right amount.

The board's operating budget is funded by a direct general fund appropriation by the Legislature, Goldsmith said. He said the boards operating budget is \$735,000 per fiscal year and the governor is recommending a reduction of \$37,000 in each year. Goldsmith said increased use of technology will enable the board to absorb the cut while maintaining core services.

Chief Administrative Law Judge Raymond Krause reviewed the functions of the Office of Administrative Hearings and the governor's budget recommenda-

tion. Krause said the office is an independent executive branch agency responsible for providing citizens with administrative hearings whenever state or local laws give them the right to challenge state or local government action that adversely affects them. In addition, the office ensures that state agency rulemaking and rulemaking proceedings conform to requirements of the law, conducts workers' compensation benefit hearings and alternative dispute resolution in its Worker's Compensation Division and conducts administrative hearings to adjudicate complaints alleging violations of laws regulating election campaign practices, Krause said. He said an executive order in February 2005 transferred the state's Municipal Boundary Adjustment Unit from the Dept. of Administration to the Office of Administrative Hearings.

Krause said the office currently maintains a staff of 80.4 full-time equivalent positions and the FY 2008-09 budget

amounts to \$19.2 million. He said the Administrative Law Division has a \$4.4 million biennial budget, which is funded by a special revenue revolving fund which, in turn, is funded by fees collected from state agencies and local governments through hourly charges for administrative law judges and staff attorneys. Krause said the Worker's Compensation Division has a \$14.8 million biennial budget funded by an appropriation by the Legislature from the state's worker's compensation special compensation fund.

Krause said the governor recommends a reduction of \$15,000 in each fiscal year and the office's goal is for the operating reduction to have the least amount of negative impact on Minnesota's cities and townships.

Howard Bicker discussed the activities and budget recommendations for the State Board of Investment. Bicker said the board is comprised of the state's four constitutional officers and is charged with developing and implementing the state's investment policies and strategies for the state's retirement funds, trust funds and cash accounts. He said on July 30, 2008, assets managed by the board totaled \$57.7 billion. The majority of the board's activity relates to the investment of retirement funds and for cash accounts the board's largest clients are the state treasurer and the Dept. of Finance. Bicker said the board retains an internal investment management staff and external investment managers to execute its policies. In addition, he said the board is assisted by the Investment Advisory Council which is composed of 17 persons with investment and retirement fund expertise. Bicker said most of the board's appropriated budget is funded by fees assessed against the assets of the funds that the board invests. About three percent of the budget is a general fund appropriation associated with the investment of the general fund's portion of invested cash

Representatives from the Minnesota State Retirement System, the Public Employee's Retirement Account, the Teachers Retirement Account and the Minneapolis Employees Retirement Fund presented overviews of the funds, the accounts' performance and anticipated funding status.

### Governor's budget discussed

The State Government Budget Division met Wed., Feb. 11, to discuss the governor's budget recommendations for

the state lottery, the racing commission and the Capitol Area architecture board.

Nancy Stark, executive secretary, Capitol Area Architecture Board, said the governor's budget recommends a reduction of \$19,000 in both FY 2010 and FY 2011 to the general operating budget of the board. This reduction could place a number of projects aimed at repairing and rehabilitating the Capitol Building on hold, said Stark. Stark said the governor's proposal may also hamper the development of the light rail transit planning project and postpone the construction of four Capitol Mall memorials. To avoid postponing or canceling any of the proposed projects, Stark said her board is considering reducing the salaries and benefits of some of its employees, reducing hours and discontinuing a number of advisor review and board meetings. Stark said the board has been proactive in an attempt to achieve maximum budget efficiency by relocating its operations into a building with a cabinet agency where savings are achieved by sharing space, equipment, IT technology and purchasing programs.

Don Feeney, Minnesota State Lottery, said \$116 million dollars of state lottery revenue was invested back into the state in 2008. Feeney said 60 percent of lottery contributions to the state are appropriated to the general fund while 40 percent goes to the Environment and Natural Resources Trust Fund. Though the governor did not recommend any reductions to the lottery budget, Feeney said the lottery made \$2 million in reductions to its 2009 operating budget in an attempt to save the state money. Feeney said reductions came by initiating a hiring freeze, reducing staff, restructuring distribution methods, postponing new product projects and trimming down marketing expenses. Feeney said the state should see lottery revenue rise to about \$120 million in 2009.

Richard Krueger, executive director, Minnesota Racing Commission, said the governor is recommending an 11 percent reduction in special revenue fund appropriations to the commission for the FY 2010-11 biennium. Krueger said racing handles and card club rake have been declining at Canterbury Park in Shakopee since peaking in 2005. Krueger said the reduction in revenue likely stems from the downturn in the economy and an increase in online gambling. Running Aces Harness Park, which opened in Forest Lake in 2008, fell exceptionally short of its pro-

jected revenue from both racing handle and card club rake, said Krueger. The future of both facilities is in jeopardy if they continue to see decreases in revenue, said Krueger. Krueger said the racing commission is currently proposing increasing class C occupational license fees, which would raise \$4,000 per year that could be added to the dedicated revenue account from which appropriations are made for racing regulation.

## Taxes

### Tax measures heard

The Taxes Committee, chaired by Sen. Thomas Bakk (DFL-Cook), met Wed., Feb. 11, to consider several bills and to continue reviewing the governor's tax proposals.

S.F. 222, sponsored by Sen. Steve Murphy (DFL-Red Wing), provides a solid waste management tax exemption for service charges imposed by a home rule charter city that owns and operates a solid waste-to-energy resource recovery facility. S.F. 103, carried by Sen. Rick Olseen (DFL-Harris), authorizes the city of Taylors Falls to establish and exercise border city development zone powers. Both measures were laid over for possible inclusion in the committee's omnibus bill.

S.F. 490, authored by Sen. Lawrence Pogemiller (DFL-Mpls.), provides that a Catholic Elder Care facility in Northeast Minneapolis is exempt from property taxation. The bill outlines specific criteria that must be met to qualify for the exemption. S.F. 396, carried by Sen. John Marty (DFL-Roseville), permits the publishing of a correction only to a published delinquent tax list. Both bills were laid over for possible inclusion in the committee's omnibus bill.

Commissioner Ward Einess, Dept. of Revenue, presented details of the governor's tax proposal. Committee members said the reductions in local government aid are going to result in increased property taxes. Sen. Linda Scheid (DFL-Brooklyn Park) said most people feel the property tax is the most regressive of all taxes. Scheid said it is simply not true that the governor's budget does not raise taxes because local governments will be forced to raise property taxes in order to maintain vital services.

Members also discussed proposals to change the formula for the property tax refund, eliminate the political contribu-

# Committee update

tion refund program, cap Sustainable Forest Incentive Act payments, reduce the taconite state aid appropriation and adjust the rate for calculating property tax refunds for renters from 19 percent of rent paid to 15 percent of rent paid.

## Transportation Budget and Policy Division

### Transportation bills gain

The Transportation Committee met Tues., Feb. 10, to consider several bills relating to airports and one measure dealing with inattentive driving penalties.

S.F. 26, sponsored by Sen. Michael Jungbauer (DFL-East Bethel), clarifies the law on inattentive driving and failure to exercise due care. The measure also provides for enhanced criminal penalties for traffic violations that result in personal injury or property damage. Jungbauer said there is currently a gap in the law between exercising due care, which in most cases only pertains to speeding violations, and careless driving. He said the bill more clearly defines inattentive driving and failure to exercise reasonable care. In addition, the bill deals with the effects of inattentive driving rather than the act of inattentive driving.

Dorian Grilley, Bicycle Alliance of Minnesota, spoke in support of the bill. He said there has been an increased number of bicycle-vehicle collisions and a substantial number are caused by inattentive driving. He said the bicycle alliance is interested in working with drivers to improve safety.

Sen. Mee Moua (DFL-St. Paul) offered an amendment to more clearly define failure to exercise reasonable care and eliminating the reference to inattentive driving. Moua said there was no legal standard for inattentive driving, but exercising reasonable care does have a legal standard. The amendment was adopted.

Sen. Julianne Ortman (R-Chanhassen) offered an amendment to delete references to felony penalties. Ortman said current penalties for gross misdemeanor offenses were sufficient. The amendment was also adopted.

The committee approved the bill and re-referred the measure to the Judiciary Committee.

The committee, chaired by Sen. Steve Murphy (DFL-Red Wing), then transformed into a budget division of the

Committee on Finance in order to consider three additional bills.

S.F. 15, sponsored by Sen. Ann Rest (DFL-New Hope), requires the transfer of \$15 million from the general fund to the state airports fund. Rest said the bill also repeals a provision that reduced, by \$15 million, the FY 09 appropriation to the Minnesota Department of Transportation for airport development and assistance. She said the effect of repealing the provision is to reinstate the original appropriation of \$20.298 million.

Jon Krall, representing the Minnesota Business Aircraft Association, spoke in support of the bill. He said "Minnesota's airport system is critical to our suppliers, our distribution services and ultimately our customers. It is of utmost importance that the state airports fund remain intact and used for its intended purpose."

The bill was approved and advanced to the full Finance Committee.

S.F. 482, also carried by Rest, eliminates the requirement of a local match for federal stimulus grants for airport project costs. Rest also authored the final bill, S.F. 483, appropriating \$5 million from the state airports fund for projects improving the safety and reliability of the aviation industry. Both measures were advanced to the full Finance Committee.

### Transit Subdivision

#### Transit bills heard

The Transportation Budget and Policy Division Transit Subdivision, chaired by Sen. Scott Dibble (DFL-Mpls.) met Thurs., Feb. 12, to hear nine measures.

S.F. 101, carried by Sen. Katie Sieben (DFL-Newport), is a bonding proposal which appropriates \$10 million for a Minnesota to Chicago high-speed rail line corridor environmental analysis. Mike Rogers, senior transportation planner from the Ramsey County Regional Railroad Authority, said the rail line will join Minnesota with other high-speed rail lines and allow for both freight and passenger trains. An amendment was adopted that clarifies a future phase two for the project. The committee approved the bill referred the measure to the full division.

S.F. 102, also carried by Sieben, is a bonding proposal that appropriates \$2 million for park and ride lots along the Red Rock Corridor. Commissioner Myra Peterson, Washington County Regional Railroad Authority, said a new park and

ride facility in the city of Hastings would help mitigate vehicle traffic during the Hastings bridge construction and would continue to enhance commuter rail and freight services for years to come. The committee moved approve the bill and refer it to the full division.

S.F. 156, sponsored by Sen. Ann Lynch (DFL-Rochester), appropriates \$500,000 from bond proceeds for an analysis of the feasibility of a high-speed rail line from Chicago to St. Paul through Rochester. An amendment was adopted changing the emphasis of the study from its feasibility to an environmental analysis.

Dr. Wyatt Decker, chairman of the SE Minnesota Rail Alliance, said the rail line is critical to the long term success of the Mayo Clinic. Tim Geisler, steering committee member, SE Minnesota Rail Alliance, said the study will take a multi-generational view. He said the study will take into consideration cost, environmental impact, ridership, and financial return. The motion to approve the bill failed.

Sen. Yvonne Prettner-Solon (DFL-Duluth), sponsored a bill appropriating \$1 million from the bond proceeds fund for the Northern Lights Express passenger rail project along the Duluth/Minneapolis rail corridor. Dan Erhardt, vice chair of the Northern Lights Express Alliance, said the rail line will provide economic and environmental benefits for Minnesota. The rail line will compete with automobile traffic by lowering travel time to a little over two hours, he said. The committee recommended the bill be passed and referred to the full division.

Two measures, S.F. 227, carried by Sen. Rick Olseen (DFL-Harris), and S.F. 414, carried by Sen. Mee Moua (DFL-St. Paul), authorize the appropriation of \$1 million to Ramsey County Regional Railroad Authority to acquire land, design and construct park and ride lots along the Rush Line Corridor. Commissioner Victoria Reinhardt, Ramsey County Regional Railroad Authority said the Rush Line, which runs from St. Paul to Hinckley, will serve a different demographic than the Northern Lights Express. The subdivision approved S.F. 414 and referred the bill to the full division.

S.F. 320, carried by Sen. Sandra Pappas (DFL-St. Paul), is a bonding proposal which appropriates \$8.5 million for the Central Corridor light rail transit

line. Judd Schetnan, government affairs director, Metropolitan Council, said the amount reflects the one percent remaining before the Federal Transit Administration can approve the final design. The committee voted to approve the bill and refer the measure to the full division.

Sen. Ron Latz (DFL-St. Louis Park), sponsored S.F. 377 authorizes an appropriation of \$5 million from the bond proceeds fund for the Southwest Transit Way Corridor environmental impact statement and for preliminary engineering. The committee recommended the bill be approved and referred to the full division.

S.F. 647, carried by Sen. James Metzen (DFL-South St. Paul), is a bonding proposal which appropriates \$4 million for the Robert Street Corridor Transitway. Dan Krom, transit manager from Dakota County, said the county expects a 44 percent increase in population and 50,000 new employees coming to the area via the corridor in the next few years. The committee recommended the bill be passed and referred the measure to the full division.

## Historical database available

The Legislative Reference Library has developed a database, "Legislators Past and Present," containing information about Legislators who have served since territorial times. The database's information was compiled from official legislative directories, obituaries, news clippings, family files and other sources. It contains information about terms of service, education, occupation, party or caucus affiliations, leadership positions, represented communities and more.

The database also includes information about Minnesota Legislators who served in other government functions, ranging from the local level to the national level. For example, almost two dozen Legislators have served on the University of Minnesota Board of Regents; the most recent is current Regent and former Senate Majority and Minority Leader Dean E. Johnson. The database even indicates which Minnesota Legislators also served in another state's legislature; there have been at least 15, and the number may climb as more information is compiled.

"Legislators Past and Present" is available online at <http://www.leg.state.mn.us/legdb/index.asp>

## Capitol Report: on air, online

Explore current policy issues and hear lawmakers discuss current legislative proposals by watching "Capitol Report," a weekly public affairs program produced by Senate Media Services. The program includes interviews with Legislators, agency heads and prominent policy experts. It also features historical and informational features about the Senate, the Capitol and Minnesota.

"Capitol Report" airs weekly on public television affiliates on cable access channels across Greater Minnesota. It is also available online, with archives going back to 2000: <http://www.senate.mn/media>

## MyBills system available

The MyBills personalized bill tracking system is now available. Users can add House and Senate bills to their lists by bill number, subject, or author, and view the legislative status of their bills, with items with significant current floor action highlighted. Users can modify their lists at any time. The MyBills system is available from the Legislative website at: <http://www.house.mn/leg/billslogin.asp>

## Senate on the World Wide Web

The Minnesota Legislature's Web site has been updated. A joint effort of the Senate, House of Representatives, Legislative Reference Library, Legislative Commissions, and the Office of the Revisor of Statutes, the site offers easier access to a variety of legislative and government information.

The Legislature's page (<http://www.leg.mn>) includes links to other government agencies and departments, as well as copies of Minnesota Statutes, Session Laws, and Rules. The page also allows one to track legislation and get general information about the legislative process. The site includes a district finder service for those who need to contact their House member or Senator. Other information—about visiting the Capitol, state history and symbols, and employment opportunities with the Legislature—is also available.

Information about joint legislative departments, the various legislative com-

missions, and task forces is available at <http://www.commissions.leg.state.mn.us>.

The House of Representatives Web page (<http://www.house.mn>) includes membership and committee information. It also has daily news, information, and the daily House schedule. House journals and legislative information are also available.

The Senate Web site (<http://www.senate.mn>) has information about members, committees and Senate staff. The page also has daily and weekly schedules for the Senate, as well as copies of the Journal and Senate Briefly. The status of legislation and confirmation of executive appointments by the Senate is also available.

Both the Senate and House Web sites offer streaming video access to floor and selected committees.

## Entire collection of laws now online

Researchers now have online access to the entire work product of over 150 years of legislative activity in Minnesota. The Office of the Revisor of Statutes has put online every session law enacted since the First Territorial Legislature met in 1849. Though users have long had online access to the current version of Minnesota Statutes, only recent years' collections of session laws were available. Session laws from 1983 forward are displayed in full text; session laws until 1982 are displayed as PDF images of the print volume.

Regular users of the Minnesota Statutes may not realize that the multi-volume set does not represent the full work of the Legislature. The session laws are comprised of each act of the Legislature, passed and enacted into law. They are gathered together in annual volumes titled "Laws of Minnesota," containing every act of the Legislature, organized chronologically. The statutory set, on the other hand, includes only laws of a general and permanent character, organized topically. Much of what appears in session law is intended to be included in the statutory set—revisions to, repeals of, or additions to existing statutes. However, many session laws are not meant to be included in the statutes, such as appropriations measures or laws affecting only one community.

The session laws are available at: <https://www.revisor.leg.state.mn.us/laws/>

# Senate Briefly

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Commemorating the 200th birthday of Abraham Lincoln, Bruce Stenzel, Mankato, appears in costume prior to delivering the Gettysburg Address in the Capitol Rotunda Mon., Feb. 16, during a Minnesota Historical Society event.

*Photo by A.J. Olmscheid*



*February 20, 2009*

# Highlights

## Radiation facility moratorium extended

Senators met for a relatively short floor session Mon., Feb. 16, to consider measures on General Orders and to grant final passage to two bills.

Acting a one large Committee of the Whole, the members granted preliminary passage to two bills.

S.F. 162, sponsored by Sen. Linda Berglin (DFL-Mpls.), extends the moratorium on radiation therapy facility construction until 2014.. Berglin said there is plenty of capacity for radiation therapy at the present time and no new facilities are needed.

Sen. David Hann (R-Eden Prairie) said it is not for the Legislature to determine what radiation therapy facilities are needed in the state or at what time. He said there is already a moratorium in place and there is no need to extend it. By extending the moratorium we are setting up a monopoly, which rarely leads to lower costs. Berglin said the measure is a health care cost containment proposal and that improvements in therapy will help lower costs. Radiation therapy facilities are very expensive to build and since we have adequate capacity there is no need for more facilities, Berglin said. Hann countered that it is up to the marketplace to determine if new facilities are needed. Sen. Linda Scheid (DFL-Brooklyn Park) also opposed the extension of the moratorium. "Cancer radiation therapy is just about the only time the Legislature steps in and makes medical decisions," Scheid said.

She said, "My concern is what is best for the patient and it is not up to us."

The measure was granted preliminary approval on a 51-10 roll call vote.

S.F. 213, authored by Sen. Sharon Erickson Ropes (DFL-Winona), specifies that WIC coupons may be used to purchase cost neutral organic food. Organic fresh fruit and vegetables would be added to the list of foods that may be purchased with WIC coupons, said Erickson Ropes.

Sen. Steve Dille (R-Dassel) said the food system is already one of the safest in the world. The cost for organics is usually higher and not necessarily the best choice for people using WIC coupons, Dille said. Erickson Ropes said that is why the bill specifies that the organic foods must be cost neutral. She said as organic foods have become more prominent in the marketplace the costs have come down.

The measure was granted preliminary approval on a voice vote.

Members also granted final passage to one bill on the Calendar and one bill on the Consent Calendar. S.F. 47, sponsored by Sen. Kevin Dahle (DFL-Northfield) removes the restrictions on planning for the Dan Patch Commuter Rail Line. S.F. 307, carried by Sen. Rick Olseen (DFL-Harris), eliminates the requirement for an annual review of local governments' out-of-state travel policy. Olseen said the local governments must continue to have a travel policy, but the bill eliminates the paper-work of providing the report.

## Brief floor session held

The Thurs., Feb. 19, floor session was devoted to processing motions, committee reports, bill introductions and granting final passage to two measure.

S.F. 162, authored by Sen. Linda Berglin (DFL-Mpls.), extends the moratorium on radiation therapy facility construction until 2014. S.F. 213, carried by Sen. Sharon Erickson Ropes (DFL-Winona), provides that WIC coupons may be used to purchase cost-neutral organic foods. Both bills gained final passage on the Senate Calendar.

## Hiring, pay freeze announced

The Rules and Administration Committee, chaired by Sen. Lawrence Pogemiller (DFL-Mpls.), met Thurs., Feb. 19, to discuss the Senate budget and to review proposed changes to the Permanent Rules of the Senate and the Joint Rules of the Senate and the House of Representatives.

Pogemiller said that, in light of the severity of the budget shortfall and at the suggestion of several senior members, effective immediately there will be a staff hiring freeze and staff pay freeze for the remainder of 2009. In addition, upon the request of any member of the Senate, the Secretary of the Senate (Administrative) must reduce the salary paid to that member, by the amount requested by the member, for the remainder of the 86th Legislative Session, Pogemiller said.

Pogemiller said the Rules and Administration Committee may grant an exception to the hiring freeze only for an essential employee.

Michele Kelm-Helgen, executive director for the Rules and Administration Committee, briefed members on the steps that have already been taken to reduce the Senate budget. She said the Senate reduced its budget by \$710,000, or three percent, last year and that December's unallowment process further reduced the budget by \$800,000. She said a total of 24 positions have been either eliminated or unfilled. Pogemiller said the magnitude of the shortfall is such that there will probably need to be further staff reductions, either through attrition or lay-offs.

Sen. David Senjem (R-Rochester) made a motion to change the effective date of the hiring freeze to Wed., Feb. 25. Senjem said the Republican Caucus is in the middle of the process to hire a new chief of staff and the delay would allow the process to be completed. The motion was defeated on a 6-2 roll call vote.

Members also discussed a proposal, brought to the panel by Sen. Jim Carlson (DFL-Eagan), to increase the number of authors on a bill from five to 15. Secretary of the Senate (Legislative), Peter Wattson presented information detailing the increased number of floor motions and bill introductions in the House of Representatives since the other body adopted a rule allowing up to 35 authors.

Pogemiller said negotiations are taking place with House leadership and that agreement on Joint Rules should be forthcoming within a few weeks.

No formal action was taken on either the Permanent Rules of the Senate or the Joint Rules of the Senate and House of Representatives.

## Asset preservation discussed

The Capital Investment Committee met Tues., Feb. 17, to discuss asset preservation projects throughout the state.

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**Editor/Writer:**  
Karen L. Clark

**Writers:**  
Amanda Lillie  
Justin Thiessen

**Photographers:**  
David J. Oakes  
A.J. Olmscheid



Senators John Doll (DFL-Burnsville), left, and Dick Day (R-Owatonna) engage in private conversation during a Transportation Committee hearing Thurs., Feb. 19.

Photo by David J. Oakes

Committee Chair Keith Langseth (DFL-Glyndon) said, "Normally, in a non-bonding year we would have a bonding bill of about \$120 million, but this year it will be around \$300 million with about half designated for asset preservation." Langseth said asset preservation has not been as fully funded as it should have been and that is why nearly half of the proposed bonding appropriations have been earmarked for asset preservation projects. In addition, Langseth said asset preservation projects tend to be fairly small and scattered throughout the state. He said the funds from a bonding bill should be spent this year and most asset preservation projects can be started quickly.

Langseth said Minnesota ranks 43rd in the ratio of total state debt per capita. "I like to be low, but we don't need to be that low," he said. Langseth said he estimates the University of Minnesota asset preservation appropriation will total about \$35 million and the Minnesota State Colleges and Universities (MnSCU) system asset preservation appropriation will total about \$50 million.

Richard Pfutzenreuter, vice president of budget and finance, and Kathleen

O'Brien, vice president of university services, both of the University of Minnesota, outlined the Universities asset preservation request. O'Brien said for the Crookston Campus, interior and exterior door replacement, tuck pointing, and campus water loop design are projects needed campus wide. In addition, the University Teaching and Outreach Center needs to modify existing paddock areas and add fenced paddock areas, she said. The Morris Campus projects include masonry restoration, roof replacement, exterior wall repair, elevator upgrades, cooling tower retrofit, electrical and competition pool ventilation, O'Brien said. She said the Duluth Campus needs include electrical work, replacement of high voltage switches, sprinkler and fire alarm upgrades, furnace replacement, window and siding replacement and insulation replacement. Finally, the Twin Cities Campus has multiple energy conservation projects, a steam distribution piping project and replacement of stand-alone chillers with a district chiller project, she said.

Allan Johnson, vice chancellor for facilities, MnSCU, detailed the projects for the MnSCU system. He said many of

the projects will be able to be started very quickly. He said the object of the asset preservation list this year is fast execution throughout the state.

Bob Meier, assistant commissioner, Dept. of Natural Resources, said asset preservation projects for the department include building infrastructure such as roofing, plumbing and electrical work and facility infrastructure such as roads and parking lots.

Lee Ehmke, director, Minnesota Zoo, said the zoo is similar to a campus with numerous buildings and roads. He said most of the original zoo buildings are more than 30 years old. He said the zoo has developed a priority list of \$10 million in asset preservation projects that are "shovel ready" and could be underway this summer.

Nicky Giancola, Dept. of Administration, said the department has not prepared a formal capital budget requests, but a number of projects are ongoing. She reviewed the projects funded from the bonding bill enacted last year. Terry Palmer, Dept. of Military Affairs, outlined the agency's asset preservation needs.

Allen Van Buskirk, Dept. of Human Services, said the agency had not made a formal bonding request, but he detailed the department's asset preservation needs. He said completion of some of the projects could result in lowering the operation costs resulting in savings in the general fund budget. Gilbert Acevedo, deputy commissioner, Dept. of Veterans Affairs, said the department does not have a formal asset preservation request, but did prepare a list of high priority items. He said the Hastings facility needs new roofs, and facilities need upgraded heating, ventilation and air conditioner systems.

David Crist, vice president for facilities, Dept. of Corrections, said the department has 47 projects that could be underway by summer. He said the agency has identified 22 roof replacement projects, four plumbing projects, five security projects, three tuck pointing projects and five heating, ventilation and air conditioning projects. The total for the 47 projects is about \$11.5 million.

David Kelliher, Historical Society, detailed \$1.298 million in projects that could get underway quickly. The projects include a retaining wall at the James J. Hill House, masonry and window replacement at Historic Fort Snelling, and statewide historic sites roof replacement.

# Committee update

## Agriculture and Veterans Budget and Policy Division

### Ag budget heard

The Agriculture and Veterans Budget and Policy Division devoted the Tues., Feb. 17, hearing to a review of the Dept. of Agriculture's budget proposal. The panel, chaired by Sen. Jim Vickerman (DFL-Tracy), heard an overview from Quinn Cheney, policy director, Dept. of Agriculture.

Agriculture and related industries account for about 15 percent of all Minnesota jobs, with more than 80 percent of those jobs in processing, distribution, supply and service activities, Cheney said. She said exports of farm products bring in nearly \$3 billion to the state each year and more than half of the state's total land area is farmland.

Cheney said the department's budget includes \$77.9 million from the state general fund, \$41 million from the agricultural fund, \$16.2 million from the federal government and \$33.1 million from a variety of other sources. Cheney said the governor's budget proposal represents a 13 percent decrease from FY 2008-09 spending and a five percent decrease from the general fund forecast base.

Cheney said the department's mission is to enhance Minnesotans' quality of life by ensuring the integrity of the food supply, maintaining the health of the environment and maintaining the strength of the agricultural economy. She said the budget proposal contains more than \$4 million in new funding for the Pesticide and Fertilizer Management Division and about \$9 million in new funding under the clean water legacy program for pesticide monitoring and assessment, drinking

water protection, research and loans to help address non-point source priorities in local water plans.

Cheney said the agency is also proposing the creation of a 21st Century agricultural reinvestment program to provide grants and loans to fund emerging needs in agriculture, such as advancing the state's livestock and bioenergy industries.

However, Cheney said the magnitude of the projected budget shortfall necessitates reducing or eliminating some functions, such as the departments aquaculture program, plant pest survey work and other biocontrol efforts.

### Ag budget discussions continue

The Agricultural and Veterans Budget and Policy Division met Thurs., Feb. 19, to continue discussion of the governor's budget recommendations for the Minnesota Dept. of Agriculture (MDA).



Senator Rick Olseen (DFL-Harris), far right, listens to University of St. Thomas freshmen Senta Riley and Hoang Bui as they explain their underwater robot project during Minnesota Private College Scholars at the Capitol day Thurs., Feb. 19.

Photo by David J. Oakes

Joe Martin, assistant commissioner, Department of Agriculture, said the governor is recommending increasing the food handler and dairy re-inspection fees in order to recover more of the actual costs of re-inspection activities. Martin said the proposal would increase the re-inspection fee from \$75 to \$150 for an initial re-inspection of critical violations for any food handler with gross food sales under \$1 million and from \$100 to \$200 for any food handler with gross food sales of \$1 million or more. Based on previous re-inspections, said Martin, the increase is estimated to raise an additional \$4,000 and will shift more of the cost of the re-inspection to the violator. The purpose of the re-inspection fee is to recover the cost of following up with a dairy farm to make sure that critical violations are corrected in a timely manner, said Martin.

Geir Friisoe, director, Plant Protection Division, said the governor is proposing an increase in both the base pesticide registration fee and the minimum product registration fee. The governor is also recommending a reduction of \$200,000 in funding for the plant pest survey and increasing base funding by \$50,000 each fiscal year for compensation to grain and livestock farmers who experience loss due to wolf and elk depredation.

Director Peter Scheffert, Agriculture Development and Financial Assistance Division, said the governor is recommending reductions to both grants and administrative activities of the MDA. Scheffert said \$500,000 will be reduced from the administrative costs of the dairy development program and re-allocated to a new 21<sup>st</sup> Century agriculture reinvestment program (Ag21). Finally, Scheffert said the sustainable agriculture demonstration grant program will be reduced by \$100,000 per year under the governor's proposal.

Kurt Markham, director, Agriculture Marketing Division, said the proposed budget would reduce funding to reflect the elimination of MDA's aquaculture program. In addition, the governor recommends reducing funding for MDA's promotion activities, including support for the agriculture in the classroom program, said Markham.

Curt Zimmerman, supervisor, Livestock Development, said the governor is recommending the creation of a new 21<sup>st</sup> century agricultural reinvestment program, Ag21, which will provide grants and

loans to fund emerging needs in agriculture. He said the proposal also eliminates several MDA activities that are aimed at managing, monitoring, detecting, and treating invasive pests that threaten agricultural crops, trees and forests.

Quinn Cheney, policy director, Department of Agriculture, said the governor recommends authorizing the MDA to use dedicated agriculture chemical response and reimbursement account (ACRRA) funds to pay salary and fringe for direct ACRRA-related MDA incident response activities. Projected expenditures from the ACCRA account would be roughly \$271,000 annually, she said. Cheney said the governor's proposal would also require licensing for persons distributing agricultural pesticides in Minnesota.

## Business, Industry and Jobs

### Federal stimulus discussed

The Business, Industry and Jobs Committee, chaired by Sen. James Metzen (DFL-South St. Paul), met Mon., Feb. 16, to discuss the federal stimulus package and its impact on Minnesota.

Commissioner Tom Hanson, Minnesota Management and Budget, said Minnesota will be receiving approximately \$4 billion from the federal stimulus package, with potential estimates totaling \$9 billion when tax impact is included.

Commissioner Dan McElroy, Dept. of Employment and Economic Development, said approximately \$5.462 million of the funds will be allocated to the Workforce Investment Act (WIA) for adults and \$14.483 million to WIA for youth. Approximately \$10.922 million is allocated to aid dislocated workers who became or will become unemployed between September, 2008, and December, 2009, McElroy said.

McElroy outlined several other programs that will receive funding from the stimulus package, including Vocational Rehabilitation programs that will receive approximately \$6.5 million, approximately \$7 million for Wagner Peyer and \$720,000 for community service and employment for older workers. He also said Youthbuild, a program that is strong in Minnesota, will receive \$50 million nationally.

### Green jobs report heard

A statewide action plan to create and maintain green jobs was the sole topic discussed by the Business, Industry and Jobs

Committee at the Wed., Feb. 18, hearing.

Sen. Ellen Anderson (DFL-St. Paul), co-chair of the Green Jobs Task Force, summarized the task force's report and subsequent action plan for maximizing green job creation.

Anderson said the task force, which consisted of members from business, labor, state government and higher education, met throughout the interim to develop the action plan. She said the task force is proposing strategies that are consistent with five major environmental policies—expansion of the use of biofuels, the 30 percent reduction of greenhouse gas emissions by 2025, the protection and preservation of the state's surface waters, the requirement to have 25 percent renewable energy by 2020 and the achievement of a 1.5 percent annual energy savings of electricity and natural gas.

Anderson said the task force used two consulting firms, Richardson, Richter and Associates, Inc., and GSP Consulting to do a market analysis to identify business opportunities and needs created by key environmental policies. The market analysis, which Anderson said was very conservative, estimates that up to 70,000 jobs could be created or maintained through implementing the recommendations of the task force. Anderson said Minnesota is already a leader in environmental policies and is well positioned to attract and grow green jobs.

Anderson said the task force's action plan legislative recommendations focus on four sectors—renewable energy, green products, environmental conservation and green services.

In the area of renewable energy, the task force recommends support of state revenue bonds for interest free or interest deferred loans for renewable energy projects, Anderson said. She said the other recommendations include directing the legislature to explore funding for biofuels demonstration project, expanding policies and financing for emerging solar technology, removing barriers to cost effective transmission and distribution for renewable electricity and requiring an agency to report on the utilization of federal Farm Bill programming dollars for biomass establishment costs.

Anderson said green products legislative initiatives include exploring strategies for increased electric automobile infrastructure and manufacturing, modifying the building code to include use of energy

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efficiency requirements, aggregating purchasing power for green products for state agencies and studying the food production sector. Energy conservation initiatives include providing incentives to businesses and utilities for waste heat recovery and cogeneration, target existing funding sources for energy efficient technology for waste water treatment plants, identifying training needs for the state's workforce and removing barriers for water recycling by industry, Anderson said.

Anderson said the task force also recommends establishing a Green Enterprise Authority to coordinate marketing and business assistance, enact policies to provide incentives for locally owned distributed renewable energy generation, provide angel investment tax credits for proposed jobs that meet the green job definition and develop a green bonds program that allows individuals to purchase and support green enterprise investments.

## Commerce and Consumer Protection

### Interior design bill heard

The Committee on Commerce and Consumer Protection, chaired by Sen. Linda Scheid (DFL-Brooklyn Park), gathered Tues., Feb. 17, to hear a bill related to the licensure of interior designers.

S.F. 376, authored by Sen. Linda Higgins (DFL-Mpls.), changes the current state framework from certification of interior designers to licensure. The bill provides that licensed interior designers must meet education, experience and examination requirements and prohibits licensed interior designers from engaging in architecture and engineering. "The bill is meant to protect the health, safety and welfare of all Minnesotans by requiring the creators of interior environments to be licensed and not simply voluntarily certified," said Higgins.

Janice Linster, certified interior designer, American Society of Interior Designers, said the bill is meant to prevent unqualified individuals from designing public or commercial spaces. Linster said the bill does not affect interior designers who work on residential projects or small commercial spaces, architects, remodelers and contractors who work on residential buildings, National Kitchen and Bath Association members who work in residences and graduates of any college

or university who work under the direct supervision of a licensed interior designer. Under the bill, the requirements of the licensing procedure will be determined by a rule-making committee and will be distributed through a licensing board, said Linster. Linster said the bill does not put people out of work and is simply meant to provide an additional level of public safety in spaces utilized by large numbers of people.

Lee McGrath, executive director of Minnesota chapter, Institute for Justice, said the committee should reject the bill because it has nothing to do with health and safety and everything to do with fencing. Furthermore, McGrath said the bill reduces economic opportunities and customer choice, increases prices paid by customers and is likely unconstitutional. Finally, McGrath said any claims about protecting health and safety are undermined by the bill's numerous exemptions. McGrath said proponents of the bill have not produced any evidence that Minnesotans have been injured because interior designers are not currently licensed. Proponents have also not produced any study showing that requiring interior designers to become licensed has actually led to greater consumer protection in any of the four states that have already adopted a similar licensing requirement, said McGrath.

Ann Voda, certified interior designer, American Institute of Architects, said the public safety issues the bill is meant to address aren't typically the responsibility of the interior designer, but instead typically fall under the liability of the architect or engineer of a project.

Edward Nagorsky, National Kitchen and Bath Association (NKBA), said the bill only exempts NKBA members working on projects for single and two-family dwellings and doesn't allow unlicensed NKBA members to pursue multi-occupant dwelling project development such as apartment buildings or condominiums. Nagorsky also said expanded licensing requirements would lead to increased costs for both contractors and consumers who will likely see the fees and costs associated with the licensing passed onto them.

Higgins offered a technical amendment to the bill making it uniform with current statutes. The committee approved the amendment but did not approve the bill.

## E-12 Education Budget and Policy Division

### Division discusses levy bills

The E-12 Education Budget and Policy Division, chaired by Sen. LeRoy Stumpf (DFL-Plummer), met Tues., Feb. 17, to hear two bills.

S.F. 464, authored by Sen. Linda Scheid (DFL-Brooklyn Park), authorizes a levy for school districts in statutory operating debt. The bill allows school districts with a net negative unreserved general fund balance larger than 2.5 percent to levy funds to eliminate the deficit, Scheid said.

Superintendent Keith Lester, Brooklyn Center schools, said that between 70 and 72 percent of the Brooklyn Center school population is at or below poverty level and his schools would be eligible for the levies allowed in the bill. "We need to find ways that we can, at the very least, reduce the amount of [budget] cutting," Lester said. "The bill allows us to access some revenue...strictly to be able to reduce the debt."

The bill was laid over until final amendments can be made.

S.F. 433, carried by Sen. Terri Bonoff (DFL-Minnetonka), adjusts the qualification criteria for the alternative facilities bonding and levy program. The bill allows qualifying school districts to participate in the alternative facilities bonding and levy program if the district has more than 66 people per grade, over 1.5 million square feet and the average age of the building is 15 years or older.

Scott Croonquist, Association of Metropolitan School Districts, said the association supports the bill. Brad Lundell, Schools for Equity in Education, said he supports the bill because lowering the age that buildings are eligible for repair or reconstruction will prevent buildings from getting too old before they can be fixed.

Stumpf suggested that an amendment be drafted to specify how many times a district needs to run a referendum and fail before it is eligible for the levy program.

The bill was laid over for consideration in the division's omnibus bill.

### Federal stimulus allocations discussed

The E-12 Education Budget and Policy Division, chaired by Sen. LeRoy Stumpf (DFL-Plummer), devoted the



Sen. Kathy Sheran (DFL-Mankato) appears at a press conference in a show of support for the concerns of members of the Minnesota State University Student Association Wed., Feb. 18.

Photo by A.J. Olmscheid

Wed., Feb. 18, meeting to discussing the education portion of the federal stimulus package.

Deputy Commissioner Chas Anderson, Dept. of Education, said the federal stimulus bill will allocate \$53.6 billion in education funds to the states, and approximately \$821.4 million will be made available to Minnesota. The governor must allocate 81.8 percent of the funds for elementary, secondary and postsecondary education and, if possible, early childhood education programs, she said. Anderson said K-12 education funding may not be used for maintenance costs, stadiums or other facilities used for athletic contests, the purchase of vehicles or the improvement of administration facilities or other facilities that do not contribute to the education of children.

Anderson said \$4.350 billion is available for states in state incentive grants. In order to receive a grant, the governor

must submit an application to the secretary of education, Anderson said. She said if Minnesota receives a grant, at least 50 percent of the funds must be used to provide school districts with sub-grants.

The secretary of education may reserve up to \$650 million to establish an Innovative Fund to recognize local education energy or the partnership between a nonprofit organization and one or more local education agencies or a group of schools.

Program Finance Director Dr. Tom Melcher, Dept. of Education, said a large portion of the stimulus bill is for special education funding. He said \$180.4 million will be used for children ages three to 21, \$7.3 million for preschool programs and \$7 million for early childhood programs for children under the age of two.

Anderson said the states have a number of reporting requirements under the stimulus bill. Some of the state's reporting

requirements include the use and distribution of federal stimulus funds, the number of jobs saved or created, tax increases averted because of the funds, any tuition and fee increases and the progress in the distribution of teachers and the development of reliable assessments for certain students, Anderson said.

### Panel hears Growth and Justice report

The E-12 Education Budget and Policy Division, chaired by Sen. LeRoy Stumpf (DFL-Plummer), devoted the Thurs., Feb. 19, meeting to a report about smart investments in Minnesota's students from Growth and Justice Minnesota.

Dr. Angie Eilers, Growth and Justice Minnesota, said the education goal for Minnesota is to increase by 50 percent the rate of students who finish post-secondary education by 2020. Eilers said that in order to do this, Minnesota needs to

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Representing St. Paul's High School for the Recording Arts, from left, Donte Suttle, Jeremy Hicks and Preston Scott perform an original rap composition on the Capitol steps Wed., Feb. 18, as part of a youth rally in support of legislation to make seat belt violations a primary offense.

Photo by A.J. Olmscheid

invest education funds in goals for certain grade levels. All third graders have to read at or above their grade level, all eighth graders need to pass Algebra I by the end of eighth grade, all high-schoolers must be prepared for postsecondary education upon graduation and students who are qualified to enroll in postsecondary education begin within three years of graduating from high school, she said.

Eilers said that of the students who go on to postsecondary education, 34 percent are spending at least one year on remediation. She said this costs both the state and students unnecessary amounts of

money, thus the state needs to invest more in K-12 education so that remediation is not needed.

Eilers spoke of the program Admission Possible. Through Admission Possible, she said, Americorps volunteers recognize C-average students in the ninth grade who don't see themselves attending college. Volunteers mentor the students through tenth and eleventh grade to prepare and encourage the students to attend college, she said. She said Admission Possible students have a 99 percent acceptance rate to postsecondary institutions and an 80 percent graduation rate.

## Economic Development and Housing Budget Division

### State assistance bills heard

Members of the Economic Development and Housing Budget Division, chaired by Sen. David Tomassoni (DFL-Chisholm), assembled Mon., Feb. 16, to hear two bills and to discuss the governor's budget recommendations for the youth summer employment program.

Ann Fischer, manager, Youth Program, said the learn to earn summer employment program prepares at-risk youth to enter the workforce by providing

job training skills, leadership development and academic instruction to a population that might not otherwise receive the training. Current state funding for the learn to earn program is \$325,000 per year with an additional \$368,000 contributed from private organizations providing matching funds, said Fischer. The governor's budget is proposing a nearly 25 percent reduction in funding for the Minneapolis summer youth job training program, a program that has seen record-high increases in participation applications over the past three years, said Fischer. Fischer said continued state support is critical in order to maintain quality programming and sustain growing participation levels. Furthermore, Fisher said private investors are more apt to contribute to the programs if they see the state making a worthy investment in its youth. The program, which is meant to keep youth occupied during the summer months, said Fischer, has helped to contribute to a 36 percent reduction in juvenile crime since June 2006, the date at which the program began receiving state funding.

S.F. 411, authored by Sen. Mee Moua (DFL-St. Paul), appropriates money for workforce development for adjudicated youth reentering the community and at-risk youth. The bill appropriates \$1 million in both 2009 and 2010 from the general fund to the Ramsey County Workforce Investment Board for the building lives program, said Moua. Toni Carter, Ramsey County commissioner, said the building lives program provides engaged and supportive adult mentors to 406 youths from the most troubled neighborhoods in St. Paul reentering the community after committing juvenile offenses. The state provided \$60,000 in funding in 2006, and in 2008 Ramsey County directed \$200,000 from a federal work investment act grant to keep the program going, said Carter. Moua said further funding will allow 200-250 youth to participate in the program each year and will save the state money in the long-run by keeping many of the participants out of the state prison system.

The committee laid the bill over for possible inclusion in the omnibus bill.

S.F. 161, sponsored by Ray Vandever (R-Forest Lake), appropriates \$438,000 from the general fund to the commissioner of employment and economic development for FY 2010 for a grant to the city of Hugo to be used for relief from damages

caused by the EF-3 tornado that touched down May 25, 2008. The disaster, which resulted in the loss of a life and over \$22 million in property damage, did not qualify for any federal disaster assistance said Mayor Fran Miron, city of Hugo. Miron said Hugo didn't qualify for federal relief because damage to the city's infrastructure didn't meet the federal minimum level. The bill will help cover costs incurred by the city for emergency response efforts, said Miron.

The committee laid the bill over for possible inclusion in the omnibus bill.

### Budgets for small boards heard

The Economic Development and Housing Budget Division, chaired by Sen. David Tomassoni (DFL-Chisholm), met briefly on Wed., Feb. 18, to discuss the governor's budget recommendations for a number of small state boards and bureaus.

Doreen Frost, executive director, Board of Accountancy, said the governor is recommending no changes to the board's budget which operates at just over \$1 million per biennium. Frost said the main purpose of the board is to issue licenses to and collect fees from certified public accountants (CPA's) and to investigate complaints filed against CPA's and CPA firms. Frost, who is also the executive director for the Board of Architecture, Engineering, Land Surveying, Landscape Architecture, Geoscience, and Interior Design, said no budget changes were recommended for the board, which operates mainly off of revenue collected for examinations, licenses, fines and fees. Frost said the board licenses and certifies roughly 18,000 individuals and, in conjunction with the Attorney General's office, receives, files, and investigates complaints of violations of the statutes and rules.

Steven Hoffmeyer, commissioner, Bureau of Mediation Services, said the governor is recommending a \$304,000 base reduction in the 2010-11 general fund operating budget for the bureau. He said the reduction would be accomplished by eliminating a vacant mediator position, cutting \$50,000 from the labor management cooperation grant program and reducing operating expenses in the form of rent, in the amount of \$14,000. Eliminating the mediator position could affect the timeliness and scope of the services provided by the bureau, which receives over 2,500 petitions each year, he said.

Thomas Johnson, chief judge, Workers Compensation Court of Appeals, said the governor has no recommended changes for the court because the court receives its funding through special compensation as opposed to collecting money from the general fund.

Lucinda Winter, Film and Television Board, said the governor has proposed an un-allotment of \$98,000 to the board, which receives funding through a 501(c)3 public-private partnership it has with the state. Aside from state funds, Winter said the board receives revenue through private contributions from Minnesota businesses, foundations and citizens. The board also generates revenue from the publication of its Minnesota Production Guide, online guide, annual gala and other special events, said Winter. Winter said the majority of the board's budget is allocated to the snowbate program, which is designed to help staff film productions around the state.

## Energy, Utilities, Technology and Communications

### Greenhouse gas reduction bill gains

The Energy, Utilities, Technology and Communications Committee, chaired by Sen. Yvonne Prettner Solon (DFL-Duluth), considered several energy related bills at the Tues., Feb. 17, meeting.

S.F. 549, sponsored by Sen. Scott Dibble (DFL-Mpls.), adds greenhouse gas reduction goals and strategies to a variety of state and metropolitan programs and plans. In addition, the bill establishes goals for per capita reduction in vehicle miles traveled to reduce greenhouse gases.

Dibble said the transportation sector contributes about 24 percent of the greenhouse gas emissions and industry contributes about 35 percent. Dibble said that changes in development patterns are needed for Minnesota to achieve the greenhouse gas reduction goals set in statute. He said the bill attempts to set policies and strategies to improve land use planning and development practices that target growth in ways that reduce the number and length of vehicle trips in order to meet goals. Dibble said implementing changes in the transportation sector could lead to reaching the greenhouse gas reduction goal in 2015 and meeting the goal for 2025 earlier than expected.

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Senators Julie Rosen (R-Fairmont), left, and Yvonne Prettner Solon (DFL-Duluth) consult during discussion of the governor's budget recommendations at the Health and Human Services Budget Division meeting Wed., Feb. 18.

Photo by David J. Oakes

The bill adds carbon sequestration to the list of functions that determine the public value of wetlands, Dibble said. He said the bill also provides for a sensible communities grant program for local units of government to make changes in municipal ordinances that encourage development patterns to support providing citizens with safe and convenient transportation alternatives, support increasing the quantity, quality and accessibility of wetlands, lakes, rivers and streams, support maximizing the efficiency and cost-effectiveness of public investments and support expanding lifecycle housing opportunities. The bill directs the commissioner of transportation to implement policies for public and private entities to achieve a 15 percent reduction from 2005 levels in vehicle miles traveled by 2025. Dibble said the bill also adds greenhouse gas reduction to the list that must be included in the Metropolitan Councils comprehensive development guide. The bill also requires local units of government to revise its comprehensive plan

to accomplish the vehicle miles traveled reduction goals.

Dibble said local units of government are concerned about reopening their comprehensive plans to comply with the bill, but he said he thought the potential cost savings outweighed the complexity of altering the comprehensive plans.

The bill was approved and advanced to the Education Committee.

S.F. 657, sponsored by Prettner Solon, provides direction for the use of federal stimulus funding for energy programs. Prettner Solon said the bill is a place holder and would not be acted upon, but that it is appropriate to have general principles in place once the funds become available.

Bill Glahn, deputy commissioner, Office of Energy Security, said that although the federal stimulus package has been signed into law, it is still somewhat of a moving target in terms of determining the amount Minnesota will receive. He said it is estimated \$200 million will be avail-

able, with the largest portion earmarked for home weatherization programs.

Prettner Solon also authored a bill, S.F. 656, directing the Legislative Energy Commission to analyze state energy standards for appliances. She said it is estimated that by using energy efficient appliances there could be a reduction of nearly 15 percent in carbon dioxide emissions.

Doug Stand, 3M government affairs, said television sets use a great deal of energy, but the application of particular films reduces the energy consumption by a significant amount. He said quality is not compromised, but the film allows for a concentration of light that uses less energy. He said 3M is very active in the energy reduction arena and looks forward to more innovations. Carl Nelson, Center for Energy and the Environment, said it is appropriate for states to adopt standards for appliances, particularly for appliances not covered by federal standards.

The measure was approved and advanced to the Senate floor.

## Environment and Natural Resources

### Compostable plastic bags discussed

A bill requiring yard waste bags and containers to be compostable was the focus of the Environment and Natural Resources Committee's Mon., Feb. 16, meeting.

S.F. 383, authored by Sen. Rick Olseen (DFL-Harris), specifies that after Sept. 1, 2009, any bag or container containing yard waste delivered to a yard waste compost facility in the Metro Area must meet all the American Society for Testing and Materials specifications for compostable plastics.

Olseen said the bill also specifies that no one may manufacture or bring into the state a plastic bag or container labeled compostable, biodegradable or degradable unless the bag or container meets the ASTM standard specification for compostable plastic. The bill also sets a civil penalty, allows for injunctive relief and provides for rulemaking. Members adopted an amendment removing the rulemaking provision and deleting the word container from the bill.

The measure was approved and referred to the Business, Industry and Jobs Committee.

### Committee hears green acres bills

The Committee on Environment and Natural Resources, chaired by Sen. Satveer Chaudhary (DFL-Fridley), met Wed., Feb. 18, to hear two bills relating to the green acres program.

S.F. 386, sponsored by Sen. Rod Skoe (DFL-Clearbrook), modifies the green acres program to reinstate previous law provisions relating to green acres treatment and agricultural property classification. Thus, the bill changes back the provisions that created controversy since their enactment in 2008, Skoe said. He said the bill allows unproductive rural land to be eligible for the green acres program and removes the elimination of lands in the reinvest in Minnesota reserve or the federal conservation reserve program.

Deb Krueger, Christmas tree farmer in Lake Elmo, there is no way for the government to tell if land is unproductive or not because some farmers may only farm on 60 percent of their land, but the other 40

percent is serving the purpose of catching runoff or growing trees to block wind and prevent erosion.

Bobby King, Minnesota Land Stewardship, said he favors the bill. He said he thinks landowners are confused about the changes to the green acres program in recent years and the passage of the bill would restore landowners' faith in the Legislature.

The bill was approved and re-referred to the Committee on Taxes.

S.F. 240, authored by Sen. James Metzen (DFL-South St. Paul), creates the Minnesota land conservation property tax law, which provides for reduced property taxes on conservation land that would be based on the value of the land as conservation land. The law is modeled after the green acres program, Metzen said. The bill allows a landowner to transfer property from the green acres program to the Minnesota land conservation property tax law without paying additional taxes, he said.

Vance Grannis, resident of Eagan, spoke in favor of the bill. He said he thinks property taxes on other community residents will increase if the bill is not passed.

The bill was approved and re-referred to the Committee on Taxes.

## Environment, Energy and Natural Resources Budget Division

### DNR budget reviewed

The Environment, Energy and Natural Resources Budget Division, chaired by Sen. Ellen Anderson (DFL-St. Paul) devoted the Tues., Feb. 17, hearing to a review of the governor's budget proposal for the Dept. of Natural Resources (DNR).

The directors of several DNR divisions reviewed the divisions' activities and the change items in the governor's budget relating to their division.

Assistant Commissioner Bob Meier led off with an overview of the governor's proposal. He said the budget contains a reduction in general fund appropriations of 10 percent in FY 2010-2011. The 10 percent equals \$7.220 million in each year of the biennium, Meier said.

Marty Vadis, Lands and Minerals Division, said major responsibilities of the division include managing mineral activi-

ties on about 12 million acres of state-owned mineral rights, enforcing mine land reclamation regulations at taconite and peat mining operations affecting over 250,000 acres of public and private lands and managing real estate transactions on 5.5 million acres of state-owned lands. Vadis said during the FY 2007-2008, the department acquired 72,425 acres of fee and easement interests, sold 1,088 acres, exchanged 5,511 acres for 11,544 acres, issued utility licenses, road easements and leases with a revenue of \$3.09 million and surveyed land and maintained land records.

The division is also revamping the land records system to enhance access to public information on state land assets, streamlining mandated reporting requirements and accelerating integrated natural resource management, Vadis said. He said the budget proposal recommends a \$1.877 million reduction in each year of the biennium. Vadis said the reclamation management will provide an estimated revenue of \$1.202 million each year to compensate for the \$1.202 million reduction for reclamation management. In addition, Vadis said the land management account will have estimated \$612,000 to make up part of a \$675,000 general fund reduction. Vadis and Paul Pojar briefed the division on payment in lieu of taxes (PILT) formulas.

Dave Schad, director, Fish and Wildlife Division, reviewed the responsibilities and budget for the division. Schad said the division serves 1.4 million licensed anglers, 600,000 anglers who are not required to be licensed, 1,700 commercial fisheries operators and over 2,000 resort and tourist businesses. In addition, the division serves 578,000 licensed hunters and trappers, he said. He said fishing, hunting, trapping and wildlife watching generate \$3.5 billion in annual expenditures in the state.

Schad also spoke about the division's strategic objects, which include fish and wildlife population management, habitat management, technical assistance, planning and public outreach. He said change items include a request for \$440,000 for gray wolf management and research, \$1.2 million for bovine tuberculosis monitoring and management and \$570,000 for the new walleye stamp approved last year. A final change item is for an appropriation of \$950,000 from the clean water fund for clean water legacy projects, Schad said.

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The governor's budget proposal includes a general fund reduction of \$5.54 million for the division, Schad said. He said the reduction represents a 3.5 percent reduction in population management programs, 3.5 percent reduction in habitat management programs, 4.3 percent reduction in technical assistance programs, 5.8 percent reduction in outreach programs and 10.3 percent reduction in public information and customer services programs.

The Division of Waters activities and budget were reviewed by Kent Lokkesmoe, director of the division. He said the mission of the division is to help people ensure the future of the state's water resources. Water is Minnesota's most valuable resource, Lokkesmoe said, and it is a key economic driver for the state's growth and development. He said the division protects the health of state's wetlands, lakes, rivers and ground water resources

through public waters protection, water supply management and hydrologic information for decision making. He said the governor's budget proposal includes a \$640,000 general fund reduction. As a result, appropriations to the Mississippi Headwaters Board and Leech Lake Band State Grants will be reduced by \$65,000 and \$5,000, respectively, Lokkesmoe said. There will also be a \$70,000 reduction to the grant for the Red River Mediation Agreement and a reduction of \$500,000 to the shore land rulemaking process.

## DNR budget discussion continues

The Environment, Energy and Natural Resources Budget Division, chaired by Sen. Ellen Anderson (DFL-St. Paul), devoted its Thurs., Feb. 19, meeting to continuing the discussion of the governor's budget recommendations for the Dept. of Natural Resources (DNR).

David Epperly, director, Division of Forestry, said the governor is recommending an appropriation of \$950,000 to the DNR from the heritage enhancement account to maintain and expand the ecological system program on state forest lands and to prevent the introduction and spread of invasive species on state lands. The governor is also proposing a \$2 million increase in the general fund appropriation to the division of forestry for the FY 2010-11 biennium, said Epperly. He said the additional fund dollars will help offset the reduction in the forest management investment account (FMIA) appropriations necessitated by declining receipts in the FMIA. Appropriation reductions of \$5 million in FY 2010 and \$6.1 million in 2011 are required to avoid a deficit in the account balance, said Epperly. Finally, Epperly said the governor is recommending that the DNR complete a study on the feasibility of developing a public-private partnership for nursery research and large-scale production of containerized seedlings for use in managing Minnesota's forest lands. The study would be funded by a one-time appropriation of \$250,000 in FY 2010, said Epperly.

Director Steve Hirsch, Ecological Resources Program, said the governor is proposing a \$48.2 million budget for the ecological resources program for the biennium. He said \$1.65 million would be invested into the ecological resources program from the clean water and legacy fund for the 2010-11 biennium. Hirsch said the funds will be devoted to addressing water quality assessments and monitoring, restoration and protection of critical shorelands and total maximum daily load planning and development. The program's current budget focuses on four strategic objectives which include ecosystem health, conservation of lakes and rivers, integrated conservation information and protecting and managing biological diversity, with an emphasis on rare and declining resources, said Hirsch.

## Health, Housing and Family Security

### Mental health bills heard

The Health, Housing and Family Security Committee, devoted the Mon., Feb. 16, hearing to discussion of the state's mental health programs. The panel, chaired by Sen. John Marty (DFL-Ros-



*Yuleski Betharte, originally from St. Paul and currently living at Avenues for Homeless Youth in Minneapolis, appeals to members of the Health and Human Services Budget Division Tues., Feb. 17, to maintain funding for homeless and runaway youth programs.*

Photo by David J. Oakes

eville), first heard an overview from officials from the Dept. of Human Services. Dr. Read Sulik, Dept. of Human Services, summarized the status of the mental health initiatives enacted in 2007.

S.F. 380, sponsored by Marty, makes numerous changes to mental health programs. Marty said the bill is to be broken up into 13 separate bills, but he wanted to explain the measure as a whole before taking up the separate bills. The first portion of the bill deals with criminal justice and public safety provisions relating to mental health, Marty said. He said the second portion of the bill focuses on children's mental health, another portion relates to mental health funding and a separate portion deals with employment support. In addition, the bill also makes a number of miscellaneous changes, requires state employees medical coverage to extend dependent coverage to an eligible employee's unmarried child under the age of 25, Marty said. Finally, he said the bill also contains a number of education-related mental health provisions.

Sen. Sharon Erickson Ropes (DFL-Winona) sponsored a bill, S.F. 496, modifying the state's suicide prevention plan. There has been an increased rate of suicides among dairy farmers and among active duty personnel, Erickson Ropes said. She said that the worsening economic situation may lead to even more suicides. She said the state has a community based suicide prevention plan, but the numbers are still increasing. Erickson Ropes said there are two groups that are especially vulnerable; the elderly and young people of college age. The bill provides for a life-span plan focused on awareness and prevention, Erickson Ropes said. She said the bill also adds the chancellor of the Minnesota State Colleges and Universities and the president of the University of Minnesota to the agencies required to collaborate on the state's suicide prevention plan. Erickson Ropes said the community-based programs are to provide prevention and intervention education students attending the state's higher education institutions.

Erica Oehlert, speaking in support of the bill, said it is very difficult for college age students to get help. "You have to work hard to get mental health help when you are in college, away from home for the first time," she said.

The bill was approved and advanced to the full Senate.

S.F. 665, sponsored by Sen. Tony Lourey (DFL-Kerrick), modifies provisions related to children aging out of foster care. Lourey said the bill aims to help young people leaving foster care obtain mental and medical care. He said many young people leaving the foster care system are eligible for Medical Assistance, but may not be able to negotiate the enrollment process. The bill specifies that foster children must be enrolled in Medical Assistance and must be certified eligible until their 21st birthday, Lourey said.

The measure was approved and advanced to the Finance Committee.

S.F. 666, sponsored by Marty, specifies a person who ages out of foster care and is between the ages of 18 and 21 may ask a local agency to develop, in conjunction with the person and other appropriate parties, a specific plan related to the person's vocational, educational, social, or maturational needs. The bill also requires the local agency to ensure that any foster care, housing, or counseling benefits are tied to that plan. The bill was approved and sent to the Finance Committee.

S.F. 503, authored by Sen. Ann Lynch (DFL-Rochester), includes licensed mental health professional counselors as a qualified provider under Medical Assistance. In addition, the bill expands the definition of mental health profession by adding that, in licensed profession clinical counseling, the mental health profession must be a licensed professional clinical counselor with at least 4,000 hours of post-master's supervised experience in the delivery of clinical services in the treatment of mental illness. The bill was also approved and re-referred to the Finance Committee.

## Health and Human Services Budget Division

### Budget worries continue

Members of the Health and Human Services Budget Division reconvened Tues., Feb. 17, for another day of public testimony on the possible effects of the governor's proposed budget cuts.

Tom Johnson, client advocate, Mental Health Association of Minnesota, said the governor's proposed cuts to the personal care assistance (PCA) program would leave many recipients currently receiving the services isolated and without the daily assistance they need. Johnson

said recipients receive assistance with routine tasks such as grocery shopping, cleaning, and personal grooming all while having simple human interaction with their provider. This interaction, said Johnson, is necessary to keep the recipients from feeling depressed or isolated and gives them someone who can help them make good decisions when it comes to purchasing healthy foods or planning meals and portion sizes. Recipients also use PCA services to get transportation to medical and mental health appointments and often have providers attend appointments to act as liaisons between themselves and doctors, he said. Johnson said cutting PCA services will leave many recipients without the daily care and social interaction they have come to depend on and will leave some depressed and others without a place to live because they are no longer able to satisfy landlord requirements on their own.

David Arons, director of government relations, American Cancer Society, said the governor's proposed 7.5 percent cut to the Department of Health's general administrative budget would affect the sage program, a breast and cervical screening partnership that provides free mammograms and pap tests to low-income women without health insurance. Cuts to the program will mean fewer mammograms and pap tests, less cancers detected early, loss of capacity for outreach to at-risk women and a loss of federal funding, said Arons. Arons said the American Cancer Society also opposes the governor's recommended reductions in eligibility for public health insurance programs. He said there is substantial evidence that the lack of access to adequate health insurance is associated with poorer health outcomes for cancer patients. If Minnesotans do not have access to health care, the costs of treating more uninsured cancer patients will fall to hospitals, counties and the state, resulting in more financial burden in the long run, said Arons.

Colleen Moriarty, executive director, Hunger Solutions Minnesota, said the governor's cuts in the Minnesota family investment program (MFIP) will be devastating to families across the state. Cuts to the MFIP program will place added strain on food shelves that are already struggling to serve populations of people never before assisted by the program, said Moriarty. State-wide hunger relief demand has risen nearly 20 percent and participation in the

# Committee update

WIC program has increased 42 percent in the last two years, said Moriarty. Moriarty said food shelves are not currently structured to serve more people than they already do and will likely have to turn many people away if proposed cuts to the MFIP program actually go into effect.

Heidi Conrad, chief financial officer, Regions Hospital, said the governor's proposed reductions and shifts in the budget places further financial burden on safety net facilities like Regions Hospital that has a statutory obligation to be an "open door" provider for Ramsey County residents. In 2007, Regions cared for 27,033 charity care patients, a number that will likely skyrocket as more Minnesotans lose coverage, said Conrad.

Dr. David Gesko, senior vice president, HealthPartners, spoke in opposition to the governor's recommendation to eliminate dental services for non-pregnant adults in public programs and the proposed elimination of the critical access incentive payment under the MinnesotaCare and Medical Assistance programs. Gesko said 25,000 adults with HealthPartners dental insurance would lose coverage under the cutbacks and would likely be forced to use expensive emergency room care when extreme dental issues came about, issues that could have been avoided if the individuals had dental insurance. Care for patients in emergency rooms for dental pain is also less efficient because ER's are not set up to provide dental care and usually only prescribe pain killers to help patients until they can be treated by dentists, he said. Furthermore, Gesko said there is overwhelming medical evidence that shows poor oral health negatively affects many well-known chronic illnesses such as diabetes, heart disease and brittle bone disease. Finally, Gesko said, "The governor and the Legislature spent much of the past two years working to pass health care reform legislation that emphasized prevention and primary care as a way to reduce overall costs on the system. The current budget recommendations are a direct contrast to that approach."

## Public testimony concludes

Members of the Health and Human Services Budget Division, chaired by Sen. Linda Berglin (DFL-Mpls.), met Wed., Feb. 18, for the final day of public testimony on the possible effects of the governor's proposed budget cuts.

President Lawrence Massa, Minnesota Hospital Association, said that hospitals are not recession proof and the governor's budget will place further financial burden on hospitals around the state, which are already in dismal financial situations. The cuts threaten the ability of many hospitals to successfully serve as safety net facilities because charity care and bad debt have already begun to escalate at safety net hospitals in the state, said Massa. Eliminating health care for nearly 84,000 adults will only increase the amount of charity care provided at safety net facilities and will further the amount of bad debt incurred due to people's inability to pay for the services they receive, he said. Uncompensated care will cost hospitals roughly \$460 million in the next biennium, said Massa. Massa said the governor is also recommending other cuts and reductions to hospitals that will equate to roughly \$229 million in lost revenue. Eliminating care for Minnesotans will result in increased emergency room visits and end up costing the state more money in the long-run, said Massa. To counter the effects of the budget cuts, Massa said, hospitals will be forced to reduce the number of programs and services they offer along with downsizing staff. Massa said the federal stimulus package will likely help lessen the financial blow of the budget shortfall, but won't counter its effect on health and human services entirely.

Sherry Glanton, Employment Action Center, said reductions in the Minnesota family investment program (MFIP) will hurt organizations like hers that provide peer support groups to teen mothers with multiple children who receive money from the MFIP program. Glanton said the support groups provide vital life skills and pregnancy prevention knowledge to teen mothers struggling to pay for day care and health care services for their families. The programs help to keep state pregnancy levels down while providing the young women with the skills they need to provide themselves and their families with a second chance in life, she said. Without proper MFIP funding, many of the teen mothers will end up homeless and have no way to provide for their children, she said.

Margaret Lawal, MinnesotaCare recipient, said she relies on Medical Assistance (MA) from the state to help pay for her medical care and prescriptions, which total nearly \$8,500 per year. Lawal said

she has chronic illnesses that keep her from working and won't be able to afford care or medicine without access to some sort of state assistance.

Lisa Lambrecht, rehabilitation therapist, said the governor's proposed elimination of rehabilitation services for those receiving some sort of state assistance will only end up costing the state more money in the long-run. Lambrecht said she provides counseling to patients with serious and persistent mental illnesses and many of her clients couldn't function at the community level without the counseling and would subsequently need to be institutionalized. She said that a year's worth of rehabilitation therapy is roughly equal to the cost of one or two days in a hospital. Rehabilitation therapy helps patients develop the skills they need to become a productive member of society while also keeping them out of institutions. Greg LaVelle, rehabilitation client, said he attends bi-weekly therapy sessions that help him manage his agoraphobia and social anxiety and without state aid his program will likely get cut, leaving him too afraid to leave his home on his own.

Jerry Kyser, United Veterans Legislative Council, spoke in support of the governor's recommendation to continue financial support of Minnesota's veterans homes without any cuts. "The men and women who reside in these homes earned the right to be there and shouldn't ever be forced out due to lack of funding," said Kyser. Kyser said he hopes the governor and the Legislature will continue to keep veterans affairs as a high priority when balancing future state budgets.

## Judiciary

### Insurable interest bill gains

The Judiciary Committee, chaired by Sen. Mee Moua (DFL-St. Paul), met Tues., Feb. 17, to hear bills concerning insurable interest and type III vehicle provisions.

S.F. 166, carried by Sen. Linda Scheid (DFL-Brooklyn Park), prohibits stranger-originated life insurance (STOLI). Scheid said that STOLI is the act, practice or arrangement to initiate a life insurance policy for the benefit of a third-party investor who, at the time of the policy origination, has no insurable interest in the insured and who may sell the insurance policy in the secondary market. The bill also clarifies that the beneficiary of a

life insurance policy must have a stronger interest in the insured individual living rather than dying.

Carl Wolk, Minnesota resident, spoke in opposition to the bill. He said he took out an insurance policy in 2003 for the business he owned. After selling the business in 2005, it went bankrupt and he was unable to pay the insurance premium any longer, he said. He said that because he was able to sell his insurance policy he is now financially stable. If the bill passes, he said, other people in the same situation might not be able to sell their policies to regain financial stability.

Mike Abrams, Tamar Fink Agency, said he is in opposition to the bill because he doesn't think any insurance agency would buy a Minnesota contract if the policy is contestable up to three years after the death of the insured if it is suspected to be a STOLI policy. Abrams also said he wants people to be able to sell their insurance policies on the secondary market if necessary, especially considering the recent economic recession.

Sen. Julianne Ortman (R-Chanhassen) offered an amendment to delete language about the presumption of STOLI practices. Peter Coyle, Larkin Hoffman, said the amendment establishes a two-year ban on life settlement agreements. The amendment did not pass.

Ortman also offered an amendment deleting the portion of the bill that states a person will be presumed involved in STOLI practices if he or she underwent a life-expectancy evaluation within the time period beginning 18 months before the issuance of the policy. The amendment did not prevail.

Sen. Linda Higgins (DFL-Mpls.) offered an amendment to clarify that a person will be presumed involved in STOLI practices if he or she underwent a life-expectancy evaluation and either had an agreement before issuance of the policy between the individual and another person or the policyowner funded a portion of the policy premiums by funds other than personal assets. The amendment was approved.

The bill was approved and re-referred to the Senate floor.

S.F. 33, authored by Sen. Rick Olseen (DFL-Harris), allows a person who is deaf or hard-of-hearing to operate a type III school bus. The bill states that school district employees who are not type III bus drivers are exempt from the physical exam and drug and alcohol test, but will be subjected to a background and license check and asked to report any prior convictions, Olseen said.

Allison Porter, a student at Minnesota North Star Academy, said that because of the restrictions on type III drivers, she and other fellow deaf students are unable to attend some sporting or educational events or go on field trips because their deaf teachers are not able to use a type III vehicle to transport the students. She said she is in support of the bill because she feels safer in a vehicle with a deaf driver because of communication issues.

The bill was approved and re-referred to the E-12 Education Budget and Policy Division.



Budget Trends Study Commission members and former state finance commissioners, from left, Jay Kiedrowski (Perpich administration), John Gunyou (Carlson administration), Peggy Ingison (Pawlenty administration - first term) and Pam Wheelock (Ventura administration) share their thoughts on solving the state's budget crisis with members of the Legislative Commission on Planning and Fiscal Policy Wed., Feb. 18.

Photo by David J. Oakes

# Committee update

## Public Safety Budget Division

### Panel hears budget, short-term offender reports

The Public Safety Budget Division, chaired by Sen. Linda Higgins (DFL-Mpls.), met Mon., Feb. 16, to hear reports on the short-term offender program and the impact of budget reductions on local law enforcement and fire services.

Frank Pomeroy, police chief in Winona, said the crime rate and number of felonies in Winona have dropped by nearly 60 percent with the help of community programs and stable numbers in the police force. City Manager Eric Sorensen, Winona, said police, fire and public works account for almost half of the city's budget. "[Levy caps are] compounding everything we provide for," Sorensen said.

Barry Fritz, police chief in Richfield, said his department was unallotted \$618,000 in FY 2008, \$860,000 in FY 2009 and it is anticipated that they will lose \$1.8 million in FY 2010. He said the unallottments will hinder the police force from enforcing laws and preventing crime.

Brad Sveum, fire chief, Richfield, said the fire department has 24 career personnel and two fire chiefs. Sveum said the department is looking into reducing the number of firefighters on duty per day from six to five, which will also take one emergency vehicle out of commission.

David Titus, president of the St. Paul Police Federation, said crime will eventually start to increase because of the cuts in law enforcement.

Sergeant Jim Falkowski, gang unit, St. Paul police, said if officer positions are cut, the St. Paul police force will lose all the ground they have gained with the successes of the gang unit and SWAT team. He said the St. Paul SWAT team is one of the best trained in the Metro Area and the budget reduction will result in less funding for training.

Finally, Senate Fiscal Analyst Chris Turner gave an overview of the short-term offender program. Turner defined short-term offender as someone convicted of a low-level felony who has 180 days or less to serve or a person who violates probation. Short-term offenders serve time locally in the jurisdiction in which they were sentenced, Turner said. He said in FY 2008 there were 360 short-term offenders and \$3.7 million in annual funding for

their housing, which breaks down to \$29 pro rated per diem. The cut for FY 2009 results in an estimated \$12 pro rated per diem, Turner said. He said the average cost of housing an inmate for one day is between \$55 and \$60.

Ken Merz, director of Administrative Services, Dept. of Corrections, said that since the short-term offender law was implemented five years ago, the average number of jail credit days has increased from 155 to 204, thus costing more money for inmate housing.

Commissioner Jeff Johnson, Hennepin County, said he wants to see the short-term offender legislation eliminated. He said it is costing more money than necessary and is not proving to be rehabilitative. Johnson said short-term offenders have a 74 percent recidivism rate within three years of their release and other felony offenders who were not classified as short-term had a recidivism rate of 50 percent within three years of release.

### Corrections cuts discussed

The Public Safety Budget Division, chaired by Sen. Linda Higgins (DFL-Mpls.), devoted the Wed., Feb. 18, meeting to a discussion of three proposed reductions in the Dept. of Corrections budget.

Susan Mills, executive director, Tri County Community Corrections, said the governor's proposal to eliminate pass through funding for two-day reporting centers and four eight-day temporary holding juvenile facilities. Mills said three counties Polk, Norman and Red Lake, have collaborated on local corrections services. She said the Tri County Community Corrections Center provides probation, restorative justice, out-patient chemical dependency, adolescent transition and the Red River Valley Juvenile Center. She said the agency operates the only regional jail in Minnesota. She said the collaboration between counties is an excellent example of the current interest in combining administrative functions for better economy and sharing of resources.

Mills said the original reason for the eight-day holdover was to provide secure space for juveniles who would otherwise be held in adult jails. She said the limited stay of eight days promotes a more speedy court and probation process, provides accessibility to social workers and mental health professionals. She said the loss of the pass through funding, about

\$90,000, will result in drastic changes to the services provided by the center. Mills said it is critical to continue the availability of the funds in order to support the necessary infrastructure for juvenile justice.

Sheriff Bud Olson, Carver County, also spoke in opposition to the cuts in the pass through funding for the eight day holding juvenile facilities. He said eliminating the pass through grants returns to the 1990s inefficient and costly detention model. Olson said the facilities serve regional partners and meet the state goal of regionalization and consolidation. In addition, he said the decision is penny wise, but pound foolish because early intervention is critical in juvenile justice matters. By not providing the services, it is more likely that there will be more adult offenders in the future, Olson said.

Jennifer McDonald, Restorative Justice Community Action, said eliminating the pass through grants for the restorative justice grants harms successful programs. She said the reduction, \$206,000, is a small amount of money, but that it represents a significant cut for the program because local funding is often contingent upon the state funding. In addition, she said foundation grants are also placed in jeopardy because the foundations look to the state for an indication about the stability of funding.

McDonald said restorative justice programs such as sentencing circles, community conferencing and other community initiatives that have been proven to be successful in reducing recidivism and changing the course of young people's lives. Roger Lynn, Lakes Area Restorative Justice Project, Pequot Lakes, echoed McDonald's comments and emphasized the reducing recidivism.

Sen. Bill Ingebrigtsen (R-Alexandra) said he has personally witnessed the positive effects of the restorative justice programs and that he would like to work with the department to restore funding for the programs.

Members also discussed a proposal to remove 800 individuals from the Corrections Early Retirement Plan. Commissioner Joan Fabian, Dept. of Corrections, said the transfer of non-security employees to the general plan results in a savings of \$6.1 million for the biennium. Fabian said she was directed to cut \$47 million from the corrections budget. She said most of the budget is designated for run-



Teleen Saunder and her eight-year-old daughter Careenna, Mound, collaborate on an Abraham Lincoln hat during the Minnesota Historical Society's information fair and rally in the Capitol Rotunda Mon., Feb. 16.

Photo by David J. Oakes

ning the state's prisons and cuts of the magnitude requested could put public safety at risk through closing facilities or laying off employees.

Paul Larson, Office of Budget and Management, detailed the background for including the non-security employees in the Corrections Early Retirement Plan. He said the original plan was for correc-

tions officers and required them to retire at age 55 with at least 10 years experience. He said the vesting period has been reduced to three years, noncorrections officers were included and the age 55 retirement mandate was repealed. He said by moving the employees into the general plan and restoring the 10-year vesting period restores the plan to its original intent.

Employees representing nurses, case-workers, teachers and other job classifications spoke in opposition to the proposed pension changes. Donald Cyr, RN, and Imo Powell, RN Nurse Practitioner, emphasized that they are often in close contact with offenders and face significant personal risk. Other speakers detailed the difficulties in working closely with inmate populations and the risk involved.

Higgins said the pension issue will be worked out in the Legislative Commission on Pensions and Retirement, but that it was important for division members to understand the issues.

## State and Local Government Operations and Oversight

### Elections bills heard

The State and Local Government Operations and Oversight Subcommittee on Elections met Mon., Feb. 16, to consider three elections bills. The panel, chaired by Sen. Katie Sieben (DFL-Newport), advanced all three bills to the full committee.

S.F. 661, authored by Sen. Sandra Pappas (DFL-St. Paul), expands requirements for postsecondary institutions to report resident student information to the secretary of state for voter registration purposes. The bill also requires enhanced access to voter registration records and records of returned absentee ballots on the World Wide Web. Pappas said the bill also authorizes the secretary of state to provide a process for online registration for individuals with a Minnesota driver's license, identification card, or learner's permit.

Becky Boe, co-president, student senate, Bemidji State University, said in an increasingly digital world, students are accustomed to doing things on-line and the ability to register to vote on-line is a natural extension.

Sen. Ann Rest (DFL-New Hope) said the provisions relating to the on-line availability of voter registration data and absentee ballot data is questionable because those types of data are currently considered private. Rest offered an amendment to remove the provisions relating to absentee ballot data availability on the Web. Rest said she wanted to remove the sections in order to work further with the author on language clarifying the status of the data. The amendment was adopted.

# Committee update

S.F. 660, authored by Sen. John Marty (DFL-Roseville), requires state officials to update the Office of the Secretary of State with information about individuals such as name changes, deaths, felony conviction status and citizenship status in order to ease the process of updating the voter registration system. Marty said the bill also requires the automatic voter registration of all applicants for drivers' licenses, identification cards, unless the applicant opts out. He said the bill will make it easier to check voter registrations and it will ease the crush at the polls on election day.

Secretary of State Mark Ritchie said the bill provides several economic advantages for local governments on election day and provides more accuracy on the state's systems. He said for counties such as Hennepin, the bill may result in up to \$1 million in savings.

Sen. Chris Gerlach (R-Apple Valley) said the provisions allowing for automatic voter registration upon application for a drivers' license permit are a departure from past practices. He moved to delete the provision from the measure. Gerlach said voter registration has always required an affirmative action on the part of the individual, but the bill does not require the individual to do anything in order to register to vote. He said the past practice requires that individuals be aware of what they are doing, but the bill does not. Pappas said the automatic registration is primarily a matter of convenience and individuals are able to opt out if they want. Marty said the provision saves money and makes the voter roles more accurate.

The amendment failed to gain adoption.

Rest offered an amendment requiring the notice sent by the county auditor that an individual is registered to also contain information about declining to be registered. The amendment was adopted.

Rest authored a bill, S.F. 278, outlining the procedures and providing a time line for holding a special election should a vacancy occur in the office for U.S. Senator or U.S. Representative. The measure requires the governor to issue a writ providing for a special election within five days after the vacancy occurs and requires a special election to be held between 70 and 100 days after the writ has been issued. In addition, the bill specifies that if a regularly scheduled state primary or general election falls within the time pe-

riod, the special election be held on that date. Finally, the measure specifies that if the vacancy occurs after July 1 of the year preceding the year when the term expires, a special election will not be held. The candidate elected at the general election, however, succeeds immediately to the remainder of the term.

## Panel hears election bills

The State and Local Government Operations and Oversight Subcommittee on Elections, chaired by Sen. Katie Sieben (DFL-Newport), met Wed., Feb. 18, to hear three bills regarding election provisions.

S.F. 446, authored by Sen. Ann Rest (DFL-New Hope), enters Minnesota into an agreement with other member states to elect the president by national popular vote. The agreement in the bill would be effective when sufficient states to cumulatively possess a majority of the electoral votes for a presidential election enact the agreement, she said. Rest said the bill would assure voters in Minnesota and other states with fewer electoral votes that their vote counts.

Regional Coordinator Larry Sokol, National Popular Vote, said the bill has been introduced in 49 out of 50 states. Sokol said that because 98 percent of the money spent in the 2008 presidential campaign was spent in 16 states, the presidential candidates are not focusing on the needs of each individual state. He said he supports the bill because candidates will be forced to campaign more equally in all states.

The bill was approved and referred to the full committee.

S.F. 745, sponsored by Rest, requires a special election on the second Tuesday in December if a candidate who was nominated in the primary passes away or suffers from a catastrophic illness. The bill removes the existing authorization to use a nominating petition to replace nonpartisan candidates who were nominated in the primary, Rest said.

Rest proposed an amendment to clarify that if any candidate who is nominated at a primary dies or suffers a catastrophic illness a special election will be held. The amendment replaced language stating that only state constitutional candidates were eligible for special election. The amendment was approved.

The bill was approved as amended and referred to the full committee.

S.F. 606, authored by Rest, allows individuals who are 17 years old and will be 18 years old by election day to vote in caucuses and primaries. The bill states that 17-year-olds who vote in primaries must receive a ballot that only allows them to vote for a candidate seeking nomination, and not for any question or proposition.

The bill was approved and referred to the full committee without recommendation.

## State Government Budget Division

### Committee resumes budget discussions

Members of the State Government Budget Division, chaired by Sen. Don Betzold (DFL-Fridley), met for another round of discussions related to the governor's budget recommendations Mon., Feb. 16.

Paul Erickson, executive director, Minnesota Amateur Sports Commission, said the governor is recommending increasing the commission's budget by \$50,000 per year in order to partially restore base reductions enacted in previous biennia, leaving the commission's projected operating budget at \$270,000 per year. Erickson said the governor is also proposing eliminating the \$750,000 per year standing appropriation enacted in the mid-1990's to aid the public takeover of the Target Center. Under the original agreement, the annual payments to Minneapolis were expected to end after FY 2009. Since the Target Center appropriation is separate from the commission's operating budget, the change will have no direct effect on the commission's budget, said Erickson.

Executive Director Tom Barrett, Minnesota Gambling Control Board, said the board, which is funded directly through regulatory and license fees and receives a biennial appropriation for operations from the Legislature, won't see much of a change for the 2010-11 biennium. Barrett said Minnesota ranks number one in the United States in charitable gaming receipts with gross receipts from lawful gambling in 2008 totaling over \$1.1 billion. Even though the state ranks high nationally for charitable gaming, said Barrett, gross receipts from lawful gambling have declined by over 20 percent since

2004. Increased taxes and fixed expenses combined with declining revenues in lawful gaming receipts have been issues threatening the operating budget for the board, said Barrett. Barrett said the smoking ban, the downturn in the economy and an increase in online gambling have all lead to the decline in revenue. Barrett recommended that the Legislature simplify the tax rates by establishing a flat tax on net receipts as well as modifying licensing and permit requirements as ways to decrease costs and increase sales for organizations regulated by the board.

### Managed services discussed

The State Government Budget Division, chaired by Sen. Don Betzold (DFL-Fridley), met Wed., Feb. 18, for an informational presentation on managed services for information technology.

Lynn Willenbring, chief information officer, city of Minneapolis, said Minneapolis uses managed services to outsource many of its information technology (IT) functions such as network monitoring and support, data center operations, service desk and deskside support. Willenbring said the city decided to outsource some of its core IT functions because of the improved performance and reduced costs associated with having a vendor handle the functions. During the request for proposal and contract negotiation periods of the managed service implementation process, Willenbring said the city and the service provider agreed to keep current IT city employees involved in the implementation and management of the services and not replace them with employees supplied by the service provider. Willenbring said utilization of managed services has already saved the city \$18.2 million dollars and may be something the state government should consider as a cost-saving mechanism for balancing the budget.

Brian Whitfield, IBM Corporation, said a handful of other states have already begun using managed services along with a number of large Minnesota companies such as Target, Best Buy, 3M and Cargill. Like Willenbring, Whitfield said managed services could help the state government save money while also improving the overall competency and integrity of many of its IT functions. Whitfield also said managed services provide more robust security to protect and recover data, improved disaster recovery capabilities and better tools to manage operations to

quickly and accurately diagnose problems across the enterprise. Whitfield suggested that the state review study findings and use consultants as a next step in determining if managed services would be a secure and viable option for cutting IT costs.

Richard Kolodziejski, Minnesota Association of Professional Employees, said managed services may seem like a good way to cut down on IT costs for the state, but will actually lead to wasted time and money in the future. He said outsourcing IT commonly leads to dramatically increased turnaround times and increased costs for even the simplest of projects. Kolodziejski also said there are a number of security risks associated with vendors having access to private information for state agencies and Minnesota citizens.

### Taxes

#### Use deed reform discussed

The Wed., Feb. 18, meeting of the Taxes Committee was devoted to discussion of a departmental bill making policy, technical, administrative and clarifying changes to a variety of tax provisions.

The panel, chaired by Sen. Thomas Bakk (DFL-Cook), also heard a presentation on use deed reform. Beth Kadoun, assistant commissioner, Dept. of Revenue, and Jason Nord, Dept. of Revenue, explained that use deeds date back to 1941. Nord said local governments may acquire tax-forfeited lands in two ways, either through purchase of the land at not less than its value for any public purpose or free conveyance via a use-contingent deed for an authorized public use. Nord said the department believes the original intent and rationale behind the use deed was for creating and preserving places of public enjoyment for direct use by the public and that providing such spaces gave the public a benefit that offset the lost receipts from selling the land at market value.

However, Nord said the authorized public uses for which use deeds should or should not be granted is unclear and there have been numerous compliance issues raised by the department, counties, cities and taxpayers in recent years. Nord said the department began an investigation of use deeds issued in 1983 to gauge long-term compliance levels, but uncovered significant questions and issues. Non-compliance appears to be significant and title problems abound, he said.

Nord said the department is suggesting reforms in order to comply with the original intent of use deeds, with enhancements to recognize other goals and address some of the issues that have arisen in recent years. He said there are many options available from repealing use deeds altogether to allowing free acquisition by local governments for any purpose. The reforms are being proposed after receiving input from many interests, but a true consensus is unlikely, Nord said. He said the only bad option is making no changes because the many problems with use deeds would remain unaddressed.

The proposals are included in the departmental policy, technical and administrative bill, S.F. 681. The measure, carried by Bakk, makes numerous changes in individual income and corporate franchise taxes, sales and use taxes, special taxes, and property taxes and aids, as well as reforming the use deed provisions. Members took no formal action on the bill.

### Transportation Budget and Policy Division

#### Panel hears several bills

The Transportation Committee, chaired by Sen. Steve Murphy (DFL-Red Wing), met Tues., Feb. 17, to hear seven bills.

S.F. 732, carried by Sen. Scott Dibble (DFL-Mpls.), requires the Metropolitan Council to sell public transit passes at half-price to eligible charitable organizations for people who lack private transportation and who are homeless or seeking employment. By Jan. 15, 2010, the chair of the Metropolitan Council must submit a report to the chairs and ranking minority members in the Senate and House of Representatives committees that have jurisdiction over transportation, Dibble said. He said the report must provide a list of sales made under the bill and describe any efforts to publicize the discounted passes.

Sen. Mee Moua (DFL-St. Paul), proposed an amendment to require the reports from the Metropolitan Council to be electronic with paper versions available upon request. The amendment was approved.

Human Rights Program Coordinator Joshua Lang, St. Stevens Human Rights Program, said the bill allows the homeless or unemployed to attend job interviews, health care appointments and school.

# Committee update



**Chuck Hinshaw, Mpls., tells members of the Transportation Committee Tues., Feb. 17, how important mass transit is in helping him maintain a level of self-sufficiency. The committee was considering legislation that - through a collaborative effort between the Metropolitan Council and Twin Cities non-profit organizations - would provide half price transit fares to the homeless and job seekers.**

Photo by David J. Oakes

The bill provides self-sufficiency and opportunity for people to get off the streets, Lang said. Chuck Hinshaw, Metro Transit rider, said he was homeless for five years and recently moved into an efficiency apartment. Because of his limited income, the bill would allow him more money for other bills and needs in his life, he said.

The bill was laid on the table as amended.

S.F. 93, sponsored by Sen. Ron Latz (DFL-St. Louis Park), removes the single occurrence liability cap. The current cap is \$1.2 million and is scheduled to increase to \$1.5 million on July 1, 2009, Latz said. He said under the bill there would be no cap on the total liability of the state and its employees for any number

of claims arising from a single occurrence. The bill also amends cross-references in the I-35W bridge collapse compensation process to be consistent with the removal of the liability cap, Latz said.

The bill was approved and re-referred to the Committee on Finance.

S.F. 285, also authored by Sen. Latz, halts cumulative driver's license suspensions for a person who is guilty of a misdemeanor for operating a vehicle while his or her license is under suspension for no reason other than unpaid fines or missing a court appearance. Latz said the bill is aimed at reducing the high concentration of traffic violations in Minnesota courts. The bill was approved and re-referred to the Judiciary Committee.

S.F. 556, authored by Sen. Tony Lourey (DFL-Kerrick), prohibits the dumping of household or commercial trash at rest areas and prohibits consumption of alcoholic beverages except as allowed by statute. The bill was approved and re-referred to the Committee on Judiciary.

S.F. 757, carried by Sen. Jim Carlson (DFL-Eagan), authorizes the Dept. of Public Safety to collect a fuel decal fee for the International Fuel Tax Agreement and repeals the rule establishing the cost of decal fee. The bill was approved and recommended for placement on the Consent Calendar.

S.F. 451, carried by Sen. Rod Skoe (DFL-Clearbrook), designates the Clearwater County Veterans Memorial Highway on certain portions of Trunk Highway 200 and Trunk Highway 92, Skoe said. S.F. 452, also sponsored by Sen. Skoe, designates the Becker County Veterans Memorial Highway on certain portions of Trunk Highway 34 and Trunk Highway 87. Both measures were approved and advanced to the full Senate.

## Panel discusses stimulus bill allocations

The Committee on Transportation, chaired by Sen. Steve Murphy (DFL-Red Wing), devoted the Thurs., Feb. 19, meeting to discussion of the federal stimulus package.

Tim Henkel, division director, Modal Planning and Program Management, said the federal stimulus package allocates \$48.12 billion nationally for transportation. Minnesota's allocation is approximately \$502 million, Henkel said. He said there is a supplemental discretionary grants program for a national surface transportation system that will be receiving \$1.5 billion nationally under the stimulus bill. Projects that might be eligible for the grant program include highways and bridges, passenger and freight rails, port infrastructure and transit bus facilities, he said.

Henkel said the stimulus appropriates an additional \$6.9 billion for transit capital assistance, approximately \$19 million of which Minnesota will be receiving. These funds could go towards bus garages, transfer stations, fare boxes, park and rides and ITS equipment, Henkel said. He said that \$8 billion is appropriated nationally for competitive grants to states for high speed rail corridors, intercity rail service and congestion mitigation projects.

Henkel said \$1.1 billion is appropriated for airport improvement grants. He said Minnesota will receive approximately \$15 to \$20 million of the funds.

Manager Jon Chiglo, Special Programs, provided members with a highway program overview. Chiglo said MnDOT wants to make sure the highway program is a sustainable investment in the state's infrastructure. He said the goals of the program are to create jobs statewide, use the full capacity of the construction industry and, not only create new infrastructure, but also maintain existing highways. Chiglo said the projects will be contracted by design bid build, design build best value and design build low bid.

Chiglo said that 50 percent of the federal stimulus funds require authorization by June 12, 2009, and all of the funds require authorization by Sept. 30, 2010.

Peter Bell, chairman, Metropolitan Council, also gave members an overview of the transit portion of the stimulus bill. Bell said \$58 million will be allocated for urbanized area formula grants in the Metro Area and \$7 million for fixed guideway infrastructure investment in the Metro Area. Potential projects under the stimulus bill include bus procurement, Metro Transit bus operating facilities, Park and Ride expansion and new transit station ramps, Bell said.

Bell said that in the November forecast, the Metro Area transit budget had an \$11.7 million shortfall for FY 2009, and it was projected that FY 2010-11 would have a shortfall of \$60 million. However, he said that after adjustments in the December forecasts the current budget shortfall of FY 2010-11 is approximately \$45 million. To prevent a large budget shortfall, Bell suggested ways to reduce the shortfall, including alternative uses of Met Council levies, economic recovery projects and administrative interventions like service reductions, fare increases and additional administrative efficiencies or reductions.

## The Senate on TV

Senate Media Services produces coverage of Senate floor sessions, committee hearings, press conferences and special legislative events. In partnership with House Public Information Services, Senate Media Services provides daily legislative programming for the statewide digital Minnesota Channel. Check your

listings for the Minnesota Channel, which is broadcast by your local PBS station.

Also airing on your local PBS channel is Capitol Report, a weekly public affairs program featuring legislators views on pressing issues facing Minnesota.

## Senate on the World Wide Web

The Minnesota Legislature's Web site has been updated. A joint effort of the Senate, House of Representatives, Legislative Reference Library, Legislative Commissions, and the Office of the Revisor of Statutes, the site offers easier access to a variety of legislative and government information.

The Legislature's page (<http://www.leg.mn>) includes links to other government agencies and departments, as well as copies of Minnesota Statutes, Session Laws, and Rules. The page also allows one to track legislation and get general information about the legislative process. The site includes a district finder service for those who need to contact their House member or Senator. Other information—about visiting the Capitol, state history and symbols, and employment opportunities with the Legislature—is also available.

Information about joint legislative departments, the various legislative commissions, and task forces is available at <http://www.commissions.leg.state.mn.us>.

The House of Representatives Web page (<http://www.house.mn>) includes membership and committee information. It also has daily news, information, and the daily House schedule. House journals and legislative information are also available.

The Senate Web site (<http://www.senate.mn>) has information about members, committees and Senate staff. The page also has daily and weekly schedules for the Senate, as well as copies of the Journal and Senate Briefly. The status of legislation and confirmation of executive appointments by the Senate is also available.

Both the Senate and House Web sites offer streaming video access to floor and selected committees.

## Information Services

The Senate Information Office and the Office of the Secretary of the Senate are located in Room 231 of the Capitol.

These offices distribute all public printed materials and handle inquiries about Senate committee meetings, Senate districts, Senate telephone numbers, bill reference numbers and status and bill sponsorship. Interested citizens may also request copies of bills.

The Senate Information Office also has toll-free telephone numbers to enable citizens of Greater Minnesota to obtain general information about the Minnesota Senate. The telephone numbers are: 1-888-234-1112 (voice) and 1-888-234-1216 (tty). Staff members are available to answer questions about the Senate and the legislative process.

## Historical database available

The Legislative Reference Library has developed a database, "Legislators Past and Present," containing information about Legislators who have served since territorial times. The database's information was compiled from official legislative directories, obituaries, news clippings, family files and other sources. It contains information about terms of service, education, occupation, party or caucus affiliations, leadership positions, represented communities and more.

The database also includes information about Minnesota Legislators who served in other government functions, ranging from the local level to the national level. For example, almost two dozen Legislators have served on the University of Minnesota Board of Regents; the most recent is current Regent and former Senate Majority and Minority Leader Dean E. Johnson. The database even indicates which Minnesota Legislators also served in another state's legislature; there have been at least 15, and the number may climb as more information is compiled.

"Legislators Past and Present" is available online at <http://www.leg.state.mn.us/legdb/index.asp>

## MyBills system available

The MyBills personalized bill tracking system is now available. Users can add House and Senate bills to their lists by bill number, subject, or author, and view the legislative status of their bills, with items with significant current floor action highlighted. Users can modify their lists at any time. The MyBills system is available from the Legislative website at: <http://www.house.mn/leg/billslogin.asp>

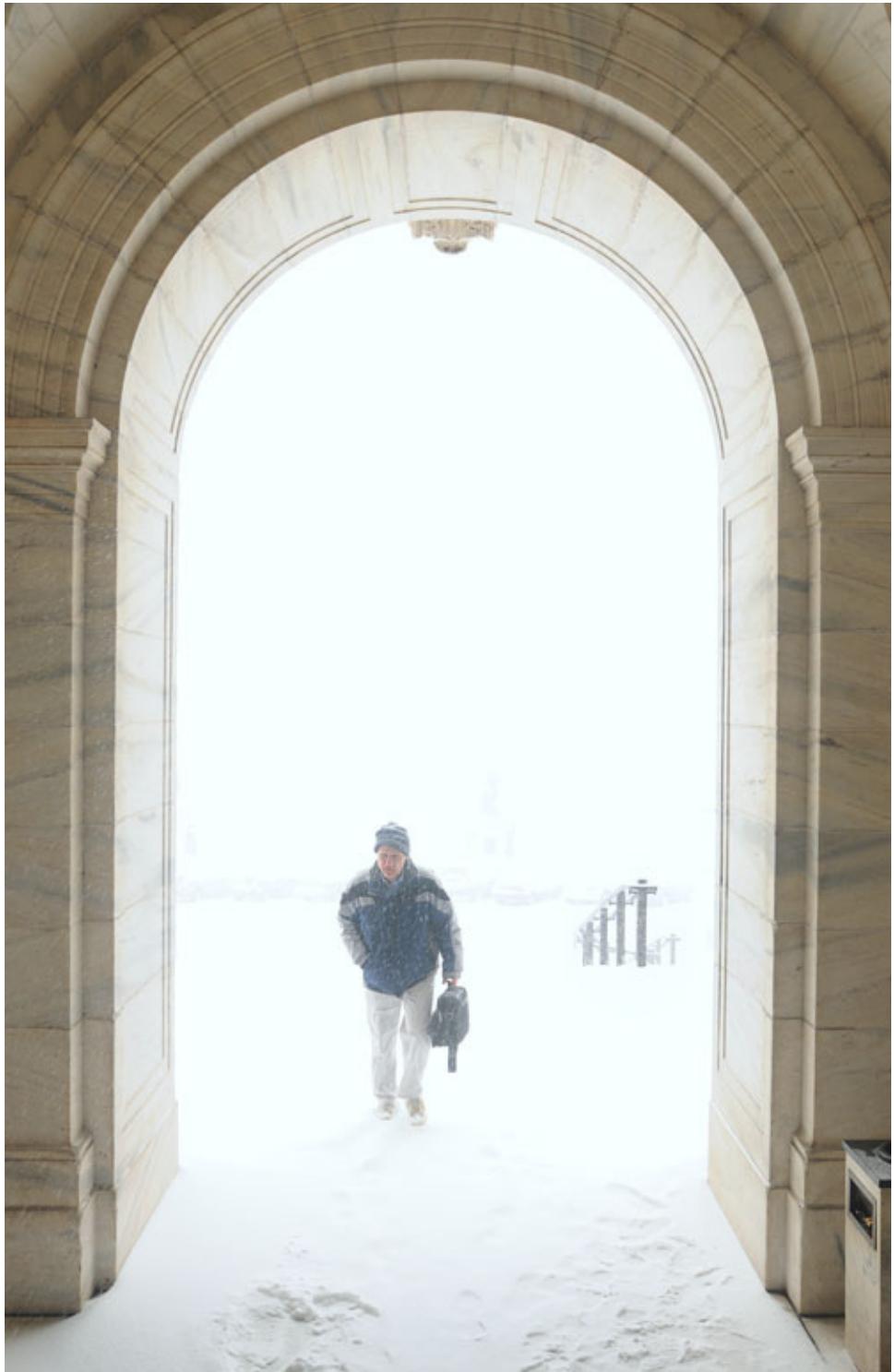
# Senate Briefly

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Andy Cilek, Eden Prairie, trudges through heavy snowfall as he approaches the Capitol's front doors Thurs., Feb. 26.

Photo by A.J. Olmscheid



February 27, 2009

# Highlights

## Bill for stimulus funds passed

The floor session Thurs., Feb. 26, was devoted primarily to consideration of a bill exempting the allocation of the general fund balance at the end of the 2009 fiscal year.

The Senate suspended the rules in order to grant final passage to H.F. 886. The bill, authored by Sen. Richard Cohen (DFL-St. Paul), requires the state budget to be balanced through 2013 and provides for a balance exemption for federal stimulus dollars.

Cohen said the bill is necessitated by passage of the federal stimulus bill. He said several states are passing similar language in order to avoid having surplus. He said the bill allows federal stimulus funds to be carried forward in the general fund. The other part of the bill allows us to balance the budget for this biennium and for the next biennium, Cohen said. He said the budget for the next biennium must be balanced or similar shortfalls will be pushed off to the future.

Sen. Ray Vandever (R-Forest Lake) offered an amendment to specify that the funds carried forward may not be used to undo federal human services reforms of 1996. Vandever said the amendment ensures that welfare reforms enacted at both the state and federal level remain in effect. The amendment failed on a 20-46 roll call vote.

Vandever offered a second amendment specifying that neither the governor of Minnesota nor the Legislature may accept any federal stimulus funds if the acceptance of those funds creates an ongoing obligation of the state. The amend-

ment failed on an 18-47 roll call vote.

Sen. Pat Parisieu (R-Farmington) offered an amendment specifying that none of the stimulus funds may be used to create or maintain a list of firearms owners in the state.

Cohen questioned the germaneness of the amendment. The amendment was ruled germane. The amendment failed on a 31-35 roll call vote.

The bill was granted final passage on a 57-8 roll call vote.

One measure was granted final passage on the Calendar. S.F. 166, authored by Sen. Linda Scheid (DFL-Brooklyn Park), prohibits stranger-originated life insurance policies (STOLI).

Members also considered several bills on General Orders. S.F. 230, sponsored by Sen. Linda Higgins (DFL-Mpls.), updates provisions relating to physician assistants and creates a system of licensure for physician assistants. S.F. 401, authored by Sen. Sandra Pappas (DFL-St. Paul), modifies the definition of doula services. S.F. 261, sponsored by Sen. Ron Latz (DFL-St. Louis Park), makes clarifying, technical and conforming changes to transfer on death deeds provisions, expands common element certificates of title to include planned communities and modifies power of attorney provisions relating to real property transactions. S.F. 496, carried by Sen. Sharon Erickson Ropes (DFL-Winona), modifies the state's suicide prevention plan. All of the measures were granted preliminary passage.

## STOLI bill gains

The Mon., Feb. 23, floor session was devoted to consideration of a bill, S.F. 166, prohibiting stranger-originated life insurance (STOLI) policies. The bill, authored by Sen. Linda Scheid (DFL-Brooklyn Park), said in these times of exotic financial instruments, the stranger-originated life insurance policies have been used as investments. Scheid said traditionally, life insurance policies have been used to provide for families, but STOLI policies allow for selling life settlement interests on a secondary market. In addition, STOLIs present a moral hazard of someone who stands to benefit from a death sooner, rather than later, Scheid said. She said the bill still allows for legitimate life settlement agreements.

Scheid said the bill creates a rebuttable presumption of STOLI practices when a settlement contract is entered into within the five-year period beginning

with date the policy is issued if the insured underwent a life-expectancy evaluation within the time period beginning 18 months before the issuance of the policy and the results of the life expectancy were shared with or used by any person for the purpose of determining the actual or potential value of the policy in the secondary market, and there was an agreement or understanding between the insured and another person to guarantee any liability or to purchase the policy and the premiums were paid by someone other than the insured.

Sen. Julianne Ortman (R-Chanhassen) offered an amendment deleting a provision outlining circumstances under which the presumption of STOLI practices is inapplicable, such as the death of a spouse, the sole beneficiary dies or the policy owner is terminally or chronically ill. The amendment was adopted.

The measure was given preliminary passage on a voice vote.

## Clean car bill gains

The Energy, Utilities, Technology and Communications Committee, chaired by Sen. Yvonne Prettner Solon (DFL-Duluth), convened Thurs., Feb. 26, to hear two bills, one related to wind energy and the other proposing stricter emissions standards for automobiles sold in the state. S.F. 674, sponsored by Sen. John Marty (DFL-Roseville), requires decreased emission of air pollutants and greenhouse gas pollution from new motor vehicles by adopting a policy similar to standards adopted in California. Marty said the emissions standards will save Minnesotan's money while improving the quality of air in the state. Marty said the bill would likely increase the average cost of vehicles sold in the state, but the average consumer would end up saving roughly \$24 per month due to reduced operating costs brought about by driving a "cleaner" car.

The bill would also put pressure on car makers to use new technologies to develop more efficient vehicles, said Marty. Marty said the bill helps the state meet the goals established by the governor and the Legislature for cleaner air through reduced greenhouse gases brought about by automobiles burning cleaner fuels.

The bill applies to all new motor vehicles starting with the 2013 model year, but includes a number of exemptions for large commercial, emergency, security, and

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**Editor/Writer:**  
Karen L. Clark

**Writers:**  
Amanda Lillie  
Justin Thiessen  
Sydne Westorff

**Photographers:**  
David J. Oakes  
A.J. Olmscheid

military vehicles along with collector vehicles and street rods, said Marty. Marty said 14 other states have already enacted similar legislation.

John Hausladen, Minnesota Trucking Association, said stricter emission regulations will prove to be extremely challenging and costly for the trucking industry. He said regulations adopted in California, the state that created the model for the new emissions standards, simply won't work in Minnesota due to geographic and climate differences between the two states. Hausladen said the costs associated with bringing large trucks into compliance with the proposed emissions would cause many trucking companies to go out of business. Some trucking companies have currently ceased shipping operations to some of the states already enforcing the increased emissions standards because they don't have the means to comply, said Hausladen. Marty said there are provisions in the bill that would exclude large commercial vehicles from the same standards held for consumer vehicles.

Eric Hyland, representing the Alliance of Automobile Manufacturers, said increased emissions standards would result in automobile product restrictions, cede Minnesota's regulatory authority to California, and compromise the state's promotion of renewable fuels and alternative vehicles.

Alyssa Schlander, director of government affairs, Minnesota Automobile Dealers Association, said the bill restricts auto dealerships in Minnesota from being able to do any sort of auto trading with dealerships in states that don't have the same emissions standards. Restricting trading limits choice for the state's consumers and decreases sales at Minnesota dealerships, said Schlander.

Valerie Jerich, Minnesota Ethanol Producers Association, said Marty's bill does not support Minnesota's commitment to promote corn-enhanced fuels such as E85. Jerich said many of the states that already comply with the new standards are not large corn producing states and unlike Minnesota, don't much of a vested interest in using ethanol based fuels. Jerich also said there is no evidence to prove that the standards associated with Marty's bill will have a dramatically positive effect on the environment.

The committee approved the bill as amended on a roll call vote of 8-3 and re-referred the measure to the Committee on Environment and Natural Resources.

S.F. 249, authored Sen. Kevin Dahle (DFL-Northfield), permits school boards acting jointly to be a limited partner in a partnership, a member of a limited liability company or a shareholder in a corporation operating a wind energy conservation system. Dahle offered an amendment that addressed the concerns voiced by both committee members and opponents of

the bill. The amendment removes the tax exemption previously proposed by the bill, specifies megawatt capacity for the wind turbines associated with the measure and restricts the facilities from selling, transmitting or distributing the energy they produce at retail.

The committee approved the bill and re-referred it to the Finance Committee.



*University of Minnesota Duluth mascot "Champ the Bulldog" makes an appearance in the Capitol Rotunda Wed., Feb. 25, as part of U of M Day at the Capitol.*

Photo by A.J. Olmscheid

# Committee update

## Agriculture and Veterans Budget and Policy Division

### Budget report heard

The Agriculture and Veterans Budget and Policy Division, chaired by Sen. Jim Vickerman (DFL-Tracy), met Tues., Feb. 24, to hear several presentations, including budget reports.

Terry Palmer, Dept. of Military Affairs, provided an overview of the department's budget. Palmer said the governor's budget recommendations have a zero percent increase. He also said the National Guard is the department's first budget priority. The department's total base budget for both FY 2010 and FY 2011 is \$19.3 million, Palmer said. The governor's recommendation for the enlistment incentives program is \$20.696 million for the biennium, Palmer said. He also said he projects that the department will be short approximately \$460,000 by the end of FY 2010.

Staff Sergeant Chad Malmberg, Minnesota National Guard, said he originally joined the guard because of its tuition reimbursement benefits. Malmberg was deployed to Iraq for 22 months and was awarded the silver star upon return to Minnesota, he said. He said that because of the National Guard, he was able to graduate from college. Malmberg said that members should not cut the tuition reimbursement program because it would greatly disadvantage soldiers in Minnesota and take away the potential for soldiers to attend college while serving the country.

Legislative Liaison Christine Kiel, Minnesota Dept. of Veterans Affairs, gave an overview of the governor's budget recommendations for the Dept. of Veterans Affairs. Kiel said the department serves 410,000 veterans, plus their dependents and survivors. The total general fund base budget for FY 2008-09 is \$129 million, Kiel said.

Kiel presented a number of change items, including an increase of \$980,000 for information technology, the creation of on-campus veterans resource centers and repairs and other improvements to veterans mental health facilities.

Director Amy Brenengen, Office on the Economic Status of Women, said Minnesota has 22,712 female veterans as of 2006, which is 5.5 percent of the state's veteran population. Brenengen said that women veterans experience post-traumatic stress disorder (PTSD) at

a higher rate than men, and she said the Dept. of Veterans Affairs is doing a good job recognizing veterans with PTSD and working to treat them.

Daniel Fanning, Iraq War Veteran, spoke about the issue of veteran reintegration. Fanning said he has lost three veteran friends to suicide and he wants to see Minnesota provide more health services for veterans, especially mental health services for veterans struggling with PTSD and depression.

## Business, Industry and Jobs

### Committee approves numerous bills

The Business, Industry and Jobs Committee, chaired by Sen. James Metzen (DFL-South St. Paul), met Mon., Feb. 23, to hear five bills.

S.F. 594, carried by Sen. Linda Higgins (DFL-Mpls.), requires every clinical setting in the state that moves patients to develop a written safe patient handling plan to ensure the safe handling of patients by minimizing manual lifting of patients and using safe patient handling equipment. Margot Imdieke Cross, accessibility specialist, Minnesota State Council on Disability, said the measure is meant to reduce injuries while increasing access to health care for individuals with mobility disabilities. Cross said the bill benefits disabled individuals who often forego treatment because of limited access at health care facilities.

The committee approved the bill and sent the measure to the full Senate.

S.F. 684, authored by Sen. Keith Langseth (DFL-Glyndon), and S.F. 456, sponsored by Sen. Kathy Sheran (DFL-Mankato), both expand the bioscience business development public infrastructure grant program to include higher education facilities. Because both bills were very similar and were aimed at achieving the same objective, Sheran withdrew S.F. 456 and added her support to S.F. 684.

Sheran offered an amendment requiring that grant recipients provide for the remainder of the public infrastructure costs related to projects from other sources. The committee approved the measure and sent it to the full Senate.

S.F. 643, authored by Sheran, provides eligibility for unemployment benefits to workers who receive reduced hours while taking skills training programs associated with the workforce invest-

ment in regional economic development (WIRED) program. The bill is designed to give financial relief to companies facing possible layoffs in response to the downturn in the economy because it allows the employees to work reduced hours, attend classes under the WIRED program and retain partial unemployment benefits, said Sheran. Sheran said the bill helps companies retain skilled persons that it may have otherwise had to lay off, while giving employees a chance to get extra training without a significant loss in income brought about by a layoff.

The committee approved the bill and re-referred the measure to the Finance Committee.

S.F. 400, carried by Sen. David Tomassoni (DFL-Chisholm), authorizes the Mountain Iron Economic Development Authority to form or become a member of a limited liability company. The bill permits the authority to develop a community-based energy development project while also allowing the authority to acquire a leasehold interest in property outside its corporate boundaries, said Tomassoni

Tomassoni offered an amendment restricting Mountain Iron from selling, transmitting or distributing the electrical energy produced at the facility to an off-site facility of the economic development authority or the limited liability company. The amendment was adopted.

The committee approved the bill as amended and sent it to the full Senate.

### OLA report on workers' comp heard

An Office of the Legislative Auditor's evaluation report on workers' compensation was the sole topic of discussion at the Wed., Feb. 5, meeting of the Business, Industry and Jobs Committee.

The panel, chaired by Sen. James Metzen (DFL-South St. Paul), heard from Legislative Auditor James Nobles and Project Manager Deborah Junod. Commissioner Steve Sviggum, Dept. of Labor and Industry, also spoke on the department's response to the findings.

Junod said the number of workers' compensation claims in the state has been going down, but the number of insurer errors identified by the department's auditors has been increasing, with about \$3 million a year in underpaid benefits. She said that after a department enforcement initiative, insurers denied claims less

frequently after 2005, but in those claims denied benefits, many were eventually paid. Junod said most injured workers' surveyed had positive experiences with workers' compensation. However, Junod said the share of claims in which workers and insurers dispute benefits has been rising and the state's dispute resolution process is overly complex. Junod said Minnesota's union construction industry has an alternate dispute resolution process that is simpler and has lower benefit costs.

Junod said the report includes a recommendation that the Legislature establish an ombudsman for workers' compensation. Other recommendations include directing the department to do more to monitor whether insurers' denials of liability are appropriate, to improve the process for obtaining reimbursements from employers for which the state has paid benefits and to continue streamlining the dispute resolution process, she said. Juno said another recommendation is that the department and the Legislature improve the workers' compensation information system.

## Commerce and Consumer Protection

### Notary public bill heard

Members of the Committee on Commerce and Consumer Protection, chaired by Sen. Linda Scheid (DFL-Brooklyn Park), gathered Thurs., Feb. 26, to hear three bills.

S.F. 214, carried by Sen. Don Betzold (DFL-Fridley), makes a number of modifications to fees and regulations for notaries public. First, the bill reduces district court fees by \$80 while increasing the notary application fee by the same amount. Next, the bill allows a notary public to charge up to five dollars for any notarial act and requires an officer using the powers of a notary public to obtain an official stamp to authenticate official acts. The bill also changes requirements for out-of-state notaries and requires each notary applicant to submit to a background investigation. Furthermore, the bill changes specifications relating to the appearance of an official notarial stamp and allows a stamp to be used electronically. Finally, the bill authorizes the commissioner of commerce to remove a notary from office for misconduct and authorizes a notary public to certify the subscription of signature of an individual who has

physical limitation that restricts writing or verbal communication.

Sen. Yvonne Prettner Solon (DFL-Duluth), offered an amendment assigning a five dollar fee for overseas documents receiving notarial services. The amendment was adopted. The committee approved the bill and re-referred the measure to the Judiciary Committee.

S.F. 251, sponsored by Betzold, clarifies the definition of "motor vehicle" in the statutory provision deeming the driver of a motor vehicle to be the agent of the owner in the case of an accident. The bill classifies a trailer and a semi-trailer

as a motor vehicle for insurance coverage and liability purposes. Betzold said the bill corrects an unintended consequence created by the renumbering of a statute contained in the 2005 omnibus data practices bill.

Amber Backhaus, Minnesota Trucking Association, said the bill complicates insurance coverage for tractors owned by one entity pulling trailers owned by another entity. Backhaus said the bill makes the owner of a trailer, along with the driver of the tractor, liable if an accident occurs even if the accident is found to be the fault of the operator of the tractor.



*Providing a firsthand perspective on the reintegration of veterans, Iraq War Veteran Daniel Fanning tells Agriculture and Veterans Budget and Policy Division members Tues., Feb. 24, "There's still a lot of work to be done" when it comes to suicide prevention and other mental health issues concerning his fellow veterans.*

Photo by David J. Oakes

# Committee update

The committee approved the bill and re-referred the measure to the Judiciary Committee.

S.F. 298, authored by Sen. Ellen Anderson (DFL-St. Paul), limits customer liability for unauthorized use of lost or stolen cellular phones. Anderson said the bill states that a customer is not liable for any amount in excess of \$50 resulting from unauthorized use of a phone as long as the person notifies the wireless service provider within 60 days of receipt of the service bill. The bill is modeled after legislation that is already in place related to unauthorized credit card use, said Anderson.

Bob Bass, state president, AT&T, said most wireless providers already have adequate policies and practices in place to handle matters related to lost and stolen phones and legislation addressing the issue is not necessary.

Mike McDermott, executive director of state public policy, Verizon Wireless, said wireless providers often side with customers on issues related to lost and stolen wireless devices and typically dismiss or reduce charges for unauthorized use.

Sen. Mary Olson (DFL-Bemidji) said the bill is a reasonable consumer protection action and adds a level of comfort for customers with wireless service. Sen. John Marty (DFL-Roseville) offered an amendment to reduce the time customers have to inform wireless providers after the receipt of a service bill from 60 days to 20 days. The committee approved the bill and re-referred the measure to the Energy, Utilities, Technology and Communications Committee.

## E-12 Education Budget and Policy Division

### E-12 budget bill heard

The E-12 Education Budget and Policy Division, chaired by Sen. LeRoy Stumpf (DFL-Plummer), devoted its Wed., Feb. 25, meeting to discussing the governor's budget recommendations.

Fiscal Analyst Eric Nauman provided an overview of the FY 2010-11 E-12 education budget, focusing on shifts from the governor's recommendations. Nauman said the governor's recommendations allowed for a savings of \$1.138 million. After the shifts, savings equal \$1.295 million, which creates an offset of \$156,711, he said.



Justin Anderson plays the bagpipes in the Capitol Rotunda Wed., Feb. 25, during a concert presented by St. John's Preparatory School.

Photo by A.J. Olmscheid

Dr. Tom Melcher, Dept. of Education, gave an overview of S.F. 836, authored by Stumpf. The bill changes the state school district's annual school calendar to be measured by hours rather than days, Melcher said. Under the bill, a school calendar requires 425 hours of instruction for kindergartners, 935 hours for students grades one through six and 1,020 hours for students in grades seven through 12, he said. He also said charter schools will measure their school calendar by hours rather than days, under the bill. Melcher said the bill allows the commissioner to reduce state aid to a school district or charter

school that does not provide instruction for at least the minimum number of hours required under the bill.

Deputy Commissioner Chas Anderson, Dept. of Education, said the bill expands Q-Comp to all districts and charter schools in the state and requires instructional leadership as part of the professional development system. Melcher said the bill increases the alternative teacher compensation revenue from \$260 per pupil to \$300 per pupil.

Sen. Charles Wiger (DFL-St. Paul) proposed that the portion of the bill removing the reference to school site

as part of the expansion of Q-Comp be deleted from the bill. The amendment was approved.

The bill provides appropriations to the Dept. of Education for general education aid and a number of projects, including enrollment options transportation, nonpublic pupil education aid, Rushford-Peterson flood enrollment impact aid and compensatory revenue pilot projects, Melcher said.

Dirk Mattson, director of assessment and testing, Dept. of Education, explained the growth model that identifies the percent of tested students who were considered proficient in 2007. Mattson said 19 percent of students were proficient in math but showed low growth, 28 percent were proficient but growing at a steady rate and 19 percent were proficient and made exceptional growth. He also said 19 percent of students were proficient in reading and made low growth, 30 percent grew at a steady pace and 22 percent made exceptional growth.

## Budget talks continue

The E-12 Education Budget and Policy Division, chaired by Sen. LeRoy Stumpf (DFL-Plummer), met Thurs., Feb. 26, to continue discussion of S.F. 836, the bill containing the governor's recommendations.

Dirk Mattson, director of assessment and testing, Dept. of Education, gave an overview of the academic standards and assessments under the bill. Mattson said the bill requires students in high school to complete a minimum of one online course or online learning experience in order to graduate.

Director of School Improvement Patricia King, Dept. of Education, said the bill develops an annual review process for continuing contract teachers. Under the bill, the school board and an exclusive representative of the teachers will develop the review process, which must be aligned to best instructional practices in teaching and learning, King said.

John Melick, director of teacher licensing, Dept. of Education, explained the State of Minnesota Mid-career Alternative Route to Teaching (SMART) program. He said the program is an alternative to postsecondary teacher preparation programs and allows qualified professionals to acquire an entrance license. The program is offered in science, math, world

languages, English as a second language and special education, Melick said. He said qualified participants must have a bachelor's degree at minimum, pass a skills exam and a content knowledge assessment and show employment related to the subject that will be taught.

Melick also provided information about the U Teach program. He said U Teach establishes a grant program that recruits current math and science majors into teacher of education programs. The funds awarded must be used to defray the tuition of up to six teacher education courses per student, he said. Stumpf said the program costs \$500,000 per year for a two-year period.

Director of Academic Standards and High School Improvement Beth Aune, Dept. of Education, explained the summer of success program. She said the program provides remediation to students who are not yet proficient in the eighth grade. The program will cost \$3.2 million in FY 2010, she said. The program also creates a high school transition plan, which includes courses supporting college and career readiness, Aune said.

Michelle Weber, supervisor of program accountability and improvement, Dept. of Education, said the bill establishes the Perpich Center for Arts Education as a charter school. She also said the Perpich Center is eligible for state charter school aid under the bill.

## Economic Development Budget Division

### Shovel-ready projects approved

Members of the Economic Development and Housing Budget Division met Mon., Feb. 23, to hear bonding bills related to "shovel-ready" projects that may see funding from the federal stimulus package.

S.F. 408, carried by Sen. Gary Kubly (DFL-Granite Falls), appropriates \$3.2 million to the city of Renville for the expansion of their wastewater treatment facility. Administrator Paul McLaughlin, city of Renville, said the improvements to the current wastewater facility are necessary in order to meet future phosphorus limits, aeration equipment replacement requests and sludge storage needs.

S.F. 202, also carried by Kubly, appropriates \$8.5 million to the city of

Montevideo to construct an expansion of the Montevideo municipal wastewater treatment facility. Steve Jones, cit manager, city of Montevideo, said the project is necessary to bring the city into compliance with new regulations mandated by the Minnesota Pollution Control Agency that limit the amount of phosphorus Montevideo can discharge into the Chippewa River.

S.F. 67, sponsored Kubly, appropriates \$2.28 million to the city of Olivia to acquire land for and design and construct phase II improvements for a southwest area storm sewer system. Bob Ehlers, economic development director, city of Olivia, said the improved storm sewer system will help the city deal with flooding in residential areas created by the inadequacies of the current system.

S.F. 75, authored by Ann Lynch (DFL-Rochester), appropriates \$6 million to the commissioner of employment and economic development for a grant to Olmsted County to design and construct approximately 1.25 miles of a new steam pipeline from the Olmsted waste-to-energy facility to the Rochester Community and Technical College campus. John Helmers, director, Solid Waste Management, Olmsted County, said the project will supply steam heat and cooling to the college from a renewable energy source and will replace the use of fossil fuels traditionally associated with heating and cooling the facility.

S.F. 110, sponsored by Sen. Tony Lourey (DFL-Kerrick), appropriates \$435,000 to the city of Barnum for the construction of a new water supply well. Christopher Rousseau, engineer, city of Barnum, said a second well is necessary in providing a safe and consistent water supply to meet the needs and demands of the community. S.F. 112, also sponsored by Lourey, appropriates \$375,000 to the city of Wrenshall for the construction of a well. Mayor Mike Hyland, city of Wrenshall, said the well is necessary to expand the city's water distribution system to meet the needs of the school system.

All bills were approved by the committee and recommended for possible inclusion in the omnibus bonding bill. Members also approved amendments to both S.F. 112 and S.F. 202 to remove the word "design" from the appropriation description related to the projects outlined in each bill.

# Committee update

## OSHA operations questioned

The Economic Development and Housing Budget Division, chaired by Sen. David Tomassoni (DFL-Chisholm), met Wed., Feb. 25, to discuss concerns related to the Minnesota Department of Labor and Industry and the investigations conducted by Minnesota OSHA (MNO-SHA).

Patricia Todd, director, MNOSHA, walked the committee through the step by step process taken by MNOSHA when conducting a safety inspection and filing an investigation report. Related to the processing of reports and files tied to investigations, Tomassoni, along with a number of other committee members, questioned Todd on the validity of the investigation documents because of the unrestricted access authorized MNOHSA supervisors have to the documents. Todd said supervisors must meet a certain set of qualifications to obtain authorization to review and sign off on investigation documents. Todd said authorized supervisors do have some authority to make certain changes to reports.

Douglas Crosby, former senior investigator, MNOSHA, said while serving at MNOSHA, he was frequently asked to alter evidence, remove documents and refrain from citing certain incidents at companies involved in the MNSTAR program. Crosby said businesses involved in MNSTAR, which is a cooperative effort between MNOSHA and a number of companies aimed at bringing about safety excellence, often received preferential treatment related to violations and inspection reports by MNOSHA supervisors. He said supervisors would make changes to files and reports without the consent of the employees assigned to the investigations at the facilities. Crosby also said he would often be asked to visit locations that MNOSHA didn't have probable cause to investigate.

Terry Swanson, former senior investigator, MNOSHA, said he was pressured by supervisors to make modifications to reports on numerous investigations while serving at MNOSHA. Swanson said he was also instructed to make changes to various reports and changes were made to particular files by his supervisor while he was on sick leave. Finally, Swanson said he was forced to issue citations to a number of businesses without probable cause simply because his supervisor requested it.

Sen. Mary Olson (DFL-Bemidji) said such stories negatively impact public safety concerns and threaten the integrity of the reports generated by MNOSHA. Tomassoni said the Department of Labor and Industry needs to conduct an internal investigation into the matter and the Legislative Auditor should also review the operations of the department.

## Environment and Natural Resources

### Paint recycling bill gains

Drainage law changes and a pilot paint recycling program topped the agenda of the Environment and Natural Resources Committee meeting Mon., Feb. 23. The committee, chaired by Sen. Satveer Chaudhary (DFL-Fridley), also heard a report on mercury in fish.

S.F. 364, authored by Sen. Dan Sparks (DFL-Austin), makes a number of changes in drainage law suggested by the Drainage Work Group. Al Dean, chief engineer, Board of Water and Soil Resources, explained the changes recommended by the work group. He said the bill clarifies the scope, procedures and responsibilities for the impounding, rerouting and diversion of drainage system waters. He said the clarification is needed for wetland restorations and other impoundment or diversion projects on ditch and tile drainage systems that involve rerouting of the system or a system that is in disrepair or failing.

Dean said the bill also clarifies information needed by the drainage authority, clarifies project funding sources and requires permits to be received prior to construction. The bill also clarifies provisions relating to the removal of property from and the partial abandonment of a drainage systems, Dean said. The bill also updates financial thresholds and requires a mailed notice to the owners of all property benefited by a drainage system when changes are made.

The bill was approved and re-referred to the Agriculture and Veterans Committee.

S.F. 477, authored by Sen. John Doll (DFL-Burnsville), sets up a paint stewardship pilot program to collect and recycle paint. Doll said the project is an opportunity to lead the nation in establishing a process to collect and recycle architectural paint. Under the bill, manufacturers pay a paint stewardship assessment for each

container of paint sold in the state and retailers and distributors must include the assessment in the purchase price of the paint. The bill also requires reports to determine how well the program works.

Victoria Reinhardt, Ramsey County commissioner, said the pilot program discussions have been taking place for a number of years. She said the state already has an infrastructure in place to recycle the up to 10 percent of unused paint sold in the state. She said the partnership between industry and government will relieve the financial pressure on counties to deal with paint.

Hans Hirshfield, president, Hirshfield Paint Manufacturing, said Hirshfield Paint is committed to finding a viable solution to dealing with paint through recycling or proper disposal. He said the bill offers an opportunity for the reduction of hazardous waste, the reduction of the burden on local government and the education of consumers.

The bill was approved and advanced to the Business, Industry and Jobs Committee.

Members also heard a presentation on aquatic management areas. Dave Thompson, chair, Clean Water and Aquatic Management Areas, said aquatic management areas are shorelines that help filter water in lakes, rivers and streams. Thompson said use of legacy amendment funds to acquire aquatic management areas throughout the state would forestall habitat loss, erosion, and aid in preserving the ecosystem. He said that with increasing development pressure it is critical that lake, stream and river habitat be preserved. He said the committee has put together a series of recommendations for a broad strategy to enhance and protect water resources. He said the recommendations include expanded public and private partnerships to maximize resources, implementation of an aggressive funding program to acquire as much habitat as possible, provision of property tax shelters for land donations and a marketing program to entice private donation of property into conservation easements.

Bruce Monson, Pollution Control Agency, reported on mercury concentrations in selected lakes. Monson conducted a study, which was reported in the peer-reviewed journal, Environmental Science and Technology, showing the fish-mercury concentration in the majority of lakes has been increasing since the mid-1990s.

He said the analysis was based on tissue contaminant measurements obtained from fish collected from 845 lakes. Some of the mercury that is deposited from the air is converted to methylmercury by bacterial that live in the sediment of wetlands and lakes, which is in turn becomes part of the aquatic food chain.

Monson said that because the trend is statewide, a local source of mercury is probably not responsible for the increase. He said the most likely cause is increased global mercury emissions outside the U.S. or factors associated with climate change, or both. He said global mercury emissions increased between 1990 and 1995.

## Critical areas modification bill gains

The Environment and Natural Resources Committee met Wed., Feb. 25, to consider a bill making changes to the Critical Areas Act of 1973.

The bill, S.F. 671, carried by Sen. Katie Sieben (DFL-Newport), updates the Mississippi River critical area program by eliminating obsolete language and providing definitions. In addition, Sieben said the bill directs the commission of natural resources to promulgate rules regarding the establishment of districts, the standards and guidelines to be used in implementation of the program and fee requirements.

Sieben said the current provisions, enacted in 1973, need to be updated to reflect changes that have occurred over the last 35 years. She said the bill aims to protect and preserve the Mississippi River and adjacent lands and to prevent irreversible damages along the area from Ramsey and Dayton on the north to Hastings, Denmark and Ravenna Township on the south.

Mark Peterson, executive director, Audubon Minnesota, said the area is essential for providing habitat for migrating birds along the Mississippi flyway. He said some species populations have been staging a comeback along the flyway. He said the Mississippi River watershed covers 41 percent of the country across the heart of the nation and the flyway provides habitat for more than 325 species of birds.

Whitney Clark, executive director, Friends of the Mississippi River, said the rulemaking process will revise the critical area zoning districts and set statewide standards. He said current standards are

inadequate and lack clarity. He said the bill also clarifies enforcement responsibilities of local municipalities and the DNR.

The bill was approved and advanced to the State and Local Government Operations and Oversight Committee.

## Environment, Budget and Natural Resources Budget Division

### DNR budget discussion concludes

The Environment, Energy and Natural Resources Budget Division, chaired by Sen. Ellen Anderson (DFL-St. Paul), met Tues., Feb. 24, to conclude the discussion of the governor's budget recommendations for the Department of Natural Resources (DNR).

Captain Jim Conrad, administrative manager, Enforcement Division, said the governor is proposing no dramatic changes to the enforcement division's budget, which will remain at roughly \$66 million. The division, which ensures public safety and protects natural resources through the use of 160 community-based conservation officers, provides enforcement for over 866,000 boaters, 1.48 million hunters, 1.40 million anglers and nearly 525,000 off-road vehicles each year, said Conrad. Conrad said the division also educates the public through the efforts of local conservation officers, volunteer instructors, and regional training officers and administers grants to local law enforcement agencies for work in boat, snowmobile, and off-highway vehicle safety and enforcement. He said the division has contractual obligations with former employee pension, health care and retirement benefits that continue to consume a substantial portion of the division's budget.

Assistant Commissioner Bob Meier said the governor is proposing a \$3.86 million agency-wide reduction in funding for the DNR, which will likely lead to numerous cuts in operations support for the department. Management information services, facility management, equipment management and general administration expenditures are all areas of the operations support division that will get trimmed down to reflect the governor's proposal, said Meier.

Lee Price, executive director, Minnesota Conservation Corps (MCC), said the governor's budget recommends a reduction of \$24,000 in both FY 2010 and

2011 to the organization's general fund appropriation. The MCC, an entrepreneurial 501(c)(3), involves young people in community service, natural resource restoration and emergency-response work, said Price. He said the MCC engages over 200 young people in nearly 125 outdoor projects that complete more than 160,000 hours of work in activities such as restoring native habitats, building and maintaining trails, collecting data and protecting water resources. Price said possible financial support from the clean water, land and legacy initiative would help MCC offset the governor's reduction proposal and let his organization continue to operate at full strength.

### Safe water discussed

The Environment, Energy and Natural Resources Budget Division Subcommittee on Clean Water Legacy, chaired by Sen. Sandy Rummel (DFL-White Bear Lake), devoted the Thurs., Feb. 26, meeting to the topic of clean and safe water.

Members heard an overview of the Freshwater Society's report Water is Life: Protecting a Critical Resource for Future Generations presented by Gene Merriam, president, Freshwater Society.

In addition, Michael Osterholm, director, Center for Infectious Disease Research and Policy, University of Minnesota, spoke on the Freshwater Society's Guardianship Council recommendations for ground and surface waters. Osterholm said the council recommended that the society support efforts to conduct a study of sustainability examining both ground water quality and quantity. In addition, he said the council recommends that the process of testing for pollution and then finding ways to clean it up be accelerated.

Assistant Commissioner John Link Stine, Dept. of Health, outlined the department's proposal for identifying the contaminants in drinking water that should be further evaluated, developing research proposals and working with partners to carry out the research and evaluating health risks from exposure to contaminants.

Rummel said the subcommittee faces an enormous task in determining funding for the clean water portion of the revenue from the legacy amendment. She said the subcommittee will focus first on funding for this biennium and, over the interim, devise a more comprehensive, long-term plan.

# Committee update

## State parks discussed

The Environment, Energy and Natural Resources Budget Division Parks and Trails Legacy Subcommittee, chaired by Sen. Patricia Torres Ray (DFL-Mpls.), met Fri., Feb. 27, for the first time this session to hear presentations about Minnesota parks and trails.

Director of Parks and Recreation Division Courtland Nelson, DNR, said the parks and trails fund is estimated to be \$17.2 million in FY 2010 and \$35.9 million in FY 2011. Thirty-eight percent of the fund is appropriated for state parks and trails, another 38 percent for metro regional parks and trails and 24 percent for regional parks and trails grants statewide, Nelson said. The parks and trails fund is also being used to attract people to state parks and trails, upgrade four percent of overnight and day use facilities, restore 111 acres of park lands and six percent of state trail mileage each year and increase energy conservation, Nelson said.

Forest Boe, Director of Trails and Waterways Division, DNR, said the regional parks and trails grants program is in place to support regional parks and trails to meet the needs of the people through grants to local units of government. He said the grants are for the development of regional parks and trails and a local match is required. Local government recipients are responsible for the ongoing operation and management of the parks and trails, Boe said.

Government Relations Director Judy Erickson, Parks and Trails Council of Minnesota, said that one of the biggest challenges of parks and trails in Minnesota is their dependence on the general fund. She said the future success of parks and trails in the state lies with the parks and trails fund.

## Finance

### Two bills heard

Members of the Finance Committee, chaired by Sen. Richard Cohen (DFL-St. Paul), met briefly Thurs., Feb. 26, to hear two bills.

S.F. 55, authored by Michelle Fischbach (R-Paynesville), changes the name of the recipient for a parks appropriation in Stearns County. The bill appropriates a grant of \$492,000 to Stearns County to acquire 23 acres of land adjacent to Warner Lake Park to serve as part of the Central Minnesota parks and trails.

The committee approved the bill and sent the measure to the full Senate.

S.F. 824, carried by Cohen, authorizes any positive general fund balance at the end of fiscal year 2009 to carry forward to fiscal year 2010 notwithstanding a statutory requirement that would cause it to be deposited in the state's budget reserve. The bill also stipulates that a budget proposed by the governor and enacted for fiscal years 2010 and 2011 must also provide for a balanced fund budget in fiscal years 2012 and 2013. Cohen said the recently enacted federal stimulus bill changes federal Medicaid reimbursement for Minnesota in a way that will likely result in a positive general fund balance at the end of fiscal year 2009. He said the stimulus bill also prohibits the use of Medicaid reimbursement for a state budget reserve or rainy day fund. The carry forward in the bill is consistent with requirements in the federal stimulus package, said Cohen.

Cohen offered an amendment to conform the Senate file to match the language of the House file in order to expedite the handling of the bill. The committee approved the bill, now H.F. 886, and sent the measure to the full Senate.

## Health, Housing and Family Security

### Panel discusses bills

The Health, Housing and Family Security Committee met Wed., Feb. 25. The committee, chaired by Sen. John Marty (DFL-Roseville), approved four bills.

S.F. 128, authored by Sen. Kathy Sheran (DFL-Mankato), requests that the commissioner of human services to resubmit, for federal approval, the elimination of the depreciation add-back for self-employed farmers who are under MinnesotaCare health insurance.

The bill was approved and re-referred to the Finance Committee.

S.F. 366, also authored by Sheran, establishes grants for a project to provide colorectal cancer screenings to the uninsured or underinsured. The bill also provides Medical Assistance benefits for the necessary treatment, if colorectal cancer is diagnosed, Sheran said. She said that uninsured patients are more likely to die from colorectal cancer because they do not have the opportunity to be screened for it.

Director of Government Relations David Arons, American Cancer Society,

spoke in favor of the bill. He said that one out of two Minnesotans will be diagnosed with a serious form of cancer at some point in their lives. "Colorectal cancer is one of the most preventable cancers if a person is screened early," Arons said. He said it is 90 percent curable if caught in the early stages.

Sen. Ann Lynch (DFL-Rochester) proposed an amendment to delete the purpose for naming the bill the Minnesota Colorectal Cancer Prevention Act. The amendment was adopted.

The bill was approved as amended and re-referred to the Finance Committee.

S.F. 522, carried by Sen. Patricia Torres Ray (DFL-Mpls.), modifies the Lead Poisoning Act by defining "elevated blood lead level" as a blood lead level of equal or greater to five micrograms of lead per deciliter of blood instead of 10 micrograms.

Samuel Yamin, MCEA, spoke in support of the bill and said that today's lead exposure levels cost the U.S. over \$40 billion per year in lost productivity when children who were exposed to hazardous lead levels become adults of working age. The loss of productivity occurs because lead exposure can lead to ADHD, lower IQ scores and impaired cognitive ability and neurodevelopment, Yamin said.

The bill was approved and re-referred to the Finance Committee.

S.F. 359, sponsored by Sen. Sandra Pappas (DFL-St. Paul), prohibits smoking in a vehicle while transporting a child under the age of 18. The bill provides that the prohibition is a secondary offense, thus an officer may not issue a citation for smoking with a child in the vehicle unless the officer lawfully stops or detains the driver for a moving violation, Pappas said.

Joseph Chlebeck, citizen, said he is 11 years old and has asthma. He said he gets headaches and has a difficult time breathing when his step-mom smokes in the car. Chlebeck said the bill would help him and other children who are in his situation.

Dr. Ed Ehlinger, U of M, also supported the bill. He said the bill supports the universal right to breathe clean air, especially because the bill supports children, who have no choice in the air quality of cars in which they ride.

Sen. David Hann (R-Eden Prairie) proposed an amendment that would ban smoking in the entire state of Minnesota, not only in cars when children are present. The amendment did not prevail.

The bill was approved and re-referred to the Judiciary Committee.

## Health and Human Services Budget Division

### Bills, presentations heard

The Health and Human Services Budget Division, chaired by Sen. Linda Berglin (DFL-Mpls.), met Tues., Feb. 24, to hear three bills and several presentations.

S.F. 328, authored by Sen. Gary Kubly (DFL-Granite Falls), provides funding for a rural health care purchasing alliance by creating a stop-loss fund. Research Coordinator Greg Thorson, West Central Health Care Purchasing Alliance, said the bill covers individual health care expenses that total between \$30,000 and \$100,000 annually. Approximately 2,500 people are provided for under the bill, most of who work for small employers and don't have employer-provided health care coverage, Thorson said. He said the plan would save members \$281 per year.

The bill was laid over for consideration later in the budgeting process.

S.F. 428, carried by Berglin, puts into place a cap to limit the amount of MERC payments to the FY 2009 level. The bill clarifies that the unallowable that took place earlier in the fiscal year will be a shift, Berglin said. "It was never intended that the recommendation that I made to the governor for this would be an unallowable in terms of a cut but rather a shift," she said. The bill clarifies that pre-paid Medical Assistance payments made between July 1 and June 30 of that fiscal year are to be distributed by December 31, Berglin said.

The bill was laid over for possible inclusion in the division's omnibus bill.

Anne Quincy, attorney for Legal Aid Society of Minnesota, spoke about the disability Medical Assistance eligibility requirements. Quincy said that the state medical review team uses a flow chart to decide if an individual qualifies for disability assistance. The flow chart has five parts to it, including inquiries regarding the claimant's ability to work or the individual's physical and mental health, Quincy said. She also said applicants may undergo a vocational evaluation of their age, education, past relevant work and current ability to work.

Finally, Sen. Ann Lynch (DFL-Rochester) provided an update on the



*Eleven-year-old Joseph Chlebeck, Coon Rapids, describes the deleterious effect breathing second hand smoke has on his asthma to members of the Health, Housing and Family Security Committee Wed. Feb. 25. The committee was considering a bill that bans smoking in cars when children under the age of 18 are present.*

Photo by David J. Oakes

Mandates Working Group. She said she anticipates that the group will have a bill to be introduced in the next week. Most of the provisions in the bill fall under the topic of health care and human services, she said.

### MOE proposal heard

The Health and Human Services Budget Division, chaired by Sen. Linda Berglin (DFL-Mpls.), met Wed., Feb. 25, to discuss the suspension county maintenance of effort (MOE) levies and matching requirements relating to mental health services.

Paul Fleissner, director, Olmsted County Community Services, said the governor is recommending a "redesign" in county government that would likely prompt drastic changes in MOE requirements and other mandates related to the delivery of mental health services

around the state. Currently, state law stipulates that counties must maintain a certain level of expenditures for mental health services and suspending county fund matching fund requirements would mean counties could choose to spend less money on services, said Fleissner. Because a number of counties have had trouble meeting statutory MOE, Fleissner said there needs to be more flexibility in the MOE system, which would likely benefit from becoming performance or incentive based. Fleissner suggested one potential option is for counties and the state, in consultation with mental health providers and advocacy organizations, to identify and establish performance measures for mental health. He said the state could then exempt counties from a fiscal MOE if they can demonstrate success meeting performance measures. Performance measures would need to be tied to a number

# Committee update

of key indicators such as access, appropriateness, effectiveness and efficiency and equity, said Fleissner.

Judith Brumfield, director, Scott County Human Services, said she has definite concern about the accuracy of amount of MOE received by some counties because coding for the amount does not always match the demand for services. She said the need for mental health is steadily rising while funding seems to be decreasing. "Funding is an indicator of commitment by both state and local governments. If we can't make a commitment to mental health, we aren't properly meeting the needs of our communities," said Brumfield.

"It is extremely important to note the extent to which county funds support Minnesota's mental health system," said Executive Director Sue Abderholden,

National Alliance on Mental Illness. She said county funds under the MOE make up nearly a quarter of all funding for mental health. "Reducing or eliminating these funds could cause the mental health system to collapse," said Abderholden. County funds, funds that are maintained through the MOE, are in place to fund community based services for uninsured and underinsured citizens accessing treatment through county mental health centers because they are not eligible for care through Medical Assistance, MinnesotaCare or General Assistance Medical Care, she said.

Ed Eide, executive director, Mental Health Association of Minnesota, said mental health needs increase in times of economic instability as the stress of joblessness, reduced income and lack of insurance builds upon the citizens of

the state. Instead of making any drastic changes to MOE at this point, Eide said the governor and Legislature should first consider a number of other options such as a proportionate reduction in MOE based on county budgets, centralization of rate setting, regionalizing service delivery or enacting a waiver of the current MOE by the DHS under specified circumstances tied to counties meeting specific criteria.

Tim Wilkin, assistant commissioner, Department of Human Services, said the governor is proposing a human services authority act that would remove the obligation of individual counties to administer human services and transfer the authority to 15 human service authorities, which would be comprised of a number of consolidated county entities. Wilkin said a single county with a population of 250,000 people or more would be allowed



Senators Scott Dibble (DFL-Minneapolis) and Sandra Pappas (DFL-St. Paul) converse in the Senate Chamber preceding the Senate floor session Mon., Feb. 23.

Photo by David J. Oakes

to serve as its own authority, with smaller counties required to form consortiums based on minimum population levels and geographic proximity. The consolidation is meant to create savings within the system while enhancing oversight, ensuring increased accountability and improving the overall effectiveness of the services delivered to Minnesotans using human services, said Wilkin.

## Higher Education Budget and Policy Division

### U of M budget report heard

The Higher Education Budget Division, chaired by Sen. Sandra Pappas (DFL-St. Paul), devoted its Tues., Feb. 24, meeting to an oversight review from the U of M.

Vice President Richard Pfutzenreuter, U of M, provided an overview of the U of M annual budget. He said the University has approximately a \$3 billion annual budget, over half of which is the state appropriation, tuition, sponsored funds and restricted gifts and endowments.

Pfutzenreuter said the FY 2007-08 state appropriation to the University and tuition revenue was a combined total of \$1.2 billion. These funds are spent on instruction, student services and faculty compensation, Pfutzenreuter said. He said the governor proposed a \$75.5 million recurring cut on top of the \$2.5 million recurring cut that passed in 2008. Due to the cuts, Pfutzenreuter said tuition could increase approximately 7.5 percent before financial aid.

Pfutzenreuter said the University is under a salary and wage freeze, a hiring pause and employees are experiencing health benefits plan design changes in order to cut the budget more. He also said academic programs are being consolidated or eliminated.

Provost Tom Sullivan, U of M, said 83 percent of entering freshman were in the top 25 percent of their high school class. He also said the average ACT score of an entering freshman is 26.2. The university has an 89 percent first-year retention rate, he said. Forty-five percent of students graduate in four years, 64 percent in five years and 66 percent in six years, Sullivan said.

Pfutzenreuter also said the construction of the new TCF Stadium is on track and on budget.

### Regents candidates interviewed

The Higher Education Budget and Policy Division, chaired by Sen. Sandra Pappas (DFL-St. Paul), along with the House Higher Education and Workforce Development Finance and Policy Division, chaired by Rep. Tom Rukavina (DFL-Virginia), met Thurs., Feb. 26, to interview candidates for the University of Minnesota Board of Regents.

The candidates names were all forwarded by the Regent Candidate Advisory Council. However, one candidate John Forbenius, Sixth Congressional District, was nominated but was not forwarded by Regent Candidate Advisory Council.

Members heard presentations from Richard Beeson, St. Paul and Anita Pampusch, Lilydale, from the Fourth Congressional District. In addition, Patricia Simmons, Rochester and Randy Simonson, Worthington from the First Congressional District gave presentations and answered questions from the panel. Clyde Allen, Jr., Moorhead, and Anne Rasmussen, Crookston, from the Seventh Congressional District also gave presentations and answered questions. Kjell Bergh and Kathryn Roberts, both of Stillwater, from the Sixth Congressional District gave presentations and participated in the question and answer process.

## Judiciary

### Judicial reform bill heard

Members of the Judiciary Committee, chaired by Sen. Mee Moua (DFL-St. Paul, met Tues., Feb. 24, to hear a bill which modifies misdemeanor offenses and establishes infraction hearing officials.

S.F. 200, as amended by the author, Sen. Leo Foley (DFL-Fridley), makes a number of reforms to current criminal justice law. First, the bill reduces the penalty for misdemeanor offenses to infractions. According to the measure, an infraction is similar in concept to a petty misdemeanor in that the penalty for an infraction includes a fine of up to \$750, but not incarceration. Under the bill, a person charged with an infraction does not have a right to court-appointed counsel at public expense and instead will be referred to an infraction hearing official. By definition, the official will oversee infraction violation bureaus and conduct infraction violation hearings. Lastly, the bill reduces the number of judges statewide by 20 and takes away authority of local units of government to create misdemeanor

offenses and replaces it with the authority to create infraction penalties. Foley said the bill is meant to make the processing of lower level offenses more efficient and cost effective by keeping the cases out of the courts and routing them through hearing officials.

Mark Thompson, judicial district administrator, Hennepin County District Court, said Hennepin County currently diverts petty misdemeanor offenses to hearing officers in an attempt to deal with high volume of cases seen in the county. In 2008, hearing officers in Hennepin County settled 173,000 cases, which equates to over 85 percent of minor offense cases in the county, said Thompson. He said the cost of operating the county's hearing official facility is \$1.1 million annually. The facility employs 11 hearing officials who hear roughly 15,400 cases each. Thompson also said the majority of individuals having their cases addressed by hearing officials rated their satisfaction level related to the process as high. Finally, Thompson said the system has proven to be highly effective in Hennepin County and stands as an excellent framework for a system that could be replicated on a state level.

Susan Segal, city attorney, City of Minneapolis, said the bill trivializes misdemeanors and strips local governments of authority to pass misdemeanor ordinances. "This bill turns the authority of maintaining a lawful, civil society over to a state collection agency," said Segal. Segal said cities need the authority to create and govern misdemeanor offenses in order to maintain sufficient law and order.

Sen. Linda Higgins (DFL-Mpls.) offered an amendment to delete two sections of the bill that would recognize disorderly conduct and public nuisance as offenses eligible for reduction to infraction. The amendment was adopted. Moua offered an amendment to remove the DNR provisions from the bill and send them to the Environment and Natural Resources Committee. The amendment failed. Members vote to lie the bill on the table.

## State and Local Government Operations and Oversight

### Election bills gain

The State and Local Government Operations and Oversight Subcommittee on Elections, chaired by Sen. Katie

# Committee update



*Ellen Wolfson, Minneapolis, a retired registered nurse after 41 years of practice, participates in a Nurses Lobby Day rally in the Capitol Rotunda Tues., Feb. 24.*

Photo by David J. Oakes

Sieben (DFL-Newport), devoted its Mon., Feb. 23, meeting to the discussion of three bills.

S.F. 663, authored by Sen. Sharon Erickson Ropes (DFL-Winona), changes provisions concerning military and overseas voting. The bill allows a person who is a U.S. citizen, but has never resided in Minnesota and is living permanently outside the U.S. to vote for federal offices, Erickson Ropes said. The person must

have a parent who maintained residence in Minnesota for at least 20 days prior to the person's departure from the U.S., she said. The bill also allows ballots to be transferred to overseas voters electronically, she said. The bill was approved and referred to the full committee.

S.F. 853, carried by Sieben, allows any eligible voter to vote absentee without needing an excuse for being unable to go to the polling place on election day.

Bill Heaney, International Brotherhood of Electric Workers (IBEW), spoke in support of the bill. He explained that thousands of IBEW members hold jobs that call them out of town with less than a day's notice, and if absentee voting were available for everyone, workers would not have to worry about being unable to vote if they are called out of town on election day.

The bill was approved and referred to the full committee.

S.F. 531, sponsored by Sen. Sandra Pappas (DFL-St. Paul), requires candidates to provide their residence address and telephone number on the affidavit of candidacy that must be filed for a place on the primary ballot. The bill prohibits a candidate from being on the ballot if residency requirements are not met, Pappas said. She said the bill is meant to prevent a person from running for office in a district in which he or she does not live.

Pappas proposed an amendment to clarify that the form for the affidavit of candidacy must inform the candidate that his or her address will be classified as private data, if he or she prefers. Pappas also proposed an amendment clarifying that the candidate must request in writing that his or her address be classified as private data. Both amendments were approved.

The bill was approved as amended and referred to the full committee.

## Panel hears several bills

The State and Local Government Operations and Oversight Subcommittee on Elections, chaired by Sen. Katie Sieben (DFL-Newport), met Wed., Feb. 25, to hear five bills.

S.F. 260, authored by Sen. Terri Bonoff (DFL-Minnetonka), moves the date of the state primary from the first Tuesday after the second Monday in September to the second Tuesday in June in each even-numbered year. The bill also changes the beginning of the time period for voting absentee from 30 days before election day to 45 days before the election, Bonoff said. She said the September primary limits the public's ability to have the best and broadest selection of candidates before them; a June primary would allow the public to be better educated in their selections.

Sen. Ann Rest (DFL-New Hope) proposed an amendment to clarify that a primary must be held if there are more than two candidates for any available

supervisor position. The amendment was approved.

Secretary of State Mark Ritchie said that having a primary in September can lead to potential disaster if a recount is necessary, since it would occur close to the time of the general election. He also said that extending the time-frame for absentee voting would increase overseas voter turnout.

State Party Chair Brian Melendez, Minnesota DFL, spoke in support of the bill, saying that an earlier primary date will result in a more transparent, public-involved election. He said the earlier primary allows for less inside politicking and allows the public to show its support for candidates.

The bill was approved and referred to the full committee.

S.F. 848, carried by Sen. Tony Lourey (DFL-Kerrick), allows a town that has adopted a November election date to return to the second Tuesday in March as the date of the town general election and adopts a plan providing for a six-year term for town supervisors. The bill was approved and referred to the full committee.

S.F. 157, sponsored by Rest, requires that party caucuses be held on the date of the presidential primary in presidential election years. The bill requires the caucus date to remain the first Tuesday in March in other years, Rest said. She said the bill provides that the prohibition of public meetings on the evening of precinct caucuses does not apply if the caucus is held on a day other than specified by law. The bill specifies that any candidate who files an affidavit of candidacy and either a filing fee of \$5,000 or is nominated by a petition signed by 1,000 eligible voters from each congressional district may be on the ballot, Rest said.

The bill also requires the Secretary of State to reimburse counties for the expense of running the presidential primary, Rest said. She also said the bill requires each voter to sign the polling place roster agreeing that he or she voted with the party he or she intends to vote for in the general election.

Rest proposed an amendment to clarify that sample ballots be posted in each polling location on election day, as well as in the county auditor's office and on the county's Web site. The amendment was approved.

Sen. John Marty (DFL-Roseville) offered an amendment to clarify that bal-

lots distributed for caucus participants to indicate their preference for the office of governor should also include U.S. senator preference when applicable. The amendment was approved.

The bill was approved as amended and referred to the full committee.

S.F. 804, sponsored by Sen. Chris Gerlach (R-Apple Valley), makes changes to clarify existing language in statute. The changes in the bill are recommended by the Office of the Secretary of State.

The bill was approved and referred to the full committee.

S.F. 837, carried by Sen. Sandra Pappas (DFL-St. Paul), increases the percentage of votes a candidate for statewide or legislative office must receive in order to obtain public financing. The bill requires that major political party candidates receive at least 15 percent of the votes in the general election for that office or legislative seat, Pappas said.

The bill was approved and referred to the full committee.

## State Government Budget Division

### Panel hears budget overview

The State Government Budget Division, chaired by Sen. Don Betzold (DFL-Fridley), met Mon., Feb. 23, to hear an overview of the governor's budget recommendations for the Dept. of Administration.

Commissioner Dana Badgerow, Dept. of Administration, provided an overview of the department's budget. Badgerow said the department has cut its budget by 35 percent in the last eight years. She said the department was able to make a permanent reduction in by cutting \$776,000 in the operating budget. Operating budget reductions include reducing the Environmental Quality Board funding, adjusting administrative costs and reducing salaries, expenses and resource recovery, she said.

Badgerow said the governor recommends an increase of \$125,000 per year for the Office of Grants Management. She said the office is in charge of statewide leadership on grants management policies, increased public awareness of state grants and training and coordination. The office has a grants governance committee with 12 members and provides training for over 150 personnel as well as assistance with federal stimulus grants and is the point-

of-contact for reports of fraud and abuse, she said.

Dave Fielding, plant management director, spoke about the in lieu of rent account increase request. Fielding said the governor recommends a \$500,000 increase for the in lieu of rent account in FY 2010 and FY 2011. The in lieu of rent account is used for maintenance and operation of the Capitol Building, State Office Building, monuments and memorials and over 28 acres of grounds, he said. "Failure to fund this increase will impact our ability to repair and maintain these facilities," Fielding said. He also said the number one goal this year is to achieve a 10 percent energy reduction, and he said energy costs are currently down two percent.

Kent Allin, materials management director, provided an overview of the cooperative purchasing expansion, which he said will have no general fund impact. The purpose of the program is to centralize contract oversight, train local government purchasers and provide better pricing through larger purchasing volumes, Allin said. He said the program has over 700 members, including 84 of 87 counties in the state, and membership is free. The program offers 828 contracts to members, including contracts for vehicles, furniture, cleaning supplies, hazardous waste recycling, cell phones and computer hardware, Allin said.

Deputy Commissioner Sheila Reger, Dept. of Administration, spoke about the Small Agency Resource Team (SmART). Reger said the governor has recommended a \$145,000 per year increase for SmART. She said that SmART provides professional human resource and financial management services to entities that lack expertise and that the program helps customers focus resources on their core responsibilities.

Chris Cialek, graphic information systems, outlined the Enterprise GIS Initiative, which is responsible for statewide planning, coordination and guidance of geospatial data and technology. Cialek said the initiative uses existing funds from the budget and does not need further appropriations.

### Budget discussions continue

The State Government Budget Division, chaired by Sen. Don Betzold (DFL-Fridley), gathered Wed., Feb. 25, to discuss the governor's budget recom-

# Committee update

mendations for the offices of Minnesota's constitutional officers.

As with similar agencies in the executive branch, the governor is recommending that the State Auditor's Office receive a reduction of five percent to direct appropriated funds to help address the budget deficit, said State Auditor Rebecca Otto. Otto said the governor is proposing a \$144,000 reduction in the operating budget of the office for the FY 2010-2011 biennium. The reductions, she said, will have a negative effect on staff retention and investigative oversight. Fortunately, increased audit fees will help offset nearly 90 percent of the proposed reduction and help the office deal with the influx of fraud and misuse of public funds typically brought about by an economic downturn, said Otto.

Secretary of State Mark Ritchie said the governor is proposing a general fund operating budget reduction of \$622,000 for the FY 2010-11 biennium for the office. Ritchie said the office is an income generating tool for the state, which contributes \$13 million each year to the general fund from fees associated with business assistance and candidate filing services. Ritchie said the governor recently cut funding to the office and further reductions will jeopardize the revenue stream that flows to the general fund through the Secretary of State's Office if businesses choose to do filings in other states. Cuts to the operating budget will likely lead to a reduction in staff and place many needed technology investments on hold, said Ritchie. He said the reduction will also force the office to place much of the responsibilities for training associated with elections back on county officials.

Attorney General Lori Swanson said the governor is recommending a \$2.4 million reduction to the general fund operating budget for the Attorney General's Office. Swanson said the governor's budget makes no specifications on how to distribute the reduction to any of its six divisions, which include government operations, civil regulation, solicitor general public enforcement, civil protection and administration. Swanson said reductions to the operating budget will likely lead to a reduction in staff, which currently accounts for 85 percent of the budget. She said the other 15 percent of the office's budget is tied to fixed costs that can't be trimmed down.

## Taxes

### Tax reform report heard

Members of the Taxes Committee met Wed., Feb. 25, to hear the results of the Governor's 21st Century Tax Reform Commission's work.

Michael Vekich, chair of the commission, said the governor's executive order directed the commission to recommend tax law changes that improve Minnesota's ability to successfully compete with other states and nations for jobs and business investments and that promote the long-term economic prosperity of the state and its citizens. Vekich said the commission focused on the state's business tax system and the goals of making the system inherently competitive, tying tax levels to benefits received, encouraging economic growth, reducing administrative costs and being resistant to political change.

Vekich said reform of the business tax system is aimed at attracting and retaining businesses, jobs and investments, promoting growth and the ability to be more competitive on a national and international level, aligning the tax system with economic and demographic changes and improving the incidence and transparency of the tax system.

Vekich emphasized that businesses don't pay taxes, but the people do. He said businesses pass taxes on to consumers, workers and investors and that a net reduction in corporate tax payments would go to consumers and workers.

Vekich said the report contains a number of recommendations for reform. The first major recommendation is to reduce business tax burdens in order to spur economic growth by attracting business investments and jobs, Vekich said. He said the recommendations include repealing state and corporate income or franchise taxes, replacing the capital equipment sales tax refund with an up-front exemption, conforming to federal write-offs for business assets, extending the capital equipment exemption to businesses that provide services subject to the sales tax and exempting 20 percent of "pass-through" income from taxation.

In order to improve transparency, Vekich said the report recommends requiring a biennial "benefits-received" report on business taxation, simplifying the state property tax system, following through with the current-law repeal of limited market value and converting tax capacity rates to the more common millage rates.

The report also contains a series of recommendations to promote investments, Vekich said. The recommendations include overhauling the research and development credit, enacting a small business investment act, enacting an early-stage investment tax credit and encouraging low-income entrepreneurship and business creation.

Vekich said that implementing all of the recommendations would result in about \$1.2 billion in tax reductions for the biennium. He said the commission recognizes the difficulties of the current economic situation, but that reforming the business tax system will lead to more jobs and investments for the state.

Vekich said that in order to pay for the reforms, the state sales tax base should extend to a broader range of consumer products and consumer services and there should be an increase to the excise tax on cigarettes.

Other members of the commission, Mark Haveman, executive director, Minnesota Taxpayers Association, John Spry, University of St. Thomas, and former Sen. William Belanger, explained the economic theories and technical work of the commission.

Committee members said some of the recommendations will be included in the discussions leading up to this year's tax bill. However, Sen. Lawrence Pogemiller (DFL-Mpls.) said the conclusions seem relatively simplistic in light of the state's overall tax policy. He said the commission was given a very limited scope in which to consider reform.

Dane Smith, Growth and Justice, said his organization is probusiness and progovernment. He said the organization supports business tax reductions, but only in a revenue neutral way. Smith said the organization recommends restoring the personal income tax rates particularly on the higher brackets. The state has foregone revenue of about \$1 billion since the tax cuts, Smith said.

Smith said the commission's report is well reasoned and impartial in tone and that Growth and Justice agrees with much of it. However, Smith said Minnesota is losing its advantage in education and innovation. He said his organization recommends more and smarter investment in education. Smith said the state's economy is underperforming the nation's, which corresponds with the unprecedented tax cuts enacted in recent years. "The claim that tax cuts are the answer to prosperity

has not been born out by the facts," Smith said. Smith said fairness was not listed as a guiding objective in the report. Replacing the corporate tax with expansion of the sales tax and increasing the cigarette tax appears to be replacing one regressive tax with other regressive taxes.

Jill Larson, Minnesota Business Partnership, said her organization supports the recommendations in the report. She said the report points toward the right policy. "In general, the partnership supports a policy of consumption taxes rather than income taxes," Larson said. Tom Hess, Minnesota Chamber of Commerce, also spoke in support of the report's recommendations.

The complete report may be found at: <a href="http://www.taxes.state.mn.us/mntaxreform/index.shtml">Minnesota's Millennium</a>

### Property valuation discussed

The Taxes Committee, chaired by Sen. Thomas Bakk (DFL-Cook), devoted most of the Thurs., Feb. 26, meeting to a discussion on the role of valuation in property tax determination.

Gordon Folkman, Dept. of Revenue, presented an overview of the property tax

process. He said the property tax system is complicated by overlapping government jurisdictions, a complex classification system, numerous laws and regulations defining property valuation methods and levy limits. Folkman said property taxes vary from year to year because the market value of a property may change or the market value of other properties in the taxing district may change, shifting taxes from one property to another. In addition, other reasons for fluctuations include changes in a taxing jurisdiction levy, approval of a levy increase referendum, changes in national or state mandates, changes in special assessments or changes in property tax rates made by the Legislature, he said.

John Hagen, Dept. of Revenue, presented an overview of assessment practices. He said assessors have two primary duties—to estimate the "market value" of property as of January 2 and classify the property based upon its use on January 2. He said estimating market value is a combination of art and science. Hagen said market value is defined in statute as the usual selling price at the place where the property to which the term is applied

shall be at the time of assessment.

Larry Austin, Dept. of Revenue, and Jim Atchison, Minnesota Association of Assessing Officers, presented details about mass appraisals, commercial/industrial assessment and a sales ratio study. Austin said the mass appraisal process is different from the individual appraisal process used by an independent fee appraiser. He said the mass appraisal system involves the comparison and valuation of all residential properties each year based upon the actual residential sales from each jurisdiction.

The role of foreclosures in the current market was explained by Tom May, Minnesota Association of Assessing Officers. He said there are consequences to individuals, communities and the financial markets from rising foreclosure rates. He said foreclosure is a legal process that allows a lender to take possession of and sell a property because of non-payment of a loan that is secured by that property. He said there are three types of sales during the foreclosure process—pre-foreclosure, foreclosure sale or sheriff's sale and post-foreclosure sales. May said that, in some instances, foreclosure transactions become



Senators Gen Olson (R-Minnetrista) and Steve Murphy (DFL-Red Wing) consult during a Transportation Committee hearing Tues., Feb. 24.

Photo by David J. Oakes

# Committee update

so prevalent in the market that these types of transactions actually become the market.

Hagen presented a very brief overview of the appeal process. He said there are informal appeal options such as contacting the assessor or attending an open book meeting. The formal appeal process includes appeals to boards of appeal and equalization and appeals to the Minnesota Tax Court.

## Transportation Budget and Policy Division

### Transit bills gain

The Transportation Budget and Policy Division, chaired by Sen. Steve

Murphy (DFL-Red Wing), met Tues., Feb. 24, to discuss several transit bonding bills.

S.F. 101, authored by Sen. Katie Sieben (DFL-Newport), appropriates \$10 million from the bond proceeds fund for a grant to the Ramsey County Regional Railroad Authority for the state's share of environmental analysis of a high-speed rail line connecting Chicago, La Crescent, Winona, Red Wing and the Union Depot Concourse Multimodal Transit Hub.

Sen. Dick Day (R-Owatonna) said most people would rather fly or drive than take a train to Chicago. He said, "With flights to Chicago for \$49, who would want to take a five hour train ride." Sen. Terri Bonoff (DFL-Minnetonka) said while she appreciates other points of view, she has a vision of European-style

rail system that uses the most advanced technology.

Sieben also authored a bill, S.F. 102, providing for a park and ride facility for the Red Rock Corridor Transit Way. The measure appropriates \$200,000 and is also to be used for predesign and preliminary engineering for an extension of the Red Rock Corridor Transit Way between Hastings and Red Wing.

S.F. 320, sponsored by Sen. Sandra Pappas (DFL-St. Paul), appropriates \$8.5 million for preliminary engineering, final design, property acquisition, and construction for the Central Corridor light rail transit line between St. Paul and Minneapolis.

S.F. 367, sponsored by Sen. Yvonne Prettner Solon (DFL-Duluth), appropri-



Senate President James Metzen (DFL-South St. Paul) calls members to order in the Senate Chamber during floor debate Thurs., Feb. 26.

Photo by A.J. Olmscheid

ates \$1 million to acquire land, to conduct design, engineering, and programmatic environmental studies for the Northern Lights Express Passenger Rail project to facilitate the return of passenger rail service along the Duluth-Minneapolis corridor.

S.F. 377, carried by Sen. Ron Latz (DFL-St. Louis Park), appropriates \$5 million to prepare and environmental impact statement and for preliminary engineering for the Southwest Transit Way Corridor from the Hiawatha Light Rail Line to the Southwest Station Transit Hub.

S.F. 414, authored by Sen. Mee Moua (DFL-St. Paul), appropriates \$1 million for a park-and-ride facility along the Rush Line Corridor. S.F. 647, carried by Sen. James Metzen (DFL-South St. Paul), appropriates \$4 million for the Robert Street Corridor Transitway.

S.F. 300, carried by Sen. Sandra Pappas (DFL-St. Paul), appropriates \$9 million for the St. Paul Union Depot for use as a multimodal transit center in St. Paul. Pappas said the restoration of the historic Union Depot will provide jobs and energize downtown St. Paul.

All of the measures were approved and advanced to the full Finance Committee. Murphy said the measures are to be forwarded to the Capital Investment Committee for possible inclusion in a bonding bill.

S.F. 549, carried by Sen. Scott Dibble (DFL-Mpls.), adds greenhouse gas reduction goals and strategies to various state and metropolitan programs and plans. The bill also establishes goals for per capita reduction in vehicle miles traveled to reduce greenhouse gases. Dibble said the bill also modifies the list of specific information that a school board must provide the commissioner of education when proposing to construct a new facility.

Members adopted an amendment clarifying that the effort to reduce vehicle miles traveled does not include implementing policies mandating that individuals reduce their vehicle miles traveled.

Julian Marshall, University of Minnesota, presented a report on the transportation sector policy changes needed to meet the current greenhouse gas reduction goals.

The bill was approved and re-referred to the State and Local Government Operations and Oversight Committee on an 11-6 roll call vote.

## Bonding proposals heard

The Transportation Subcommittee on Airways, Waterways and Railways met Thurs., Feb. 26, to consider several bond proposals.

The panel, chaired by Sen. Ann Rest (DFL-New Hope), approved the measures and advanced the bills to the full committee.

S.F. 36, authored by Sen. Thomas Bakk (DFL-Cook), appropriates \$4.9 million for a grant to the city of Duluth to predesign, design, construct, furnish and equip new terminal facilities at the Duluth International Airport. S.F. 479, carried by Sen. Kathy Sheran (DFL-Mankato), appropriates \$10 million from the bond proceeds fund for a grant to the Minnesota Valley Regional Rail Authority to rehabilitate up to 95 miles of track from Norwood-Young America to Hanley Falls.

Two bills were sponsored by Sen. Steve Murphy (DFL-Red Wing). S.F. 141 appropriates \$3 million from the bond proceeds fund for port development assistance in Red Wing. S.F. 642 appropriates \$10 million from the bond proceeds fund for the rail service improvement program. Murphy said the program helps prevent the loss of rail service on lines potentially subject to abandonment by railroads.

## Senate on the World Wide Web

The Minnesota Legislature's Web site has been updated. A joint effort of the Senate, House of Representatives, Legislative Reference Library, Legislative Commissions, and the Office of the Revisor of Statutes, the site offers easier access to a variety of legislative and government information.

The Legislature's page (<http://www.leg.mn>) includes links to other government agencies and departments, as well as copies of Minnesota Statutes, Session Laws, and Rules. The page also allows one to track legislation and get general information about the legislative process. The site includes a district finder service for those who need to contact their House member or Senator. Other information—about visiting the Capitol, state history and symbols, and employment opportunities with the Legislature—is also available.

Information about joint legislative departments, the various legislative commissions, and task forces is available at <http://www.commissions.leg.state.mn.us>.

The House of Representatives Web page (<http://www.house.mn>) includes membership and committee information. It also has daily news, information, and the daily House schedule.

The Senate Web site (<http://www.senate.mn>) has information about members, committees and Senate staff. The page also has daily and weekly schedules for the Senate, as well as copies of the Journal and Senate Briefly. Both the Senate and House Web sites offer streaming video access to floor and selected committees.

## Capitol Report: on air, online

Explore current policy issues and hear lawmakers discuss current legislative proposals by watching "Capitol Report," a weekly public affairs program produced by Senate Media Services. The program includes interviews with Legislators, agency heads and prominent policy experts. It also features historical and informational features about the Senate, the Capitol and Minnesota.

"Capitol Report" airs weekly on public television affiliates on cable access channels across Greater Minnesota. It is also available online, with archives going back to 2000: <http://www.senate.mn/media>

## Information Services

The Senate Information Office and the Office of the Secretary of the Senate are located in Room 231 of the Capitol. These offices distribute all public printed materials and handle inquiries about Senate committee meetings, Senate districts, Senate telephone numbers, bill reference numbers and status and bill sponsorship. Interested citizens may also request copies of bills.

If you want to know the name of your Senator or have any other questions about the Minnesota Senate, call 651-296-0504 (tty 651-296-0250).

The Senate Information Office also has toll-free telephone numbers to enable citizens of Greater Minnesota to obtain general information about the Minnesota Senate. The telephone numbers are: 1-888-234-1112 (voice) and 1-888-234-1216 (tty). Staff members are available to answer questions about the Senate and the legislative process.

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*Fourth grade students from Bel Air Elementary, New Brighton, perform patriotic songs in the Capitol Rotunda, Tues., Mar. 3. Photo by A.J. Olmscheid*



**March 6, 2009**

# Highlights



Participants in a rally for deaf, deaf blind and hard of hearing people applaud in sign language from the second floor of the Capitol Rotunda Wed., Mar. 4.

Photo by David J. Oakes

## Patient handling bill gains

Members devoted much of the Mon., Mar. 2, floor session to discussion of bills on General Orders.

S.F. 594, sponsored by Sen. Linda Higgins (DFL-Mpls.), extends the ap-

plication of safe patient handling plans to clinical settings. Higgins said the bill is aimed at protecting patients with disabilities and reducing injuries on the part of health care workers. She said the measure will improve access for patients with disabilities. Sen. Claire Robling (R-Jordon), said the bill places yet another mandate on health care providers and will result in higher health care costs. Higgins said that there are federal tax credits in place that will reduce the costs of equipment. She said one workers' comp case more than outweighs the cost in the bill. The bill was granted preliminary passage on a 39-27 roll call vote.

S.F. 684, carried by Sen. Kathy Sheran (DFL-Mankato), expands the bioscience business development public infrastructure grant program. Sheran said the bill allows higher education institutions to apply for the grants.

Sen. Rod Skoe (DFL-Clearwater) sponsored two bills. S.F. 452 designates a part of the Becker County highway system as a Veterans Memorial Highway. Skoe said that his second bill, S.F. 451, allows

Clearwater County to designate a portion of the county highway system as a Veterans Memorial Highway.

S.F. 757, sponsored by Sen. Jim Carlson (DFL-Burnsville), corrects an error regarding fuel decal fee collections for International Fuel Tax Agreement authorization. S.F. 656, authored by Sen. Yvonne Prettner Solon (DFL-Duluth), instructs the Legislative Energy Commission to analyze the adoption of state appliance energy standards.

In other action, members granted final passage to three measures. S.F. 230, sponsored by Sen. Linda Higgins (DFL-Mpls.), makes changes to provisions relating to physician assistants and creates a licensure system for physician assistants. S.F. 261, carried by Sen. Ron Latz (DFL-St. Louis Park), makes clarifying, technical and conforming changes to provisions relating to transfer on death deeds, expands common element certificates of title to include planned communities and modifies power of attorney provisions relating to real property. S.F. 496, authored by Sen. Sharon Erickson

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**Editor/Writer:**  
Karen L. Clark

**Writers:**  
Amanda Lillie  
Justin Thiessen  
Sydne Westorff

**Photographers:**  
David J. Oakes  
A.J. Olmscheid

Ropes (DFL-Winona), modifies the state's suicide prevention plan.

### Appliance standards study okayed

Senators met for a relatively short, but businesslike floor session Thurs., Mar. 5, to grant final passage to six bills on the Senate Calendar and one bill on General Orders.

S.F. 656, sponsored by Sen. Yvonne Prettner Solon (DFL-Duluth), providing for a study of electrical appliance standards generated a short debate. The measure directs the Legislative Energy Commission to analyze state energy standards for **some household** appliances. Sen. Ray Vandeveer (R-Forest Lake) and Sen. Julie Rosen (R-Fairmont) questioned the need for the study and the cost associated with the study. Prettner Solon said the existing funding for Legislative Energy Commission is sufficient to cover the costs of the study and that the study will complement the federal Energy Star appliance standards. The measure was granted final passage on a 46-19 roll call vote. Two bills authored by Sen. Rod Skoe (DFL-Clearbrook) were also granted final passage. S.F. 451 designates the Clearwater County Veterans Memorial Highway and S.F. 452 designates the Becker County Veterans Memorial Highway.

S.F. 684, sponsored by Sen. Kathy Sheran (DFL-Mankato), expands the bioscience business development public infrastructure grant program. S.F. 757, carried by Sen. Jim Carlson (DFL-Eagan), authorizes the Dept. of Public Safety to collect the fuel decal fee for the International Fuel Tax Agreement. S.F. 594, authored by Sen. Linda Higgins (DFL-Mpls.), requires safe patient handling plans in clinical settings. All three measures were granted final passage.

A bill, S.F. 401, modifying the definition of doula services was granted preliminary passage. The measure, sponsored by Sen. Sandra Pappas (DFL-St. Paul), adds the International Center for Traditional Childbearing to the organizations providing certification for doula services. Doula services are continuous emotional and physical support throughout labor and birth and intermittently during the prenatal and postpartum periods, Pappas said.

### Budget forecast discussed

The February budget forecast was the sole topic at the Thurs., Mar. 5, meeting of the Finance Committee.

The committee, chaired by Sen. Richard Cohen (DFL-St. Paul), heard from State Economist Tom Stinson, Commissioner Tom Hanson, Office of Minnesota Management and Budget (OMMB), and Budget Director Jim Schowalter, OMMB, about the latest economic forecast.

Hanson said the economy has significantly worsened since the last forecast. However, Hanson said, "The good news is the projected revenue shortfall would have been much larger without the federal stimulus." He said the November estimated shortfall of \$4.847 billion would have grown to \$6.4 billion without the savings of \$1.8 billion from the federal stimulus.

Hanson said since the November forecast the state has experienced lower revenues of \$1.166 billion, and modest increase in spending. He said the state will have a FY 2009 balance of \$236 million. The revised estimate puts the shortfall at \$4.57 billion, Hanson said.

Hanson said the federal stimulus bill provides broad relief for the state. He said state and local governments are eligible for an estimated \$4.6 billion in aid, but much of the total is dedicated to specific purposes and projects and doesn't directly affect the budget outlook. Hanson said the forecast impact of federal funds is limited to the enhanced federal match of \$1.8 billion for Medical Assistance. Hanson said the federal stimulus will help, but it is not a permanent budget solution.

Stinson reviewed the factors in the lower revised forecast. He said FY 2009 revenues are down \$213 million and FY 2010-2011 revenues are estimated to be \$1.66 billion lower than expected. Stinson said wages and capital gains are the primary sources of the decline with individual income tax receipts down \$701 million. Stinson said capital gains collections are expected to fall 35 percent for 2008 and an addition 40 percent this year.

Stinson said the state's forecasting firm, Global Insights, Inc., predicts a deep recession for the remainder of 2009. Stinson said it is estimated that Minnesota's recession related job losses will reach 120,000 by 2010.

Stinson also outlined signs to watch for that the recession is lessening are up-ticks in consumer spending, an increase in savings rate, improvements in the credit markets, smaller declines in employment.

### Joint rules, audit approved

The Rules and Administration Com-

mittee, chaired by Sen. Lawrence Pogemiller (DFL-Mpls.) met Fri., Mar. 6, to receive the annual Senate audit, consider changes to the Permanent Rules of the Senate and the Joint Rules of the Senate and House of Representatives. Members also considered the reference of a committee report objected to under Rule 21.

The annual Senate audit was presented by Jim Murray, Virchow Krause and Company. "It was a very clean audit with no significant problems," Murray said. He reviewed the management letter sent to the committee, outlined changes under a new auditing standard and reviewed several recommendations. Murray recommended keeping the door to the Fiscal Services Office locked if staff are away from the office, creating an organizational chart, keeping a log of periodic checks of rates in the payroll system and finding a method to ensure Senators sign off on every month's telephone bill.

Members also considered the referral of H.F. 392, sponsored by Sen. Thomas Bakk (DFL-Cook), from the Taxes Committee to the floor of the Senate. Sen. Julianne Ortman (R-Chanhassen) had objected to the reference under Rule 21. Ortman said an amendment, making changes in the Green Acres law, had been added to the original bill in committee. Ortman said there was no notice that the green acres issue would be discussed and acted upon and the bill should be referred to the Agriculture and Veterans Budget and Policy Division or back to the Taxes Committee.

Bakk said bills containing the green acres provisions have been heard in both the Agriculture and Veterans Budget and Policy Division and in the Environment and Natural Resources Committee. He said the green acres provisions fall under the jurisdiction of the Taxes Committee. Bakk said there is some urgency in getting the green acres provisions to the floor of the Senate because people are making decisions now about land currently in the program.

The panel approved a motion to the send the bill to the Senate floor.

In other action, members approved changes to the Joint Rules of the Senate and House of Representatives. The changes include specifying that a bill containing a constitutional amendment may not include statutory changes unrelated to the constitutional amendment, providing that the chair of a conference committee

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rotate daily and providing that conference committee reports may be electronic. In addition, a change was made to the rule detailing the process for electing members to the University of Minnesota Board of Regents in order to comply with recent statutory changes. A final change requires state agency bills necessary to implement the governor's budget to be introduced within 15 days after the governor's budget is submitted.

Members discussed, but did not approve, an amendment to the rules requiring any negotiations between Senate and House of Representatives members, or staff, to be open to the public. In addition, the change, sponsored by Sen. John Marty (DFL-Roseville), required negotiations between legislative leadership and the governor to be open to the public.

The committee also approved several changes to the Permanent Rules of the Senate. The changes include moving the introduction and first reading of bills to the Eighth Order of Business, requiring the Senate budget to be posted on the Senate's Web site, and specifying that the requirement for members to vote on a roll call vote if members are in the Chamber applies when the Senate is acting as a Committee of the Whole. The panel also approved a change specifying that a confirmation is not withdrawn after 60 legislative days if the term has expired or the appointee is no longer serving. The final change gaining approval specifies that a bill may not be considered by a committee on the day the bill was introduced unless there is a two-thirds vote of the committee to do so.

Members also discussed a proposal to make changes to the rule requiring the adoption of a budget resolution. Members delayed taking action on the proposal in order to refine the language further.

## MyBills system available

The MyBills personalized bill tracking system is now available. Users can add House and Senate bills to their lists by bill number, subject, or author, and view the legislative status of their bills, with items with significant current floor action highlighted. Users can modify their lists at any time. The MyBills system is available from the Legislative website at: <http://www.house.mn/leg/billslogin.asp>

## Agriculture and Veterans

### POW/MIA, ag bills heard

The Agriculture and Veterans Committee, chaired by Sen. Jim Vickerman (DFL-Tracy), heard five bills during their Tues., Mar. 3, meeting.

S.F. 18, authored by Sen. Charles Wiger (DFL-St. Paul), is a resolution to Congress to appoint an independent counsel to investigate the POW/MIA issue.

Larry Ryan, commander, North St. Paul American Legion Post 39, said the U.S. government needs to be urged to ac-

count for every American service member who never returned.

Stan Kowalski, state commander, VFW, said the families of POW/MIA deserve closure. He said the bill defends the rights of veterans and those still missing in action.

The bill was approved and referred to the Senate Floor.

Sen. Amy Koch (R-Buffalo) authored S.F. 755, which clarifies the definition of horses for the purpose of agriculture. The bill states that horses and other equines are livestock and raising them is an agricultural pursuit, Koch said.



VFW State Commander Stan Kowalski appeals to members of the Agriculture and Veterans Committee Tues., Mar. 3, to pass a resolution urging Congress to investigate the Missing in Action - Prisoner of War issue.

Photo by David J. Oakes

David Dayon, Wind N Wodd Farm, St. Michael, said the intent of the bill is to define horses as livestock because horses are the only class of livestock that is not classified as such in law.

Sen. Steve Dille (R-Dassel) proposed an amendment to add to the definition of the bill. The amendment adds that horses that conduct farm or ranch work are also defined as livestock. The amendment was approved. Sen. Rod Skoe (DFL-Clearbrook) proposed an amendment to state that the definitions in the bill do not apply to property tax law. The amendment was approved.

The bill was approved as amended and referred to the Senate Floor.

S.F. 858, carried by Sen. Lisa Fobbe (DFL-Zimmerman), provides for acceptance of certain services by the adjutant general. The bill allows the adjutant general to accept uncompensated and voluntary services and to reimburse volunteers for travel expenses incurred in the performance of official duties at the same rate per mile as state employees, Fobbe said.

The bill was approved and referred to the Finance Committee.

Sen. Sharon Erickson Ropes (DFL-Winona) sponsored S.F. 289. The bill states that the sunset of the farmer-lender mediation law will be extended until 2013. She said the bill offers continued economic support for farmers by mandating that debts over \$5,000 secured by agricultural property must be mediated before lenders initiate enforcement actions.

Tom Peterson, Farmers' Union, spoke in support of the bill. He said the Farmers' Union has been a strong supporter of the farmer-lender mediation law since it was implemented in 1986 and that he believes the four-year extension will offer farmers the economic support that they need right now.

David Skilbred, vice president of government relations, Independent Community Bankers of Minnesota, said the farmer-lender mediation law was originally implemented as a temporary solution for an agricultural economic emergency 22 years ago. Skilbred expressed neutrality on the bill, but said he would support it if the debt trigger amount was raised.

Skoe offered an amendment to change the debt trigger amount from \$5,000 to \$10,000. The amendment was approved.

The bill was approved as amended and referred the Judiciary Committee.

Erickson Ropes also authored S.F. 771, which creates a farm unit conservation plan and requires a conservation plan for participation in a state cost-share program. The bill also creates a Farmland Conservation Task Force, Erickson Ropes said.

Tim Gieseke, agriculture program director, Minnesota Project, said a conservation plan will help farmers reach agricultural goals. He said the implementation of a task force is a practical, achievable idea.

The bill was laid on the table.

## Agriculture and Veterans Budget and Policy Division

### Several bills gain

The Agriculture and Veterans Budget and Policy Division, chaired by Sen. Jim Vickerman (DFL-Tracy), met Thurs., Mar. 5, to hear several bills regarding fund appropriations.

S.F. 754, authored by Sen. Steve Dille (R-Dassel), appropriates money for the Minnesota Veterinary Diagnostic Laboratory. The bill appropriates \$1.25 million in FY 2010 and FY 2011 for the laboratory, Dille said.

Dr. Jim Collins, Veterinary Diagnostic Lab, U of M, said the funding would help protect the environment from the pathogens that are released from the lab. He also said the funding keeps facilities open that are in danger of closing.

The bill was laid over for possible inclusion in the division's omnibus bill.

S.F. 625, sponsored by Sen. Bill Ingebrigtsen (R-Alexandria), appropriates money for a grant to Operation Happy Note. The bill appropriates \$20,000 in FY 2010 to be used to send musical instruments to active duty military personnel who request them, Ingebrigtsen said. He said the funds will be available to the extent matched by nonstate dollars.

Barb Baker, Operation Happy Note, said she and her husband own a small music store and began sending used instruments to military personnel overseas. She said the expenses of the instruments and postage has gotten too expensive for her and her husband to handle alone, and they are receiving dozens of requests each day. Baker said the grant money allows Operation Happy Note to continue and allows more military personnel could be served.

Sen. Paul Koering (R-Fort Ripley) proposed an amendment to raise the grant

amount from \$20,000 to \$25,000. The amendment was approved.

The bill was laid over as amended for possible inclusion in the omnibus bill.

Sen. Dennis Frederickson (R-New Ulm) carried S.F. 876, which appropriates money for a veterans cemetery. The bill appropriates \$2 million from the bond proceeds fund to acquire approximately 40 acres of land for a veterans cemetery in Redwood County.

Sen. Tony Lourey (DFL-Kerrick) proposed an amendment to increase the \$2 million appropriation to \$3 million. The amendment also changes the bill's language so that some of the funding could be used for veterans cemeteries in Northeastern Minnesota as well as the cemetery in Redwood County, Lourey said. The amendment was approved.

The bill was laid over for possible inclusion in the omnibus bill.

Sen. LeRoy Stumpf (DFL-Plummer) authored S.F. 324, which appropriates money for livestock and crop depredation payments. The bill appropriates \$150,000 in FY 2010 and FY 2011 from the general fund for compensation payments, Stumpf said. The bill allows \$75,000 to be available for compensation payments for crop damage caused by elk and compensation for livestock destroyed or crippled by gray wolves. The bill was laid over for possible inclusion in the omnibus bill.

S.F. 635, also authored by Stumpf, modifies a prior appropriation to allow the Board of Animal Health to make one-time grants to beef cattle producers participating in the bovine tuberculosis herd buyout. A buyout participant is eligible for a grant if the Board of Animal Health quarantined the participant's herd and required the participant to sell his or her cattle at slaughter instead of as feeder cattle, Stumpf said. The bill was approved and referred to the Finance Committee.

## Business, Industry and Jobs

### Paint recycling bill gains

The committee on Business, Industry and Jobs, chaired by Sen. Jim Metzen (DFL-South St. Paul) met Mon., March 2, to hear four measures.

S.F. 638, sponsored by Sen. Linda Scheid (DFL-Brooklyn Park), requires prompt payment methods to subcontractors by residential contractors. Current law exempts residential contractors from the requirements of prompt payment to

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subcontractors. Allowing subcontractors of residential projects coverage under the law would take care of 70 percent of the issues faced by small subcontractors, said Scheid. The bill requires contractors, after receiving the payment, to pay the subcontractor within ten days, she said. The bill was approved and re-referred to the Judiciary Committee.

S.F. 477, sponsored by Sen. John Doll (DFL-Burnsville), establishes a paint stewardship pilot program for the management of postconsumer paint collection and recycling by manufacturers. The bill puts in place state oversight and specifies authorized conduct for manufacturers, said Doll. Victoria Reinhardt, Ramsey County Commissioner, Solid Waste Management Coordinating Board, said the program is a crucial economic opportunity for counties. Approximately ten percent of all paint sold becomes waste paint and the counties are required to deal with the waste at a great cost, said Reinhardt. Under the bill, the manufacturers will include the costs in product sales, and tax payers will not have to pick up the costs through property taxes, said Doll. The bill was approved and re-referred to the Judiciary Committee.

S.F.383, carried by Sen. Rick Olseen (DFL-Harris), requires all plastic bags containing yard waste that are delivered to a compost facility in the seven-county Metropolitan Area to meet the ASTM standards for compostable plastics. Cliff Cracauer, VP Sales, Cortec Corporation, said the bill's language makes it clear to the consumer which bags meet biodegradable standards. The bill was approved and re-referred to the Judiciary Committee.

S.F. 540, sponsored by Sen. Sharon Erickson Ropes (DFL-Winona), allows the Winona County Economic Development Authority to become member of a limited liability company. Erickson Ropes said the bill allows counties to partner with private investors in a wind project. The private investor would fund almost all the main costs and the county will fund a small portion, but after a few years the county will own the greatest portion of the wind tower she said. The bill was approved and re-referred to the Energy, Utilities, Technology and Communications Committee.

## Bills, appointments approved

The Committee on Business, Industry and Jobs, chaired by Sen. James Metzen

(DFL-South St. Paul), met Wed., Mar. 4, to hear two bills, approve two appointments and discuss the Board of Government and Social Innovation.

S.F. 897, authored by Sen. Scott Dibble (DFL-Mpls.), authorizes bonds to provide for redevelopment, particularly in industrial areas. Dibble said the commissioner of finance will sell and issue bonds in an amount of up to \$20 million.

The bill was approved and referred to the Finance Committee.

Sen. Kenneth Kelash (DFL-Mpls.) carried S.F. 89, which modifies the definition of "reemployment assistance training" and changes the requirement that in order to be eligible for unemployment benefits a student has to quit school to accept suitable employment. The bill states that a student must only discontinue classes when attendance restricts the student from accepting suitable employment and when he or she is unable to change his or her class schedule in order to work, Kelash said. He said the bill changes the definition of reemployment assistance training by adding apprenticeship training to the definition.

The bill was approved and referred to the Finance Committee.

The committee approved the appointment of William M. Hoskins to the Board of Electricity. Members also approved the appointment of Steven G. Hoffmeyer as the commissioner of the Bureau of Mediation Services.

Ember Reichgott Junge, vice president and chief advancement officer, Lutheran Social Services of Minnesota, provided an overview of the re-creation of the Board of Government and Social Innovation.

The board will be based on the former Board of Government Innovations and Cooperation, she said. Reichgott Junge said the Board of Government and Social Innovation will include nonprofit organization leaders, foundation leaders, government leaders and business leaders. The board, although independent, will have statutory ties to the Legislative Audit Commission, she said. She also said the board will keep many of its original functions, including the waiver and service-sharing grants programs.

The board will be funded by one-time federal money for the first two years of staffing and for the beginning grant pool, she said.

## Commerce and Consumer Protection

### Insurance bills discussed

The Committee on Commerce and Consumer Protection, chaired by Sen. Linda Scheid (DFL-Brooklyn Park), met Tues., Mar. 3, to hear three bills regarding insurance.

S.F. 814, authored by Sen. Thomas Bakk (DFL-Cook), permits local school districts to choose to provide health coverage to their employees through the state employee group insurance plan. School districts that wish to enroll must obtain a binding premium quote from the commissioner of finance, a majority vote in favor by the school board and a majority vote in favor by the eligible individuals who will enroll, Bakk said.

Superintendent Charles Rick, St. Louis County School District, said his school district could save up to \$558,000 under the bill.

The bill was laid over.

Sen. Scott Dibble (DFL-Mpls.) carried S.F. 915, which requires school districts to obtain employee health coverage through the public employees insurance program. The bill establishes a health improvement program that focuses on prevention of disease, Dibble said. He said the health improvement program is cost effective because of its focus on prevention.

Thomas Dooher, president, Education Minnesota, said Education Minnesota is in favor of the bill. He said health care costs are creating burdens on school district budgets. Premiums for employees are increasing by as much as 50 percent, Dooher said. "This is the right bill, at the right time, for Minnesota," he said.

Scott Croonquist, Association of Metro School Districts, said the association opposes the bill. Croonquist said that the creation of a mandatory insurance pool will not prevent major premium increases.

Jim Grathwol, Minneapolis Public Schools, also spoke in opposition to the bill. Grathwol said Minneapolis Public Schools prefers having the ability to carve their health care options, and if the bill was re-worded to be optional he could support that.

The bill was approved and re-referred to the Finance Committee.

S.F. 797, sponsored by Sen. Kevin Dahle (DFL-Northfield), regulates self-



**Senators Dan Sparks (DFL-Austin), left, and Keith Langseth (DFL-Glyndon) consult during the Senate's Thurs., Mar. 5, floor session.**

insurance pools providing health coverage to local government employees by requiring the commissioner of commerce to submit a biennial report to the Legislature. Lee Johansen, Education Minnesota, said the report must include information about the solvency and compliance of service cooperative insurance pools. Johansen also said the commissioner may make recommendations with regard to compliance and solvency of service cooperatives in the biennial report.

Due to time constraints, the meeting adjourned and further discussion on the bill will be heard at a later date.

#### **Reverse mortgage bill heard**

Members of the Committee on Commerce and Consumer Protection, chaired

by Sen. Linda Scheid (DFL-Brooklyn Park), met Thurs., Mar. 5, to hear three bills related to consumer protection.

S.F. 489, sponsored by Sen. Tarryl Clark (DFL-St. Cloud), makes modifications to reverse mortgage provisions. The bill eliminates the requirement that a reverse mortgage becomes due when committed principal has been fully paid to the borrower. The bill also removes the current requirement that a borrower repay a reverse mortgage loan once the lender makes the final installment, unless there is an agreement that the borrower may make periodic interest payments. Finally, the bill sets specifications related to lender responsibility, right of recession, lender default and forfeiture and borrower counseling.

Photo by A.J. Olmscheid

Assistant Attorney General Carla Heyl said reverse mortgages are sold and marketed to senior citizens and often provide a financing option that bears high fees and costs that don't align with their financial circumstances. Heyl said reverse mortgage companies use "easy credit" marketing tactics similar to those that led to the mortgage meltdown by encouraging a senior to take out an expensive reverse mortgage to finance a lifestyle they would otherwise be unable to afford, while ignoring the risky aspects of those products. Heyl said the bill protects both lenders and borrowers participating in a reverse mortgage by requiring lenders to determine that a given reverse mortgage is suitable for the senior before selling it to them. She said the bill also limits

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insurance producers from cross-selling life insurance products to seniors using proceeds of a reverse mortgage and provides a 30-day rescission period in which a senior may rescind a reverse mortgage.

Sen. Dan Skogen (DFL-Hewitt) offered an amendment to reduce the rescission period from 30 days to 10 days. The committee approved the bill as amended and re-referred the measure to the Judiciary Committee.

S.F. 106, authored by Sen. Ron Latz (DFL-St. Louis Park), requires the Minnesota attorney general to maintain a consumer complaint database. Under the bill, the database includes a listing of the number of complaints based on a number of items including types of consumer goods or services purchased, nature of businesses that are the subject of complaints, statutory or other basis for complaints, actions taken by attorney general in response to complaints and resolution of complaints. Finally, the bill requires the information in the database to be easily accessible to the public and be updated on at least an annual basis.

Al Gilbert, solicitor general, Office of the Attorney General, said the Attorney General's Office has some concerns regarding the benefit and utility of the bill. Gilbert also said the Attorney General's Office doesn't have the financial capability to carry out what is being requested in the bill, which is projected to cost the office roughly \$1.73 million for the biennium. Furthermore, Gilbert said the office is not set up to be a clearinghouse for consumer complaints, a task that is already being handled by the Better Business Bureau.

The committee laid the bill over in an attempt to give Latz and representatives from the Attorney General's Office an opportunity to work out a compromise that will be both beneficial to consumers and less onerous and financially overpowering to the Attorney General's Office.

S.F. 797, carried by Sen. Kevin Dahle (DFL-Northfield), regulates self-insurance pools providing health coverage to local government employees. The bill requires the commissioner of commerce to submit a biennial report to the Legislature that includes information about solvency and compliance of service cooperative insurance pools. The bill also requires all premiums and premium equivalent income obtained by a service cooperative to be used solely to provide insurance coverage

and to pay claims. Furthermore, the bill requires a service cooperative to conduct an annual audit and provide a report to school districts and other entities participating in the self-insurance pool. The measure requires a service cooperative operating a health coverage pool to provide proposed renewal premiums no less than 90 days prior to renewal. Finally, the bill requires a joint self-insurance trust to be audited prior to closure with all remaining assets to be dedicated to health insurance benefits for individuals who were enrolled at the time of closure.

Lee Johansen, Education Minnesota, said Education Minnesota supports the bill because it provides the most secure, solvent and stable insurance programs for the members of the organization.

Paul Brinkman, NE Service Co-op's, said the bill is unnecessary because co-ops have already addressed all of the business "best practices" and transparency issues recommended in the 2005 state auditor's report.

The committee laid the bill over until all members have the opportunity to review the auditor's report.

## E-12 Education Budget and Policy Division

### Assessment overview heard

The E-12 Education Budget and Policy Division, chaired by Sen. LeRoy Stumpf (DFL-Plummer), met Wed., Mar. 4, to hear an overview on state testing and assessments.

Daron Korte, Senate Counsel, said the state assessment currently measures the mastery of K-12 standards, proficiency for the purposes of NCLB and the GRAD requirement for high school graduation. He said there are three types of assessments—the summative, which determines what students do and do not know, the formative, which informs teachers and students of the students' level of understanding and the adaptive, which measures achievement. The FY 2009 appropriation for statewide testing is \$15.15 million, Korte said.

Shelby McQuay, Senate Counsel and Research and Fiscal Analysis, said one long-term GRAD assessment potential goal is to push back the administration grade so students take the assessment in tenth grade rather than eleventh grade. She also said end-of-course assessments

may be implemented in the long-term.

Dirk Mattson, director of assessment and testing, Minnesota Dept. of Education, provided an overview of statewide assessments. Mattson said the current annual spending on assessments is \$22.679 million. He said the department's goal is to provide an MCA that provides the highest quality assessment with the most information for educators that takes the least amount of time to administer and gives the timeliest results.

Mattson said that several states are switching to end-of-course tests in both introductory and college- and career-ready courses. Mattson said that end-of-course tests are advantageous because they are more closely aligned with state academic standards, they assess students on recent material and they measure quality and consistency of courses. However, he said, the disadvantages of end-of-course testing is that overall testing time could increase and financial investment would be needed to create new tests.

Finally, Jim Bartholomew, Minnesota Business Partnership, said the partnership supports the governor's recommendation to make the MCAs an online model.

### Education bills gain

The E-12 Education Budget and Policy Division, chaired by Sen. LeRoy Stumpf (DFL-Plummer), met Thurs., Mar. 5, to hear several bills.

Sen. Steve Dille (R-Dassel) authored S.F. 811, which authorizes Independent School District #2887, McLeod West, to issue general obligation bonds for its reorganization operating debt. The bond amount is estimated at \$3.13 million, he said. The bond debt issued under the bill is paid through property taxes from within the boundaries of the school district, Dille said. The bill was approved and referred to the Finance Committee.

S.F. 731, carried by Sen. Kathy Sheran (DFL-Mankato), authorizes a fund transfer for Independent School District #77, Mankato. The bill allows the school district to permanently transfer up to \$500,000 from its debt redemption fund to its general fund without making a levy reduction, Sheran said. The bill was approved and laid over for possible inclusion in the division's omnibus bill.

S.F. 737, authored by Sen. John Marty (DFL-Roseville), authorizes a fund transfer for Independent School District #282, St. Anthony-New Brighton. The

bill allows the school district to permanently transfer up to \$400,000 from its reserved for operating capital account to its undesignated general fund, Marty said. The bill was approved and laid on the table for possible inclusion in the omnibus bill.

Sen. Gary Kubly (DFL-Granite Falls) sponsored S.F. 939. The bill authorizes a fund transfer for Independent School District #62, Ortonville, Kubly said. He said the bill allows a permanent transfer of up to \$200,000 from its debt redemption fund to its reserved for operating capital account without making a levy reduction. The bill was approved and laid over for possible inclusion in the omnibus bill.

S.F. 10, sponsored by Sen. Terri Bonoff (DFL-Minnetonka), establishes a shared services purchasing program and requires all school districts and charter schools to participate in the business services program. The bill clarifies that business services does not include custodial, food or transportation services. Bonoff said the bill requires the Dept. of Education to enter into a three-year contract with a consultant to study services and activities across school districts and charter schools and make a shared services plan. The plan is meant to improve service delivery, efficiency and economy of operation, she said. The consultant will receive payment as a percentage of shared services savings, Bonoff said.

Dana Badgerow, commissioner of administration, said that under the bill school districts would be able to look to the state contract for their purchasing needs. She said districts would not be required to buy from the state, but it would be an option and would save districts' money.

Betty Schweizer, executive director, TIES, said that 86 percent of school districts in the state purchase class supplies and of that percentage 38 percent purchase from the state.

Scott Croonquist, Association of Metropolitan School Districts, said the association has concerns about the bill. He the bill undermines school districts that are already using shared purchasing programs because, under the bill, the districts will expend more time and money by having to complete paperwork for each mass purchase made.

The bill was approved and referred to the Finance Committee.

## Economic Development and Housing Budget Division

### Shovel-ready projects discussed

The Economic Development and Housing Budget Division, chaired by Sen. David Tomassoni (DFL-Chisholm), met Mon., Mar. 2, to resume discussion of bonding bills related to "shovel-ready" projects that may see funding from the federal stimulus package.

S.F. 50, authored by Sen. Yvonne Prettner-Solon (DFL-Duluth), appropriates \$3.3 million from the bond proceeds fund to the public facilities authority for grants to the city of Duluth and the Western Lake Superior Sanitary District to predesign, design, construct and equip sanitary sewer overflow storage facilities and associated pumping facilities at selected locations in the city of Duluth.

Eric Shaffer, chief engineer, city of Duluth, said the appropriation partially funds

three separate projects related to sanitary sewage overflow, with matching funds for the projects coming in the form of a state loan or private local funding. Shaffer said two of three projects are shovel-ready and all of them are set to be completed within two years.

S.F. 118, also authored by Prettner-Solon, appropriates \$3 million from the federal funds allocated to Minnesota for infrastructure projects as part of the stimulus package to the commissioner of employment and economic development for a grant to the Duluth Children's Museum. The appropriation allows the museum to acquire land, renovate historic buildings and construct, furnish and equip a new museum to replace the existing one.

Michael Garcia, president, Duluth Children's Museum, said the total estimated cost for the new museum is roughly \$6 million, half of which would be paid for by matching funds from private donors. Greg Wegler, Kraus-Anderson Construction Company, said the children's museum project helps employ local union trades workers in Duluth, which currently have a 60 percent unemployment rate.

S.F. 793, carried by Sen. Tom Saxhaug (DFL-Grand Rapids), appropriates \$8.75 million from the bond proceeds fund to the Public Facilities Authority for a grant to the city of Grand Rapids to reconstruct its wastewater treatment facility.

Steve Welliver, president, Grand Rapids Public Utilities Commission, said

the project is necessary to replace deteriorated equipment and facilities and to comply with mandated water quality and environmental impact standards. Welliver said an upgraded facility will improve safety and maintain economic viability, lower monthly operation and maintenance costs, eliminate odor and ambient air quality issues and provide redundancy and reliability to sustain current levels of service.

All bills were approved by the committee and recommended for possible inclusion in the omnibus bonding bill.

### Employment support bills heard

Members of the Economic Development and Housing Budget Division, chaired by Sen. David Tomassoni (DFL-Chisholm), gathered Wed., Mar. 4, to hear five bills related to job growth and employment support.

S.F. 931, authored by Sen. Scott Dibble (DFL-Mpls.), appropriates \$200,000 from the general fund to the commissioner of employment and economic development to fund special projects focused on providing employment support to people with serious mental illness. The bill also appropriates \$4 million for the extended employment program for persons with severe disabilities.

Sue Abderholden, National Alliance on Mental Illness, said 151,000 Minnesotan's with mental illness will benefit from the supportive employment services provided in the bill, which will aid the individuals in finding and maintaining employment.

S.F. 803, also authored by Dibble, appropriates \$300,000 during the FY 2010-11 biennium from the general fund to the commissioner of employment and economic development for a grant to a nonprofit organization to work on behalf of licensed vendors to coordinate responses to solicitations or other requests and to increase employment opportunities for persons with disabilities.

S.F. 930, carried by Sen. Linda Higgins (DFL-Mpls.), appropriates \$1.325 million from the workforce development fund to the commissioner of employment and economic development for grants to fund summer youth employment in Minneapolis. Of the appropriation, Higgins said \$325,000 each fiscal year will fund a grant to the learn-to-earn summer youth employment program. Higgins said under the bill, the commissioner establishes

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criteria for awarding the grants, which will fund up to 500 youth summer jobs.

S.F. 818, sponsored by Sen. Sandra Pappas (DFL-St. Paul), appropriates \$1 million from the workforce development fund to the commissioner for a grant to Lifetrack Resources for its immigrant and refugee collaborative programs, including those related to job-seeking skills and workplace orientation, intensive job development, functional work English and on-site job coaching.

Dave Smith, Buddy's Kitchen, said his organization specializes in the assembly of food products served on many of the major domestic airlines. Smith said the organization employs 170 workers, the majority of whom are immigrants and refugees from Southwest Asia. He said he has been working with an immigrant employment agency to obtain and retain refugee workers for over 25 years and relies on the agency to sustain a high quality workforce.

All four bills were laid over for possible inclusion in an omnibus bill.

S.F. 643, carried by Sen. Kathy Sheran (DFL-Mankato), provides eligibility for unemployment benefits to workers who receive reduced hours while taking skills training programs associated with the workforce investment in regional economic development (WIRED) program. The bill is designed to give financial relief to companies facing possible layoffs in response to the downturn in the economy because it allows the employees to work reduced hours, attend classes under the WIRED program and retain partial unemployment benefits, said Sheran. Sheran said the bill helps companies retain skilled persons that it may have otherwise had to lay off while giving employees a chance to get extra training without a significant loss in income brought about by a layoff.

The Division approved the bill and referred the measure to the full Finance Committee.

## Energy, Utilities, Technology and Communications

### Energy bills heard

Members of the Energy, Utilities, Technology and Communications Committee, chaired by Sen. Yvonne Prettner Solon (DFL-Duluth), gathered Tues., Mar. 3, to hear three bills.

S.F. 673, carried by Sen. LeRoy Stumpf (DFL-Plummer), appropriates

\$300,000 to the city of Kennedy for energy conversion of a former school building to use geothermal, wind and solar energy and to house the Go Green Business Center.

Shannon Mortenson, city clerk, city of Kennedy, said the creation of the business center will increase the energy efficiency of the facility, which currently relies on fossil fuels for heat and electricity. Mortenson said the business center will also create 16 new jobs in a community of a little over 200 people and increase exposure of green energy technology to everyday citizens who visit the center. The center will serve as a model for other businesses in Northwestern Minnesota seeking to incorporate alternative energy sources into their energy use strategies, she said. Mortenson said the city of Kennedy has already applied for a grant from the Federal Economic Development Association, which requires a 50/50 state match for any federal dollars appropriated to the project.

The committee approved the bill and re-referred the measure to the Finance Committee.

S.F. 913, authored by Sen. Thomas Bakk (DFL-Cook), requires land use planning in commercial and residential development to minimize sprawl and reduce carbon emissions by decreasing vehicle miles traveled. Bakk said the bill is meant to promote land use reform in urban growth areas in an effort to reduce carbon emissions by reducing the distance and frequency of automobile trips while encouraging walking, bicycling and other alternative forms of transportation. Bakk said the bill still needs a lot of work in future committees and is meant to be a "first step" in the development of a plan to reduce greenhouse gas emissions in the state based on the recommendations from the Minnesota Climate Change Advisory Board.

The committee approved the bill and re-referred the measure to the Education Committee where the bill will undergo discussion related to the school construction site provision contained in the bill.

S.F. 657, sponsored by Prettner Solon, provides funding direction for energy efficiency programs and projects slated to receive federal stimulus money. Prettner Solon said the bill specifies a number of spending strategies related to projects addressing building weatherization, local

government and school district building renovations, appliance replacement, training and workforce development and window replacement and insulation for low or moderate income households. She said the bill also makes some specifications pertaining to competitive energy grants and authorizes the use of stimulus funding by local units of government to develop and implement demonstration programs to provide for the design, financing and installation of energy-efficiency improvements in commercial and industrial facilities.

The committee approved the bill and re-referred the measure to the Finance Committee.

### C-BED bill heard

Members of the Energy, Utilities, Technology and Communications Committee gathered Thurs., Mar. 5, to discuss a bill related to the localization of ownership for community-based energy development projects.

S.F. 399, sponsored by Sen. Gary Kubly (DFL-Granite Falls), establishes a tariff for community-based energy development (C-BED) projects of five megawatts or less. The bill specifies that the tariff must be the net present value rate equal to the annual average of the previous year's Midwest Independent System Operator (MISO) Minnesota hub average day ahead market price calculated over the term of the contract, which must extend at least 20 years. The bill also requires a utility that needs to construct new generation to contract with C-BED projects until the Public Utilities Commission (PUC) determines that the aggregate capacity of such projects installed or signed reaches 800 megawatts. The measure removes language stating that a qualified C-BED owner may develop a joint venture project with a nonqualifying renewable energy project developer, provided that the C-BED tariff only applies to the qualifying owner's portion of the project. Finally, the bill directs the PUC to initiate a proceeding to standardize all contract provisions, except those establishing the power purchase price, for C-BED projects of five megawatts or less and C-BED projects above five megawatts.

Kubly said the goal of the bill is to facilitate widespread development of C-BED projects throughout Minnesota, especially in rural communities. He said the



*Award-winning social entrepreneur, environmental advocate and author Van Jones speaks to a gathering of legislators in the Transportation Building Cafeteria Thurs., Mar. 5 about the many benefits of creating a green economy.*

Photo by David J. Oakes

bill establishes a market-based tariff that allows small energy producers to cover the cost of energy production while providing a reasonable rate of return. Kubly said the measure promotes local ownership of wind farms and keeps energy dollars in the local communities, making rural areas more economically viable.

Bob Olson, Independent Community Bankers of Minnesota, said the bill promotes community-based wind power projects in Minnesota and stimulates rural economies by creating jobs and keeping energy dollars in the communities in which the energy is created.

The committee laid the bill over to give Kubly an opportunity to do further work on the measure.

## Environment and Natural Resources

### Plastic bag recycling discussed

A bill requiring plastic bag recycling was a highlight of the Environment and Natural Resources Committee meeting Mon., Mar. 2.

S.F. 267, authored by Sen. Ann Rest (DFL-New Hope), requires all Metro Area stores with over 5,000 square feet of retail or wholesale space, or stores that are part of a chain of stores, that provide plastic carryout bags to set up an in-store recycling program.

An amendment was adopted directing the commissioner of the Pollution Control Agency to study methods of es-

tablishing a plastic bag recycling program in Greater Minnesota.

Mike Anderson, a volunteer, said he and his wife spend weekends picking up trash in and along the Mississippi River. He said a great deal of the debris in the river is made up of plastic bags of one type or another.

Mark Blaiser, Minnesota Waste Wise, said the Minnesota Chamber of Commerce, has a program, "it's in the bag," for most of the grocery store chains that recycles plastic bags. He said the program has recycled 5 million pounds of plastic bags and film since 2004. The material is collected and sorted before being sold to a company that recycles the material into plastic decking and chairs.

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**State Economist Tom Stinson sorts through a stack of visual aids prior to presenting the latest budget forecast Tues., Mar. 3.**

Photo by David J. Oakes

Jaimie Pfuhl, Minnesota Grocer's Association, said the grocers are a partner in the "it's in the bag" program and there has been a 13.3 percent reduction in plastic bag use. In addition, some grocers offer incentive programs for customers to use reusable bags.

Pfuhl said the record keeping and reporting provisions are burdensome for smaller stores.

Rest said she would be able to have the bill lay over in order to come to agreement over the provisions in the bill. The committee, chaired by Sen. Satveer Chaudhary (DFL-Fridley), laid the bill over for further consideration.

In other action, the committee heard and additional four bills. S.F. 105, authored by Sen. Steve Murphy (DFL-Red Wing), modifies the definition of deer bait or feed. The measure was laid over for possible inclusion in the committee's omnibus game and fish bill.

S.F. 275, sponsored by Sen. Dennis Frederickson (R-New Ulm), renames the Minnesota River Basin Joint Powers Board the Minnesota River Board. In addition, the bill clarifies the duties and membership of the board. The bill was approved and sent to the full Senate.

S.F. 880, carried by Sen. LeRoy Stumpf (DFL-Plummer), appropriates

funds from the clean water fund to the Pollution Control Agency for a grant to enhance and expand existing river watch activities in the Red River of the North. Stumpf said the river watch activities involve students in water quality monitoring. He said students participate in the scientific monitoring of local rivers and streams, analyzing and reporting conditions and working partnerships to address actions needed for sustainable watersheds. The measure was approved and advanced to the Committee on Finance.

S.F. 231, authored by Sen. Pat Pariseau (R-Farmington), provides for free either-sex deer permits for recently

discharged service members. The measure was approved and re-referred to the Agriculture and Veterans Committee.

### State trail bills heard

The Committee on Environment and Natural Resources, chaired by Sen. Satveer Chaudhary (DFL-Fridley), met Wed., Mar. 4, to hear five bills.

Sen. Jim Vickerman (DFL-Tracy) authored two bills, S.F. 171, which extends the Casey Jones Trail system into Blue Mounds State Park, and S.F. 34, which establishes the Des Moines River Valley Trail, originating in Jackson County at the Minnesota-Iowa border and connecting with the Dickinson Trail in Mini-Wakan State Park in Iowa.

Sen. Dennis Frederickson (R-New Ulm) offered an amendment to combine the two separate bills into one. The committee approved the amendment and sent newly-merged S.F. 34 to the full Senate.

S.F. 983, sponsored by Sen. Ann Lynch (DFL-Rochester), establishes the Great River Ridge Trail, which will originate in the city of Plainview in Wabasha County and extend southwesterly through the city of Elgin and the town of Viola to the Chester Woods Trail in Olmsted County.

The committee approved the bill and sent the measure to the full Senate.

S.F. 773, sponsored by Sen. Sandy Rummell (DFL-White Bear Lake), makes technical changes to the conservation reserve program and renames it as the Reinvest in Minnesota Resources law.

S.F. 850, carried by Sen. Lisa Fobbe (DFL-Zimmerman), modifies membership of the Board of Water and Soil Resources by adding one township officer and two elected officials as voting members to the board. Fobbe offered an amendment to change the geographic disbursement of the members by reducing the number of Metro Area representatives to four.

The committee laid both bills over for possible inclusion in an omnibus environmental policy bill.

## Environment, Energy and Natural Resources Budget Division

### LCCMR bill discussed

The Environment, Energy and Natural Resources Budget Division, chaired by Sen. Ellen Anderson (DFL-St. Paul),

met Tues., Mar. 3, to hear a bill pertaining to appropriations for environment and natural resource projects under the Legislative-Citizens Commission on Minnesota Resources (LCCMR).

S.F. 1012, authored by Anderson, appropriates \$26.1 million from the LCCMR trust fund to subsidize a variety of environment and natural resource projects. Anderson said the bill funds projects in six key areas which include natural resource inventory and planning, land and habitat acquisition and restoration, water resource research and analysis, environmental education and outreach, energy conservation and administration. Of the \$26.1 million, Anderson said \$6 million will be used for collection, delivery and interpretation of foundational data pertaining to statewide distributions of biodiversity and ecological systems. She said \$13.2 million will be used to expand state recreational opportunities through expanded parks, trails and open spaces and \$2 million will be appropriated to fund research pertaining to protection of water resources against compounds that disrupt endocrine system function in humans, fish and wildlife. Furthermore, Anderson said a little over \$1 million will be used for monitoring and treatment of ballast water to prevent the introduction and spread of aquatic invasive species in Minnesota waters and \$2.3 million will be used for analysis and recommendations pertaining to greenhouse gas reduction options related to electric power. Finally, she said \$1.4 million would be applied to administration costs and project contract management.

The committee approved the bill and advanced the measure to the full Finance Committee.

Diane Wells, manager, Department of Commerce, Telecommunications Division, spoke to the committee about the governor's budget recommendations for the 2010-11 biennium. Wells said the governor is proposing a \$2.02 million general operating budget for the division along with an \$11 million appropriation to the telecommunications access Minnesota (TAM) fund, a telecommunications access service provided to Minnesotans with hearing, vision, speech or physical disability.

Burl Haar, executive secretary, Public Utilities Commission (PUC), said the governor recommends that the PUC be able to contract with non-state

entities and be authorized to expend up to \$800 thousand per biennium to be used for technical consulting services when the commission determines specialized services are needed for audits or investigations of complex utility or telecommunications systems. Harr said the change would enable independent audits of company systems or operations when technical complexity may otherwise create significant barriers to a robust and unbiased record.

Peggy Adelmann, chief financial officer, Minnesota Zoo, said the governor is proposing a ten percent reduction to the general fund appropriation to the zoo, which equates to a \$706,000 cut in the zoo's projected \$22 million total annual budget. In response to the cuts, Adelmann said the zoo will pursue ways to cut administrative expenses such as supply and printing costs and will likely increase membership fees. She said the zoo is also considering a seasonal pricing concept that would raise admission price during the summer and decrease it during the winter season.

### Water reports heard

The Environment, Energy, and Natural Resources Budget Division Subcommittee on Clean Water Legacy, chaired by Sen. Sandy Rummell (DFL-White Bear Lake) met Wed., Mar. 4, to hear reports on the Statewide Conservation and Preservation Plan and on light detection and ranging (LiDAR).

Dr. Deborah Swackhamer, co-director, Center for Water Studies, University of Minnesota, reviewed the Statewide Conservation and Preservation Plan with particular emphasis on water quality. Swackhamer detailed the development of the statewide plan and outlined four primary areas for conservation and preservation. The plan recognizes land protection, land and water restoration, sustainable practices and energy production and use as the four areas, Swackhamer said.

Swackhamer said the land protection area includes the protection of priority land habitats, protection of critical shorelands of streams and lakes and improvement of connectivity and access to outdoor recreation. In the area of land and water restoration, key priorities are to restore and protect shallow lakes, to restore land, wetlands and wetland-associated watersheds and to protect and restore critical water habitat of lakes and streams,

# Committee update

Swackhamer said. She said sustainable practice includes keeping water on the landscape and reviewing and analyzing drainage policy. In the area of energy production and use, it is important to identify energy trends and impacts and to identify energy related investment and policy choices that affect natural resources.

Swackhamer said the plan recommends the promotion of alternative energy production strategies and the promotion of energy conservation efforts. In addition, she said the plan recommends the identification and support of land use policies and practices that improve environmental quality and anticipate and adapt to environmental changes in the state.

Swackhamer said the national priorities for water quality closely mirror the state's priorities. She said it is estimated that 40 percent of both state and national waters are impaired. Swackhamer said shoreline loss, excessive nutrients, toxic chemicals, invasive species, stormwater, water supply quantity and quality and social and economic aspects of water policy and management are the top state and national priorities. She said the drivers for the priorities are land use, agricultural practices, the water-energy nexus and global climate change.

Leslie Everett, education coordinator, Center for Water Studies, University of Minnesota, outlined a proposal to complete the acquisition of statewide high resolution digital elevation data for use by all levels of government and the private sector by 2012. He said we need the tools to adequately map and establish baseline data for measuring change.

Everett said LiDAR is a laser scan of the earth's surface with a one meter grid and 15 centimeter vertical accuracy. He said the high resolution digital elevation aids in floodplain mapping and flood prediction, impaired waters modeling for total maximum daily loads (TMDL), urban stormwater modeling, wetland delineation and mapping, drainage planning, soil mapping, erosion prediction, sinkhole mapping and streambank and bluff erosion quantification.

Everett said it would cost approximately \$7.4 million to complete the state data collection, excluding individual counties with current data, or \$8.5 million including those counties. He said, if necessary, the state could begin with the Minnesota River Basin counties and those

south for \$2.8 million. Several agencies would share the data, including the Dept. of Natural Resources, Dept. of Administration, Pollution Control Agency, Dept. of Transportation, the Board of Water and Soil Resources and the Dept. of Agriculture, Everett said. He said in order to enable 25 years of projects funded by the Legacy amendment, the completion of the data is critical for the best use of the funds.

## Panel discusses PCA budget

The Environment, Energy and Natural Resources Budget Division, chaired by Sen. Ellen Anderson (DFL-St. Paul), met Thurs., Mar. 5, to hear the Pollution Control Agency's presentation of the governor's budget recommendations.

Tim Scherkenbach, deputy commissioner, Minnesota Pollution Control Agency (MPCA), provided an overview of the PCA budget and its main priorities and goals. Scherkenbach said the agency's priorities are water protection and restoration activities, energy and climate change initiatives and core regulatory services and programs. He said one of PCA's key goals is for Minnesota's air quality to meet or exceed environmental health standards.

Scherkenbach said the PCA budget for FY 2010-11 is \$355.9 million under the governor's recommendation. He said 30 percent of the budget is used on clean water, 29 percent on the land program and 25 percent on environmental assistance and cross-media. The land program has a budget of \$103.7 million, and 76 percent of that is devoted to the remediation fund, Scherkenbach said.

Scherkenbach said the PCA is working to have a 30 percent reduction in energy by 2013, 10 percent paper source reduction by 2011 and reduce vehicle miles traveled by 375,000 pounds of carbon dioxide equivalent.

Scherkenbach said the governor recommended a \$1.15 million general fund reduction for the PCA for FY 2010, FY 2011, FY 2012 and FY 2013.

## Health, Housing and Family Security

### Panel hears licensure bills

The Health, Housing and Family Security Committee, chaired by Sen. John Marty (DFL-Roseville), met Mon., Mar. 2, to hear four licensure bills.

S.F. 685, authored by Sen. Scott Dibble (DFL-Mpls.), changes the registration regulatory system for respiratory therapists to a licensure system. The bill also makes minor changes to provisions regarding the scope of practice of respiratory therapists and other terminology, Dibble said.

Carrie Bourassa, chair, Legislative Committee, Minnesota Society for Respiratory Care, said the bill ensures patients' safety since the bill prevents unregulated practice of the occupation. Bourassa said the degree to which respiratory therapists are currently regulated is not enough, and more regulations would be put in place under the bill.

The bill was approved and referred to the Senate Floor.

Sen. Gary Kubly (DFL-Granite Falls) carried S.F. 999, which establishes licensure requirements for medical laboratory science professionals. The bill also creates a Medical Laboratory Science Professional Licensing Advisory Council, Kubly said. The bill requires that as of Jan. 1, 2011, individuals performing medical laboratory tests need to be licensed.

Rick Panning, vice president, Laboratory Services, Allina Hospitals and Clinics, spoke in favor of the bill. He said the licensing requirements make medical laboratory science safer and assures patients that qualified individuals are performing their lab tests.

Amy Erickson Hagen, manager, Cryogenic Laboratories Inc., spoke in opposition to the bill and said it should be amended to allow individuals who have acquired two, four or six year degrees in medical laboratory science to automatically be licensed.

The bill provides that the commissioner of health may impose disciplinary action against an applicant or licensee who has been convicted of, or pled guilty, to a felony, gross misdemeanor, misdemeanor or petty misdemeanor. Sen. Linda Higgins (DFL-Mpls.) offered an amendment to eliminate disciplinary action on an individual convicted of a petty misdemeanor. The amendment was approved.

The bill was approved as amended by a vote of 6-5 and referred to the Finance Committee.

S.F. 545, authored by Sen. Yvonne Prettner Solon (DFL-Duluth), modifies emeritus status for licensed psychologists. The bill also provides that a psychologist be added to the Health Care Reform Review Council, Prettner Solon said. She

said the bill also allows psychologists to discuss the psychological impacts of medication on their patient with the patient. Finally, the bill provides for an inactive license status for licensed psychologists, she said.

Inactive license status allows a licensee to expedite the process if he or she wishes to reactivate the license, Prettner Solon said.

The bill was approved and referred to the State and Local Government Operations and Oversight Committee.

Prettner Solon also carried S.F. 525, which establishes a regulatory system for technicians who perform body art procedures and for body art establishments. The bill defines terminology regarding body piercing and other forms of body art such as tattoos, Prettner Solon said. She also said the bill requires that, as of Jan. 1, 2010, no person may maintain, own or operate a body art establishment without a license issued by the commissioner of health.

Ryan Welles, tattooist, said the bill is important in keeping consumers of body art safe from hepatitis and other diseases transferred through needles.

Dr. Jed B. Gorlin, medical director, Memorial Blood Centers, said that if the bill is passed, blood donation centers would not have to defer donors who have gotten a tattoo in the last year because the body art would now be state-regulated.

The bill was approved and referred to the Judiciary Committee.

## Human trafficking MFIP waivers okayed

A bill establishing a human trafficking waiver for Minnesota family investment program (MFIP) eligibility topped the agenda at the Wed., Mar. 4, meeting of the Health, Housing and Family Security Committee.

S.F. 1101, sponsored by Sen. Sandra Pappas (DFL-St. Paul), said the measure is part of a larger bill dealing with human trafficking. Under the bill, an individual is required to provide documentation of past or current human trafficking in order to qualify for assistance. Pappas said the bill also extends eligibility for family stabilization services to include victims of human trafficking.

Speaking in support of the measure, Mary Ellison, Advocates for Human Rights, said the bill addresses two policy items—that human trafficking, either for

sex or for labor purposes is a form of slavery and involuntary servitude and that the state has a responsibility to the victims of trafficking.

The bill was approved and re-referred to the Finance Committee.

Members, chaired by Sen. John Marty (DFL-Roseville), also advanced four additional bills.

S.F. 422, authored by Sen. Linda Berglin (DFL-Mpls.), makes mostly technical changes in provisions relating to MFIP family stabilization and work programs. One of the changes allows MFIP recipients to be enrolled in four-year education programs; currently, recipients may only be enrolled two-year education programs, Berglin said. She said another changes allows recipients who are engaged in unpaid work to be eligible for an extension. The bill was approved and re-referred to the Finance Committee.

S.F. 481, also sponsored by Berglin, modifies MFIP and food stamp provisions. Berglin said the bill eliminates the food stamp asset limit, extends the MFIP 60-month time limit for up to two years for individuals who have reached the 60-month limit and repeals the MFIP family cap. Berglin said the extension of the 60-month limit is in response to the economic down turn, which makes it more difficult for recipients to find full time work. In addition, eliminating the food stamp asset limit allows individuals who have been recently laid off to keep some assets while still getting food stamps. The measure was approved and re-referred to the Finance Committee.

S.F. 480, carried by Marty, repeals the MFIP housing penalty. Marty said the current law, which was enacted during the last budget crisis, deducts \$50 from the MFIP grant if the recipient receives public and assisted rental subsidies. Marty said the penalty applies to about 11,000 families. The measure was approved and advanced to the Committee on Finance.

S.F. 978, authored by Sen. Sharon Erickson Ropes (DFL-Winona), requires training for licensed program staff who care for infants and young children on reducing the risk of sudden infant death syndrome and shaken baby syndrome. The bill was approved and advanced to the Senate floor.

Members also heard, but took no action on, a bill, S.F. 977, making changes in corporate adult foster care and corporate child foster care providers disqualification set asides.

## Health and Human Services Budget Division

### Budget forecast reviewed

Members of the Health and Human Services Budget Division, chaired by Sen. Linda Berglin (DFL-Mpls.), met Wed., Mar. 4, to discuss the budget forecast for the Department of Human Services (DHS) and proposed federal stimulus funding for health and human service programs.

George Hoffman, research director, DHS, said general fund costs for DHS medical and economic support programs for the 2010-11 biennium are projected to total \$8.711 billion, \$1.214 billion less than projected in the November 2008 forecast. The substantial decrease is the result of \$1.359 billion of additional federal funding for the Medical Assistance (MA) program, offset by forecast increases in MA, Minnesota Family Investment Program (MFIP) and General Assistance Medical Care (GAMC), said Hoffman. Hoffman said the additional federal funding stems from the recent federal stimulus act, which will increase the federal matching rate of the federal Medical Assistance percentage (FMAP) to 56.2 percent, with the rate expected to climb to 61.59 percent by July of 2009, due to the increased unemployment rate in the state. He said the increased costs to the general fund are a direct result of 4 major budget activities, the governor's unallowment of \$50 million for MA, expanded enrollment for GAMC, increased MFIP recipients and increased child care benefits for MFIP recipients. Hoffman said the budget also reflects increases in projected Group Residential Housing (GRH) and Minnesota Supplemental Aid (MSA) expenditures due to rate hikes linked to the Thrifty Food Plan mandated by the stimulus act. Berglin said it was important to note that, of the \$2 billion dollar increase in the state's budget deficit, health and human services only accounts for \$1.44 million.

Hoffman said forecasted health care access fund costs for the MinnesotaCare program are \$913 million, \$99 million lower than projected in the November forecast. He said about 60 percent of the reduction can be attributed to changes in federal funding, both in Medicaid and the Children's Health Insurance Program (CHIP). Reductions in enrollment for families and adults with no children

# Committee update

involved in the MinnesotaCare program also contributed to the lowered forecast, said Hoffman.

Barb Juelich, budget director, Minnesota Department of Health, said the federal stimulus act will increase public health funding to five areas including prevention and wellness, women, infants and children (WIC), health information technology, environmental grants and other health care grants. She said the federal stimulus will provide \$300 million for immunizations, \$650 million for health and wellness related to chronic diseases, \$400 million for increased WIC participation, \$100 million to WIC management, \$2 billion for states to upgrade drinking water infrastructure, \$29 billion for federal Medicaid reimbursement, \$2 billion for state health infrastructure grants and a little over \$4 billion for other health care grants for medical research and improvements to federally qualified health centers. How the money will be broken up between the states is not yet known, but Juelich said Minnesota will likely receive a competitive portion of the funds.

Before adjourning, the committee heard S.F. 137, authored by Sen. Ann Rest, which modifies provisions governing access to adoption records and original birth certificates.

The committee passed the bill and re-referred the measure to the full Finance Committee.

## Higher Education Budget and Policy Division

### Regent candidates selected

The Higher Education Budget and Policy Division met jointly with the House Higher Education and Workforce Development Finance and Policy Division Tues., Mar. 3, to consider candidates for the University of Minnesota Board of Regents. The combined panels, chaired by Sen. Sandra Pappas (DFL-St. Paul) and Rep. Tom Rukavina (DFL-Virginia), selected a slate of candidates to be acted upon by a Joint Convention of the Senate and House of Representatives.

Members selected Patty Simmons from the First Congressional District, Rick Beeson from the Fourth Congressional District, John Frobenius from the Sixth Congressional District, and Clyde Allen from the Seventh Congressional District.

In addition, the members heard an update from the Office of Higher Educa-

tion on federal stimulus funds.

### Bonding projects discussed

The Higher Education Budget and Policy Division, chaired by Sen. Sandra Pappas (DFL-St. Paul), devoted much of the Thurs., Mar 5, hearing to a discussion of potential asset preservation and replacement projects in the two higher education systems.

Oryln Miller, director, Office of Capital Planning and Project Management, University of Minnesota, said the University plans capital projects according to several planning principles. He said the University endeavors to align projects with strategic priorities to advance academic excellence, protect past investments, seize unique opportunities, address pressing infrastructure needs, ensure the University's financial position and leverage private funding.

Miller said the University has some of the oldest buildings in the state with more than 800 throughout the state and 250 buildings on the Twin Cities campus. He said the University also has some of the most complex buildings in the state such as research facilities with multiple air and water handling systems, barns, auditoriums, clinics, classrooms and libraries. He said the higher education asset preservation and replacement (HEAPR) projects fall into one of three broad categories—health and safety, building systems and utility infrastructure. Miller said the projects at the Twin Cities campus focus on energy and utility projects that advance the University's sustainability goals, improve reliability and efficiency and reduce building and utility operating costs. He said the University has \$35 million in HEAPR projects.

Susan Weller, executive director, Bell Museum, outlined the case for building a new facility for the Bell Museum of Natural History. Weller said the cost of the new facility is \$39.5 million, with \$13.2 million coming from private gifts and federal grants. Weller said the Bell Museum is the University's premier teaching, research and outreach center for environmental education. She said the building project is poised to make an immediate impact on Minnesota's workforce because the University is prepared to put initial contracts out for bid within 30 days of funding approval.

Sally Grans, facilities and programs, Minnesota State Colleges and Universities (MnSCU), outlined the systems

current and future capital projects. Grans said five projects were approved by the Legislature last year, but vetoed by the governor. The projects, which include renovation at North Hennepin Community College, classroom renovations on seven campuses, a health science center addition at Lake Superior College, a classroom center addition at Metro State and shop space addition and renovation at Mesabi Range Community and Technical College, are ready for bid, Grans said. In addition, Grans said an additional four capital projects were partially funded in 2008 and can be bid within 120 days of funding.

Grans said the MnSCU system's 2009 capital request is \$117.11 million. She said \$83 million of the total could be under contract by December, 2009, and would create about 1,500 construction and related jobs.

Division members also reviewed a bill, S.F. 621, modifying HEAPR standards. Sen. Kathy Sheran (DFL-Mankato), chief author, said the measure adds building energy efficiency improvements using best practices to the list of conditions for capital budget expenditures for HEAPR projects. Members approved the measure and recommended the language be forwarded to the Capital Investment Committee. Members also approved language in two additional bills, S.F. 990 and S.F. 781, to be forwarded to the Capital Investment Committee in the form of a letter. S.F. 990, sponsored by Pappas, provides for bonding for the 2008 vetoed projects and the Bell Museum. S.F. 781, authored by Sen. Keith Langseth (DFL-Glyndon), contains the HEAPR projects for the higher education systems.

Members also continued their oversight review of the MnSCU system's budget.

## Judiciary

### Judicial election bill heard

The Judiciary Committee, chaired by Sen. Mee Moua (DFL-St. Paul), met Mon., Mar. 2, to hear bills regarding birth records of adopted children, kinship care and impartial judicial elections.

S.F. 558, authored by Sen. Kathy Sheran (DFL-Mankato), defines the term "Kinship care" as full-time care provided by a child's relative. The bill was approved and sent to the Senate Floor.

Sen. Ann Rest (DFL-New Hope) authored two bills. S.F. 164 provides that

an adopted person who is 19 years old or over may request his or her original birth record or medical or social history information from the birth parent. The bill requires the child-placing agency to notify the birth parent of the request, and if the birth parent does not want the information disclosed the parent must file an affidavit with the commissioner of health within 90 days stating that the information should not be disclosed.

The bill was approved and referred to the Senate Floor.

Rest also carried S.F. 70, which proposes an amendment to the Minnesota Constitution to change the process for the selection of state court judges. The bill requires that judges who have been initially appointed by the governor stand for a retention election at the next regularly scheduled general election held more than three years after the appointment, Rest said. If voters vote "no," the governor would then appoint another individual,

but if the voters vote "yes," the judge would serve an eight-year term, she said. Rest said the bill also establishes a Judicial Performance Commission to evaluate judges in a nonpartisan manner. The commission conducts a final evaluation on judges in the year they file as a candidate for retention, Rest said. She said the commission can rate the judge well-qualified, qualified or unqualified for office, but none of the ratings prohibit a judge from seeking retention.

Associate Justice Barry Anderson, Minnesota Supreme Court, spoke in favor of the bill and also spoke in favor of it on behalf of Chief Justice Eric Magnuson. Anderson, reading a statement from Magnuson, said that retention elections and performance evaluations would strike the right balance between accountability to the electorate and judicial independence.

Kathleen Blatz, former chief justice, Minnesota Supreme Court, also spoke in favor of the bill. She said the bill needs to

be passed this year so that the public has time to study it before the next election. Blatz also said the bill would help eliminate the partisanship of Supreme Court elections, which is important, she said, because judges' personal ideologies have no place in the courtroom or when ruling on cases.

Former Minnesota Governor Al Quie said public performance evaluations are essential to inform the public so voters can cast an educated vote for a Supreme Court judge.

President Chuck Porter, Minnesota District Judges Association, said the association is taking no formal position on the bill. However, Porter said the association opposes party endorsement for judges. Porter also urged members to adequately fund the judicial system.

Due to time constraints, the meeting adjourned and opposition testimony and discussion on the bill will be heard at a later date.



Senators Chris Gerlach (R-Apple Valley) and Debbie Johnson (R-Ham Lake) refer to a Legislative Members Directory during the Thurs., Mar. 5, Senate floor session.

Photo by David J. Oakes

# Committee update

## Judicial retention elections gain

The Judiciary Committee, chaired by Sen. Mee Moua (DFL-St. Paul), met Tues., Mar. 3, to continue discussion on the bill dealing with judicial elections.

S.F. 70, authored by Sen. Ann Rest (DFL-New Hope), providing for a constitutional amendment to establishing retention elections for judges and creating a judicial performance commission. The measure is, Rest said, largely a product of the Citizens Commission for the Preservation of an Impartial Judiciary, chaired by former governor Al Quie. The committee recommended maintaining the merit based selection process and gubernatorial appointment currently in effect, Rest said. The bill, though, incorporates recommendations for performance evaluation and retention elections.

The committee heard considerable testimony on the measure at a previous hearing. The panel, though, heard additional testimony from three proponents and the opponents of the bill.

Helen Palmer, League of Women Voters, said the league is very much in support of the bill. She said the bill's establishment of a evaluation commission and retention elections is the best way to keep partisan politics and big money out of the judicial system. Palmer said, "We believe that the threats to Minnesota's impartial judiciary are so great as to warrant changing our Constitution."

Dan Mikel, Minnesota AFL-CIO, said that protecting the accountability and impartiality of the courts is important to working families throughout Minnesota. He said, in states across the country, judicial elections have become expensive ideological battles between special interest groups.

Tom Prichard, president, Minnesota Family Council, spoke in opposition to the measure. Prichard said the greatest danger is a judiciary that abuses power and is accountable to no one. Greg Wersal, candidate for the Supreme Court and lead plaintiff in the Supreme Court case Republican Party v. White, said the bill takes away the rights of voters to choose judges. Other opponents said the bill endangers the separation of powers in state government and provides no accountability for judges. Erick Kaardal said the bill is a cure that is worse than the disease.

Sen. Warren Limmer (R-Maple Grove) questioned the use of an anonymous survey in evaluating a judges

performance. Rest said the survey is only one component in the evaluation process. Members also questioned whether a judge could avoid the evaluation process, not seek a retention election, but still seek election to the position.

Members discussed amendment specifying that if a judge fails to run for in a retention election and waives the final evaluation, the judge is not eligible to file an affidavit of candidacy and is not eligible to be appointed to fill the resulting vacancy. Sen. Julianne Ortman (R-Chanhassen) offered an amendment specifying that a judge who waives the retention election and the final evaluation could never be appointed to a judicial position. The amendment failed. Sen. Don Betzold (DFL-Fridley) offered an amendment to specify the person could not be appointed to the resulting vacancy or to any judicial position for two years. Limmer offered an amendment to the amendment change the period of time to eight years. The amendment to the amendment failed. The amendment was adopted.

Ortman said over 90 percent of judicial elections are uncontested and that there is no reason to change the constitution on the basis of what might happen. Ortman offered an amendment changing the wording on the proposed constitutional question. Rest opposed and said the amendment is confusing. The amendment failed on a 4-5 roll call vote.

Sen. Linda Higgins (DFL-Mpls.) offered an amendment clarifying the ballot question by changing the wording of the question to specify "Shall the Minnesota Constitution be amended to allow voters to decide whether Minnesota judges shall be retained in a retention election, after a public performance evaluation by a nonpartisan panel?" The amendment was adopted.

Ortman offered an amendment clarifying the ballot question by changing the wording of the question to specify "Shall the Minnesota Constitution be amended from the current system to asking voters to decide whether Minnesota judges shall be retained in a retention election, after a public performance evaluation by a nonpartisan panel?"

The amendment was adopted on 5-3 roll call vote.

The bill was approved and advanced to the State and Local Government Operations and Oversight Committee on a 6-2 roll call vote.

The committee also took action on several additional bills. S.F. 30, sponsored by Higgins, requires that the methamphetamine precursor drug logs maintained by retailers must be retained for three years and be open to law enforcement inspection. Robert Bushman, statewide gang and drug coordinator, said some retailers are unclear on the Legislatures intent regarding the precursor drug logs and the bill is intended to clarify the provisions. The measure was approved and sent to the full Senate.

S.F. 237, sponsored by Sen. Jim Carlson (DFL-Eagan), designates the first Sunday in October as Minnesota Fallen Firefighters Memorial Day. Carlson said the bill mirrors the language for fallen police officers. The measure was approved and recommended for placement on the Consent Calendar.

S.F. 265, authored by Sen. Ken Kelash (DFL-Mpls.), requires crime alerts to be distributed in a format that disabled citizens can access. The bill was approved and advanced to the full Senate.

Sen. Steve Murphy (DFL-Red Wing) sponsored two measures. S.F. 534 authorizes peace officers to arrest juveniles who escape from custody without warrant. The measure was approved and sent to the Senate floor.

S.F. 97 allows the medical use of marijuana. Murphy said the bill sets limits for allowable amounts, requires qualifying patients and caregivers to possess identification cards, specifies the conditions that qualify as debilitating, provides for penalties for violations and provides for background checks. Murphy said the bill is tightly drafted to prevent abuses. However, Murphy acknowledged that the law enforcement community is opposed to the bill. He said, "This is not about street use, it is about medicine."

Oliver Steinberg said medical users of marijuana are not a threat to public safety. He said the bill provides a statutory reason not to prosecute medical users of marijuana. He said the public easily distinguishes between medical and nonmedical uses of marijuana.

Commissioner Michael Campion, Dept. of Public Safety, said the administration is opposed to the bill because there is an absence of proof that the medical use of marijuana provides relief. In addition, Campion said there are a multitude of law enforcement concerns about the bill. Campion said the primary reason for

opposition is that the bill puts the state in conflict with federal law.

Other opponents related personal stories identifying marijuana as a gateway drug leading to addiction.

Murphy said that 14 other states have enacted medical marijuana laws without significant problems.

Members adopted an amendment adding a cross-reference to intractable pain as defined in statutes. Members also adopted an amendment to provide a sunset date for a provision permitting an affirmative defense that marijuana is for a medical purposes during the establishment of the program.

Ortman said she could not support the bill. "The bill goes in the wrong direction; we know drug abuse is a serious problem and the bill erodes current law." Sen. Linda Scheid (DFL-Brooklyn Park) said she had witnessed individuals dying in extreme pain who were prescribed equally dangerous drugs. Scheid said in some cases the prescribed drugs were not sufficient, but they were still dangerous drugs.

The bill was approved and re-referred to the Committee Finance on a 4-3 roll call vote.

## Juvenile justice bills heard

The Thurs., Mar. 5, meeting of the Judiciary Committee, chaired by Sen. Mee Moua (DFL-St. Paul), was devoted to bills relating to juvenile justice issues.

S.F. 1235, authored by Sen. John Marty (DFL-Roseville), addresses youth violence as a public health problem on a statewide basis. The bill coordinates and aligns prevention and intervention programs addressing the risk factors of youth violence.

Minneapolis Mayor R.T. Rybak spoke in support of the bill. He said violence has ripped through our city, our state and our country. Rybak said there is increasing youth violence, increasing numbers of young victims and better access to guns. He said the program, as it has been implemented in Minneapolis, has the goal of providing at-risk youth a relationship with a caring and trusted adult, prompt intervention at the first signs a youth may be at risk and rehabilitation of youth who have been involved in violence. He said the fourth goal is to attack the culture of violence.

Rybka said the program has been implemented as a public health program

and urged members to have the state implement a similar plan within a year. Rybak said crime has decreased in Minneapolis by 40 percent, led by a decrease in juvenile crime.

Members adopted an amendment deleting a findings section in the bill. The bill was approved and advanced to the Health, Housing and Family Security Committee.

S.F. 765, authored by Moua, requires a risk assessment instrument to assist in detention decisions. The bill also requires community-based noncustodial supervision options for children released from preadjudication detention.

Moua said a coalition of organizations felt it was important to address the treatment of young offenders and provide an alternative to detention.

Jim Backstrom, Dakota County Attorney, described the juvenile detention alternatives initiative implemented in Dakota Hennepin and Ramsey Counties as a pilot program. "Juvenile detention should be the last resort," Backstrom said. He said, "We need to evaluate risks and create alternatives to detention with community based programs that provide counseling, adult mentors and other intervention."

Backstrom said the risk assessment instrument must be constructed to evaluate a child in a racially, ethnically neutral way. He said the counties need to have resources available to implement the program statewide.

Pam Alexander, president, Council on Crime and Justice, said it is necessary to align statutes with evidence based practices that will determine the risk to child and public before detention. Alexander said there are poorer outcomes and increased recidivism for kids in detention. In addition, Alexander said there is a disproportionate number of minority youth in detention, about a 5 to 1 racial disparity.

Moua said the key portion of the bill involves the creation of the risk assessment instrument, but the bulk of the bill is about how to take the initiative to scale throughout the state. Moua said the current programs are funded by a foundation grant, and that unfortunately this economic climate makes it difficult to think we can find funds for the counties. Moua said she wanted to lay the bill on the table in order to think through ways to find funds. It is not responsible to move forward at this time, Moua said.

Sen. Julianne Ortman (R-Chanhassen) said one possibility would be to enact the policy, but to specify that it is not a mandate unless funds become available. Sen. Mary Olson (DFL-Bemidji) said the bill is a needed step and that the committee needs to continue the discussion.

Sen. Steve Dille (R-Dassel) sponsored a bill, S.F. 1228, Dille, providing courts more discretion when considering cases involving minors consensual sexual relationships.

The bill authorizes stays of adjudication in criminal cases involving consensual sexual relationships with an underaged victim, provides that offenders who receive stays do not have to register as predatory offenders and requires existing sex education programs to address criminal sexual conduct laws.

Lynn Schauer outlined the experiences of her family when her son was adjudicated under statutory rape provisions.

Michelle Schmid-Egelston, Hennepin County Home School, spoke in support of the bill. She said the consequences for young people are very severe, particularly in small communities. Scott Egleston, McLeod County Youth Services, said several other states have enacted similar provisions to deal with young people involved in a relationship.

John Kingrey, Minnesota County Attorney's Association, said the association does not have an official position on the bill, but does have some concerns. He said since the offense is not adjudicated, a second and third violation could fall under the scope of the bill. He said the association is also troubled by the definition of consensual, the look-back provisions, the expungement provisions and the creation of a whole new process to lower the age of consent. Caroline Palmer, Minnesota Coalition Against Sexual Assault, said the coalition does not have a formal position on the bill, but that she was providing feedback from board members. She said the coalition is concerned about the 60 month difference in ages. The bill also raises concerns about the ability of young people to consent, Palmer said.

Members also discussed an amendment that changes the age of the complainant to 15 and includes fourth degrees sexual conduct. Members laid the bill over for further discussion.

S.F. 359, sponsored by Sen. Sandra Pappas (DFL-St. Paul), prohibits smoking in motor vehicles with children. Pap-

# Committee update



*Wielding a handful of requests for musical instrument donations, Barb Baker, Fergus Falls, describes to members of the Agriculture and Veterans Committee Thurs., Mar. 5, the overwhelming success of Operation Happy Note since its inception in 2005. The committee was considering a grant appropriation request for the volunteer organization to further their mission of sending musical instruments to deployed service men and women throughout the world.*

Photo by David J. Oakes

pas said there are serious health consequences for children exposed to second hand smoke in cars. Pappas said it has been passed in several other states. She said children are especially vulnerable to the toxins in cars, which can be up to 10 times more concentrated than in a room.

Pappas said the bill specifies that no person may smoke in a motor vehicle that is transporting a child who is under the age of 16. In addition, the bill provides that a driver or passenger who violates the prohibition is guilty of a petty misdemeanor and is subject to a \$25 fine. Pappas said the bill specifies that violations are not a primary offense and the Dept. of Public Safety may not record a violation on a person's driving record.

Dr. Ed Ehlinger, speaking in support of the bill, said the bill would eliminate significant toxin exposure on the part of

children. In addition, the bill provides another incentive for smokers to quit and provides a model for behavior.

The bill was approved and advanced to the Committee on Finance.

S.F. 561, carried by Moua, requires the collection and reporting of data relating to decisions that affect a child's status within the juvenile justice system. The bill requires juvenile justice system point-of-contact decision-making agency, such as local law enforcement agency, a state or local probation agency, a prosecutorial office a district court, a detention facility or a correctional facility, to report specific demographic data to the commissioner of public safety and the Legislature. The demographic information must specify the child's race, ethnicity, gender, county of residence, county of offense, offense and age.

The bill was approved and re-referred to the Finance Committee.

S.F. 415, sponsored by Moua, updates the language prohibiting the computer solicitation of children to specify additional types of devices. Under the bill use of electronic communications systems, telecommunications, wires, radio communications systems, or other electronic device capable of electronic data storage or transmission are also prohibited. The bill was approved and sent to the full Senate.

The last bill on the agenda, S.F. 1059, also carried by Moua, establishes a state policy to identify and eliminate barriers to racial, ethnic, and gender fairness within the criminal justice, juvenile justice, corrections, and judicial systems in support of the fundamental principle of fair and equitable treatment under law.

Sen. Warren Limmer (R-Maple Grove) and Sen. Don Betzold (DFL-Fridley) said it is very unusual to have a policy statement in state law. Betzold said the bill's statement does not have any real meaning. Moua said the bill is helpful in guiding the work of the Legislature from the standpoint of equitable treatment under the law. Moua laid the bill on the table for possible future consideration.

## State and Local Government Operations and Oversight

### Numerous election bills heard

Members of the State and Local Government Operations and Oversight Subcommittee on Elections, chaired by Sen. Katie Sieben (DFL-Newport), met Fri., Feb. 27, to undertake a hefty agenda that included eight bills.

S.F. 423, authored by Sen. Linda Scheid (DFL-Brooklyn Park), makes an amendment to current Minnesota law to include dinnerware and supplies as items that qualify as noncampaign disbursements. Noncampaign disbursement is defined in law as a purchase or payment of money or anything of value made, or an advance of credit incurred, or a donation in kind received, by a principal campaign committee. Scheid said current law neglects to mention dinnerware and supplies related to the disbursement of food and beverage and her bill is a simple amendment to add the items to the language of the law.

Sen. Mee Moua (DFL-St. Paul) carried two similar bills, S.F. 564, which

restores the civil rights of an individual upon release from incarceration and S.F. 763, which requires notice of restoration of civil rights. Moua said the bills restore voting rights to ex-felons upon release from incarceration, requires a judicial official to provide an ex-felon with a notice of restoration of civil rights and requires the Minnesota Secretary of State to develop and implement a program to educate judicial officials and members of the public about the requirements of the restoration act.

S.F. 425, sponsored by Sen. Ann Rest (DFL-New Hope), makes numerous changes to campaign finance and public disclosure provisions. The bill repeals and deletes some of the provisions of Minnesota law that have been held unconstitutional and are no longer enforced by the Campaign Finance and Public Disclosure Board, said Rest. She said the bill also requires individuals registering with the board to provide an email address and removes a requirement for initial notice by certified mail when candidates and affiliated entities fail to meet filing deadlines. Finally, the bill assigns a fixed limit to the existing exemption from the gift ban for informational material and deletes conflicting language from current law regarding the timing for filing and affidavit of contributions. Rest offered an amendment to set the effective date for the bill at January 1, 2012, which the committee approved.

S.F. 80, also sponsored by Rest, provides contribution limits for judicial candidates. The bill specifies that a candidate running for judicial office may accept a contribution of no more than \$2,000 in an election year and no more than \$500 in other years from any individual, political committee or political fund.

S.F. 791, authored by Rest, requires an automatic runoff election for a statewide federal office, state constitutional office, or a statewide judicial office when the difference in the vote totals for the top two candidates in the election is less than one-eighth of one percent of the total number of votes for the office. Rest said the bill requires the governor to issue a writ specifying the date for the runoff elections within five days after the state canvassing board has determined that the election was close enough to warrant a runoff, with the election to be held no earlier than 20 and no more than 30 days after the writ is issued. Finally, Rest said

that if the difference between the votes for the two candidates in the runoff election is less than one-half of one percent of the total number of votes in the election, the bill eliminates an automatic recount for the election, but allows an immediate challenge to the result. Rest offered a technical amendment to clarify some of the language in the bill related to exempting runoff elections from recounts. The amendment was adopted.

S.F. 801, carried by Sieben, makes a number of technical changes and updates to election ballots and voting systems used in elections. Sieben offered three amendments to clarify the language of the bill and put it in the proper form. The amendments were adopted. Sen. Chris Gerlach (R-Apple Valley) offered, and members approved, an amendment to remove two sections of the bill related to the appearance of text for referendum measures.

S.F. 970, also carried by Sieben, allows voters in Minnesota to vote in person before election day from eight days before through the third day before every primary, general and special election. Sieben said the bill requires early voting to be made available through a polling place designated in each county auditor's office, in each municipal clerk's office for municipalities that have the authority to administer absentee voting and at additional locations designated by the county auditor or municipal clerk. Lastly, Sieben said the measure calls for ballots cast early to be counted at a central location and prohibits voters who vote early from being allowed to vote in person on election day.

Gwen Myers, Minnesota League of Women Voters, said the league supports the bill because it makes the process of voting easier and more accessible for Minnesota residents, especially those with health problems. Sieben offered two amendments, one to increase the length of time available for voters to vote early and the other to exclude elections held under the jurisdiction of school boards and townships from the early voting requirements. Sen Sandra Pappas (DFL-St. Paul) offered an amendment to have the township and school board exclusion sunset in 2014. All amendments were approved by the committee.

All bills were approved by the subcommittee and sent to the full State and Local Government Operations and Oversight Committee.

## Panel hears several bills

The State and Local Government Operations and Oversight Committee, chaired by Sen. Ann Rest (DFL-New Hope), met Wed., Mar. 4, to hear a number of bills.

Sen. Terri Bonoff (DFL-Minnetonka) sponsored S.F. 709, which authorizes the city of Minnetonka to establish street improvement districts and apportion street improvement fees within districts.

John Gunyou, city manager, Minnetonka, said the project will create 4,000 permanent jobs and create an additional \$225 million in property value. He said the total project cost is \$20 million.

Alyssa Schlander, Minnesota Auto Dealers Association, said the association holds no opposition to the expansion of the bridge on Highway 169; rather, its concern is the property tax that would accompany the expansion. She said that the fee the bill refers to is actually a property tax that could negatively affect the community.

Bonoff proposed an amendment to delete the portion of the bill defining a portion of the improvements as fixed transit infrastructure. The amendment was approved.

Sen. Tony Lourey (DFL-Kerrick) proposed an amendment to define the establishment of districts by a square created by Smetana Road, Highway 169, Highway 62 and Shady Oak Road so gerrymandering would not be possible. The amendment was approved.

The bill was approved as amended on a roll call vote of 8-4 and referred to the Committee on Transportation.

S.F. 334, authored by Sen. Yvonne Pretner Solon (DFL-Duluth), provides additional sick leave for state employees who are veterans with service-related disabilities.

The bill was approved and referred to the Finance Committee.

S.F. 767, authored by Sen. John Doll (DFL-Burnsville), modifies the time period for comprehensive plan reviews by adjacent governmental units and clarifies water management plan requirements. The time period for comprehensive plan reviews is reduced from six months to 90 days under the bill, Doll said.

The bill was approved and sent to the Senate Floor.

Sen. Mee Moua (DFL-St. Paul) carried S.F. 764, which allows a state

# Committee update

agency, board, commission or department to conduct meetings by telephone or by electronic means. The bill does not apply to local governments, Moua said.

Gary Goldsmith, executive director, Campaign Finance and Public Disclosure Board, said that sometimes it is difficult to establish a quorum at winter meetings due to weather-caused travel constraints, thus the bill would allow a quorum to be established even in winter months.

The bill was approved as amended and advanced to the Senate Floor.

Moua also carried S.F. 407, which requires the commissioner of finance to design and oversee a resource mapping project that includes all federal and state funding sources that support children in the state. The commissioner must report to the committees of the Senate by January 15 of each year, Moua said.

Steve Paprocki, executive director, Access Philanthropy, spoke in support of the bill. He said the bill would provide Legislators with information about the state's financial commitments to children and whether the commitments are producing the outcomes the state has anticipated.

The bill was approved and referred to the Finance Committee.

S.F. 804, sponsored by Sen. Chris Gerlach (R-Apple Valley), makes changes to clarify existing language in statute. The changes in the bill are recommended by the Office of the Secretary of State. The bill was approved and referred to the Senate Floor.

S.F. 515, sponsored by Sen. Claire Robling (R-Jordan), modifies the definition of a public employee. The bill removes the age cap of less than 22-years-old in the definition of an intern, Robling said.

Doris Krogman, employee relations director, Carver Counter, spoke in support of the bill, saying that not all college students who seek professional internships are under the age of 22; therefore the current definition of an intern is restrictive for students who are over the age of 22.

Sen. Don Betzold (DFL-Fridley) proposed an amendment to clarify that a student in a temporary or seasonal position must be enrolled in an internship program. The amendment was approved.

The bill was laid on the table by a roll call vote of 6-5.

Robling also sponsored S.F. 713, which establishes a state employee suggestion system for making state government

less costly or more efficient. The commissioner may make a onetime award to an employee or group of employees whose suggestion results in documented cost-savings to the state, Robling said. The maximum award is the lesser of ten percent of the savings in the first year in which the employee's suggestion is implemented or \$2,500, she said.

The bill was approved and referred to the Finance Committee.

## State Government Budget Division

### Technology budget discussed

Members of the State Government Budget Division, chaired by Sen. Don Betzold (DFL-Fridley), assembled Mon., Mar. 2, to discuss the governor's budget recommendations for the Office of Enterprise Technology (OET).

John Lally, planning director, OET, said the governor is recommending a reduction of \$606,000 in OET's general fund budget for the biennium. The reduction directly affects the enterprise planning and management program, one of only two program areas at OET that are supported through the general fund, said Lally. He said the governor's proposal preserves high-priority enterprise-wide information technology (IT) security funding by reducing financial support for planning and oversight. Lally said the reduction, which represents a five percent base level cut, would likely result in the elimination of four full-time employees currently working in the program.

Lally said the governor is also proposing an appropriation of \$16.535 million in FY 2010-2011 to reduce the state's IT vulnerability and consolidate most of the executive branch data centers and facilities into an enterprise operation. Lally said the enterprise operation would consist of a single primary facility with one or more separate recovery sites. The primary facility would be leased with the operations provided by the OET and its agency partners and would replace the numerous data centers that have been deemed inadequate and "at-risk" of losing data and programs by a third-partner assessor working with the OET, said Lally. Lally said some of the highest "at-risk" data centers currently contain vital information such as 911 operations, criminal records, welfare benefits, tax records, school grants

and voting records. He said a consolidated system would bring about a 50 percent reduction in square footage used for data centers, a 30 percent reduction in physical servers and a 38 percent reduction in data center energy and power consumption. Having a consolidated system would also garner an improved, tested and functional disaster recovery plan for critical enterprise applications housed in state data centers, said Lally.

Finally, Lally said the governor is recommending completion of the Minnesota enterprise electronic licensing system in order to achieve the goal of one-stop online access to professional/occupational and business/commercial licenses issued by the state. Already being launched for two pilot agencies, the system provides web-based, electronic processing of licenses through a self-service portal, he said. Lally said the cost to complete the system would be funded through a temporary surcharge on all licenses that will be migrated to the system. The surcharge is expected to raise \$38 million over eight years, during which time the system would be implemented for the remaining agencies that issue professional/occupational and business/commercial licenses, said Lally. Ultimately, Lally said e-licensing will improve customer service by allowing citizens to access, apply for, renew and manage occupational and business licenses online while improving agency effectiveness by reducing the time agency staff spend on manual, clerical tasks.

## Taxes

### Property tax bills heard

The Property Tax Division, chaired by Sen. Rod Skoe (DFL-Clearbrook), met Wed., Mar. 4, to hear several measures for possible inclusion in the division's property tax article of the omnibus tax bill.

S.F. 167, carried by Sen. Sandra Pappas (DFL-St. Paul), reattaches land constituting an intermediate airport to the city and school district where the property is located for property tax purposes. S.F. 649, authored by Sen. Michelle Fischbach (R-Paynesville), modifies the adjusted property tax levy limit base calculation. S.F. 458, sponsored by Sen. Steve Dille (R-Dassel), repeals the deadline for establishing special service districts without special legislation. All three measures were laid over for possible inclusion in the property tax article.



*With the latest state budget forecast being presented inside, protesters gather outside Room 15 of the Capitol Tues., Mar. 3.*

Photo by A.J. Olmscheid

In addition, members advanced one bill to the full Taxes Committee. S.F. 108, authored by Sen. Thomas Bakk (DFL-Cook), eliminates the sunset date for emergency medical services taxing districts.

### Tax conformity bill heard

Members of the Taxes Committee, chaired by Sen. Thomas Bakk (DFL-Cook), devoted their entire Thurs., Mar. 5, meeting to the discussion of a bill that makes conforming changes to comply with federal tax provisions.

H.F. 392, carried by Bakk, adopts the federal changes to taxable income in the Heroes Earnings Assistance and Relief Tax Act, two changes made in the Housing Assistance Tax Act, and three changes from the Emergency Economic Stabilization Act. The bill also makes definition

changes for wages and individual alternative taxable income regarding withholding options and imposes a new tax on individuals giving up their United States citizenship. Furthermore, the bill makes some provisional modifications to property tax refunds and exempts certain Minnesota housing bonds from taxation when the bond proceeds are used by first-time home buyers, moderate-income housing and owner-occupied housing for veterans.

Bakk said the Heroes Earnings Assistance and Relief Tax Act, enacted federally in June 2008, gives military personnel the ability to count tax-exempt combat pay as earned income for the purpose of qualifying for the earned income tax credit. The Housing Assistance Tax Act, enacted in July 30, 2008, allows an additional standard deduction amount of \$500 for property taxes paid in 2008 and

extends the state and local bond interest exemption to bonds guaranteed by federal home loan banks, he said. The Emergency Economic Stabilization Act, enacted October 3, 2008, extends and expands several pre-existing tax provisions related to higher education expense deductions, housing assistance and teacher classroom expense deductions, said Bakk.

Bakk offered an amendment to place the bill back in the shape it was originally introduced. Sen. Rod Skoe (DFL-Clearbrook) offered an amendment to re-instill the preferential tax treatment for the Green Acres program as it was originally intended and develop a separate program for lands already participating in Green Acres.

Both amendments were adopted by the committee and the bill was advanced to the full Senate.

# Committee update



Highland Park Junior High eighth grader Nancy Vue participates in a Minnesota Environmental Partnership rally in the Capitol Rotunda Thurs., Mar. 5.

Photo by David J. Oakes

## Transportation Budget and Policy Division

### Bonding bills heard

The Transportation Budget and Policy Division met Tues., Mar. 3, to hear five bonding proposals. The division, chaired by Sen. Steve Murphy (DFL-Red Wing), advanced all five measures to the Committee on Finance.

S.F. 54, sponsored by Sen. Linda Scheid (DFL-Brooklyn Park), appropriates \$5 million for the completion of the east and west segment of Highway 610. Scheid said the completion of the highway, across the northern part of Hennepin County, has been on the drawing board for many years. She said one segment is "shovel ready" and would provide 2,200 jobs immediately.

Sen. Warren Limmer (R-Maple Grove), a co-sponsor of the bill, said the unfinished portion of the highway

accounts for hundreds of accidents each year. In addition, Limmer said completion of the highway is a tremendous opportunity for creating jobs and for economic development in the northern suburbs.

Mark Uglem, mayor of Champlin, said the project has been on the drawing board since 1969. He said the highway needs to be finished in order to complete the link in the Northern Metro.

S.F. 873, authored by Sen. Lisa Fobbe (DFL-Zimmerman), appropriates \$20 million in bond proceeds to match federal money and to replace or rehabilitate local deficient bridges. Fobbe said the funds set aside for local bridge repair last year about half were used for one bridge. She said the need is just as great for a number of local bridges throughout the state.

Sen. Ann Rest (DFL-New Hope) sponsored a bill, S.F. 523, to provide fund for the Bottineau Transitway Corridor.

The measure appropriates \$500,000 for environmental review of the Bottineau Transitway Corridor from the Hiawatha light rail and Northstar transit hub in downtown Minneapolis to the vicinity of the Target development in northern Brooklyn Park or the Arbor Lakes retail area in Maple Grove.

S.F. 835, sponsored by Sen. Chris Gerlach (R-Apple Valley), allocates \$12 million from the bond proceeds fund for real property acquisition and construction of roadway improvements for shoulder running bus lanes on County State Aid Highway 23 in Apple Valley and Lakeville for the Cedar Ave. Bus Rapid Transit Way in Dakota County.

S.F. 679, authored by Sen. Mary Olson (DFL-Bemidji), appropriates funds to reconstruct or replace the culvert under Trunk Highway 64 crossing Eleventh Crow Wing Lake in Akeley, or to replace the culvert with a bridge in order to permit boats to travel between areas of the lake on either side of the highway.

### Internet drivers' ed bill heard

After meeting as the Transportation Budget and Policy Division, the panel reformed as the Transportation Committee to consider several policy bills.

S.F. 766, sponsored by Sen. Jim Carlson (DFL-Eagan), allows the Dept. of Public Safety to issue a driver instruction permit to young drivers 15, 16, or 17 years of age who complete an Internet-based theory driver education program. Proponents of the measure said the bill gives students a choice in the way they learn drivers education. Gary Tsifrin, chief operating officer of DriversEd.com, said the Internet program is voluntary and provides a complete drivers' education curriculum. Opponents argued that little is known about the effectiveness of the Internet-based program and that it is important that students have classroom interaction in order to thoroughly understand the rules of the road and the hazards associated with driving.

The bill failed to be approved.

S.F. 468, sponsored by Sen. Dan Skogen (DFL-Hewitt), designates Interstate 94 as the POW/MIA Memorial Highway. Skogen said funding for designing and posting appropriate signs must come from nonstate sources under the bill. The measure was laid over for possible inclusion in an omnibus bill.

S.F. 887, carried by Sen. Rod Skoe (DFL-Clearbrook), designates a portion

of Trunk Highway 200 as the Veterans Memorial Highway. The measure was approved and advanced to the Senate floor.

S.F. 847, authored by Sen. Yvonne Prettner Solon (DFL-Duluth), provides that the cities of Duluth, St. Paul, South St. Paul, west St. Paul and Inver Grove Heights to establish a license reinstatement diversion pilot program. The program is aimed at drivers charged with driving after suspension or revocation who have not yet entered a plea. Prettner Solon said a driver may participate only if the revocation is due to failure to provide vehicle insurance, implied consent test refusal, DWI, or incurring three misdemeanors in one year.

Under the program, the driver must pay the appropriate fees, fines, and charges and must pay for a complete classes on drivers' licensure. In return, the commissioner of public safety may issue a diversion driver's license, Prettner Solon said. After completion the diversion driver's license is canceled and the driver's license is reinstated.

The bill was approved and re-referred to the Judiciary Committee.

S.F. 884, carried by Sen. Ron Latz (DFL-St. Louis Park), prohibits driver license suspension without a hearing for a person who was convicted of a petty misdemeanor violation of driving after suspension, revocation or cancellation. The bill was approved and re-referred to the Judiciary Committee.

S.F. 782, authored by Sen. Rick Olseen (DFL-Harris), provides for post crash procedures for a school bus in an accident. Olseen said the bill conforms the requirements for a State Patrol inspection of a school bus to conform to post crash inspections requirements for commercial motor vehicles.

The Committee on Transportation, chaired by Sen. Steve Murphy (DFL-Red Wing) met Thurs., Mar. 5, to hear seven measures.

S.F. 315, sponsored by Sen. Dan Skogen (DFL-Hewitt), requires passenger safety belts on school motor coaches. Steve Jannings, Albert Lea Bus Company and MN School Bus Association, said the bill keeps passengers safe, but increases the company's liability because of possible future discrepancies between federal and state standards. The bill was tabled.

S.F. 208, sponsored by Sen. Ray Vandever (R-Forest Lake), broadens the authority of the commissioner of trans-

portation to allow use of transit buses and Metro Mobility buses on designated freeway/expressway shoulders statewide. The bill was approved and advanced to the Senate floor.

S.F. 740, carried by Sen. Michael Jungbauer (R-East Bethel), authorizes Anoka County to use the design-build process for the reconstruction of the intersection of U.S. Highway 10 and County State-Aid Highway 83. The project builds an overpass avoiding the current railroad tracks, which cause economic and safety issues, said Kurt Ulrich, city administrator for Ramsey. The bill was approved and advanced to the Senate floor.

S.F. 746, carried by Sen. Ann Rest (DFL-New Hope), is a Minnesota Department of Transportation housekeeping bill. The measure includes a highway centerline relocation provision, provisions relating to county state-aid highways and municipal state-aid streets, provisions related to advertising device placement, and provisions related to lands abutting rail bank property. The bill was approved and re-referred to the Finance Committee.

Rest also sponsored a bill, S.F. 599, requiring vehicles on highways to display vehicle lights at all times. Rest offered an amendment deleting the requirement for vehicle lighting and replaced it with language authorizing the commissioner of public safety, in cooperation with the commissioner of transportation to study the mandatory 24-hour use of vehicle lighting expansion. The bill, as amended, was laid over for possible inclusion in the transportation omnibus bill.

S.F. 916, carried by Sen. Scott Dibble (DFL-Mpls.), provides for electric vehicle infrastructure and provides incentives for the adoption and use of electric vehicles. Dibble said electric cars are cheaper and cleaner by the mile than cars powered by other means. It is important to view the battery essentially the same as gasoline with regard to its purpose and uses, he said. Erin Stojan of Fresh Energy said the organization supports the creation of the infrastructure for electrical vehicles. Alyssa Schlander, MN Auto Dealers Association, said the association is in support of an approach which provides incentive for drivers who want an energy efficient vehicle. Sen. Ken Kelash offered an amendment to change the date for construction of battery charging infrastructure from 2010 to 2012. The committee approved

the amendment and the bill was re-referred to the Energy, Utilities, Technology and Communications Committee.

S.F. 453, sponsored by Murphy, exempts from seasonal weight restrictions vehicles delivering propane for heating. Murphy offered an amendment setting parameters to the time frame when the vehicles could drive on the roads. The committee approved the amendment and the bill was advanced to the Senate floor.

## Senate on the World Wide Web

The Minnesota Legislature's Web site has been updated. A joint effort of the Senate, House of Representatives, Legislative Reference Library, Legislative Commissions, and the Office of the Revisor of Statutes, the site offers easier access to a variety of legislative and government information.

The Legislature's page (<http://www.leg.mn>) includes links to other government agencies and departments, as well as copies of Minnesota Statutes, Session Laws, and Rules. The page also allows one to track legislation and get general information about the legislative process. The site includes a district finder service for those who need to contact their House member or Senator. Other information—about visiting the Capitol, state history and symbols, and employment opportunities with the Legislature—is also available.

Information about joint legislative departments, the various legislative commissions, and task forces is available at <http://www.commissions.leg.state.mn.us>.

The House of Representatives Web page (<http://www.house.mn>) includes membership and committee information. It also has daily news, information, and the daily House schedule. House journals and legislative information are also available.

The Senate Web site (<http://www.senate.mn>) has information about members, committees and Senate staff. The page also has daily and weekly schedules for the Senate, as well as copies of the Journal and Senate Briefly. The status of legislation and confirmation of executive appointments by the Senate is also available.

Both the Senate and House Web sites offer streaming video access to floor and selected committees.

# Senate Briefly

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Mariya Ali and her 5-year-old son Armaan, Maple Grove, participate in Muslim Day at the Capitol Tues., Mar. 10. Photo by A.J. Olmscheid



March 13, 2009

# Highlights

## Regents selected

Members of the Senate met jointly with members of the House of Representatives Mon., Mar. 6, to elect four individuals to the University of Minnesota Board of Regents. The names of the candidates had been selected by the Senate's Higher Education Budget and Policy Division and the House's Higher Education and Workforce Development Finance and Policy Division. In addition, Rep. Bernie Lieder (DFL-Crookston) nominated Anne Rasmussen, Crookston, for the Seventh Congressional District.

The combined body elected Patty Simmons from the First Congressional District, Rick Beeson from the Fourth Congressional District, John Frobenius from the Sixth Congressional District, and Clyde Allen from the Seventh Congressional District.

## Joint Rules adopted

The Senate's floor session was marked by discussion of Senate Concurrent Resolution 6, the Joint Rules of the Senate and the House of Representatives. Majority Leader Lawrence Pogemiller (DFL-Mpls.) explained the changes from the Temporary Rules. Pogemiller said one of the changes provides that a bill containing a constitutional amendment may only contain the statutory language and changes necessary to conduct the constitutional election and to implement the constitutional amendment, if it passes. Another change provides that conference committee chairs must rotate between the Senate and the House of Representa-

tives at least every calendar day, except for Sundays and holidays, Pogemiller said. Pogemiller said another change requires all bills necessary to implement the governor's budget submitted by a state agency must be introduced with 15 calendar days after the governor's budget is submitted. Further, Pogemiller said departmental bills introduced after that date must be referred to the Rules and Administration Committees of each body. Another change provides that conference committee reports may be delivered electronically, he said. Pogemiller said the final change conforms the rules relating to the election of Regents to the University of Minnesota Board of Regents to statutory provisions enacted last year.

Sen. John Marty (DFL-Roseville) offered an amendment requiring all conference committee negotiations to be open to the public. In addition, the amendment requires meetings between legislative leadership or staff and the governor to be open to the public. Marty offered an amendment to the amendment, clarifying that explaining a bill or provision is not negotiation. The amendment to the amendment was adopted. Sen. Dick Day (R-Owatonna) said the amendment requiring negotiations with the governor is unworkable. Pogemiller said the change would not be adopted by the other body. Marty said, "It is the public's business and negotiations should be open to the public." The amendment was not adopted on a 24-36 roll call vote.

Minority Leader David Senjem (R-Rochester) offered an amendment to delete a provision specifying that a proposed constitutional amendment may not include statutory language unrelated to the subject of the proposed constitutional amendment. Sen. Ann Rest (DFL-New Hope) said the rule change only involved those bills proposing a constitutional amendment. The amendment failed on a 18-40 roll call vote.

Senjem offered a second amendment, deleting a provision requiring state agency budget bills to be delivered to the Legislature within 15 days of the governor's budget proposal. Pogemiller said the provision is intended to speed up the discussion of the governor's budget. In addition, Pogemiller said the new language does not affect this year's discussions, because the date has already passed. Sen. David Hann (R-Eden Prairie) said the new language

places a further impediment before the minority in submitting bills. The amendment failed on a voice vote.

Sen. Claire Robling (R-Jordan) offered an amendment requiring the House of Representatives and the Senate to develop a budget within fourteen days of the February budget forecast. The amendment failed on a 18-43 roll call vote.

The resolution for the Joint Rules was adopted on a 51-9 roll call vote.

Earlier during the Senate's floor session members granted final passage to two measures. S.F. 401, sponsored by Sen. Sandra Pappas (DFL-St. Paul), modifying the definition of doula services, was granted final passage on the Calendar. S.F. 237, authored by Sen. Jim Carlson (DFL-Eagan), designating the first Sunday in October as Fallen Firefighters Memorial Day, was granted final passage on the Consent Calendar.

## Green acres changes gain

The Thurs., Mar. 12, floor session was dominated by debate on changes to the green acres provisions contained in a federal conformity tax bill. H.F. 392, authored by Sen. Thomas Bakk (DFL-Cook), conforms Minnesota individual income tax and corporate franchise tax provisions to most of the federal changes enacted since February, 2008. Bakk said the conformity changes are exactly the same as introduced. He said some of the changes include allowing military personnel to use military earnings to maximize the earned income credit, allowing military personnel to make withdrawals from Roth IRAs, and allowing peace corps volunteers to spread the capital gains from the sale of a primary residence over ten years. Bakk said enacting the conformity bill early will minimize the need for Minnesotans to file amended returns.

Sen. Rod Skoe (DFL-Clearbrook) explained the green acres provisions in the bill. He said the bill modifies the changes made by last year's tax bill. Skoe said the reason for making the changes last year was because a report from the Office of the Legislative Auditor showed wide variations in the implementation of the green acres law and that 30 counties did not implement the provisions at all. Skoe said green acres is a method to get preferential tax treatment on land that meets specific criteria. Under the original legislation, green acres lands were agricultural or used

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**Editor/Writer:**  
Karen L. Clark

**Writers:**  
Amanda Lillie  
Justin Thiessen  
Sydne Westorff

**Photographers:**  
David J. Oakes  
A.J. Olmscheid

for an agricultural purpose such as pasture land, he said.

Skoe said the bill modifies the changes made last year. Under the bill, the definition of agriculture includes land set aside under conservation programs such as RIM and CRP. The measure also reduces the repayment period to three years and allows for the transfer of land to children, Skoe said. He said the individuals who choose not to be in the program will not have to begin repayment for one year. He said there is still a percentage of land that does not qualify, so the bill provides for a new conservation plan in order for that percentage to qualify for preferential tax treatment. Skoe said under the new conservation plan, owners would put a covenant on the land for eight years and if the owner chooses to sell, the covenant is transferable. Skoe said the modifications in the bill take care of about 90 percent of the parcels affected by last year's changes.

Skoe offered an amendment to take care of parcels that will be removed under the law that would have qualified for the old green acres program. The amendment specifies that the ten acre minimum size requirement will be considered to be met for real estate that had consisted of ten acres or more that had qualified for treatment in the past. The amendment was adopted.

Sen. Sharon Erickson Ropes (DFL-Winona) offered an amendment to repeal the changes made in 2008. She said, "Skoe has put together a very good bill, but farmers still concerned about green acres." She said by repealing the changes there would be an opportunity and more time to consider making changes in the program.

Skoe said the Minnesota Farm Bureau and other organizations recognize the need for change. He said the changes do not go into effect until 2013, leaving plenty of time to make further refinements. He said it is important to act on the measure quickly because of the need to provide guidance to landowners who are making land use decisions.

Sen. Amy Koch (R-Buffalo) spoke in support of the amendment and said, "Let's repeal the changes and put things back where we were, in order to let all parties figure out how to proceed to make changes." She said many environmental groups also urge repeal. However, Sen. Scott Dibble (DFL-Mpls.) opposed the

appeal. Dibble said, "If we repeal the changes, we go back to the confusion that was in place before."

The amendment failed on a 27-34 roll call vote.

Sen. David Hann (R-Eden Prairie) offered an amendment to require Minnesota's income tax to conform with federal income tax law to provide for deductions for tuition and related expenses and a \$50 deduction for educator expenses. Hann said the amendment reduces revenue by about \$28 million. Bakk opposed the amendment and said, "I'd be willing to consider the amendment, if you were willing to pay for it." He said the amendment increases the shortfall by \$28 million. The amendment failed on a 20-43 roll call vote.

Sen. Ray Vandeven (R-Forest Lake) offered an amendment providing a sales tax exemption on purchases of capital equipment. He said the purpose of the amendment is to give employers an incentive to purchase equipment. The amendment is a down payment on jobs, Vandeven said.

Bakk responded, "This is a good idea, but it costs between \$70 and \$80 million." He said he hoped a similar idea could be included in the omnibus tax bill. The amendment failed on a 30-32 roll call vote.

Hann offered an amendment to extend research tax credits to all businesses. He said it encourages growth and investment and will help get the economy back on track. Bakk again countered that the amendment may be a good idea, but did not contain a method for making up the lost revenue. The amendment failed on a 20-43 roll call vote.

The bill was granted preliminary approval on a voice vote.

In other action, members approved an additional four bills on General Orders. S.F. 685, authored by Dibble, provides licensure for respiratory therapists. Dibble said Minnesota is the only state in the lower 48 that does not license. S.F. 887, sponsored by Skoe, designates a portion of highway in Norman County as the Veterans Memorial Highway. S.F. 265, authored by Sen. Kenneth Kelash (DFL-Mpls.), requires crime alerts to be issued in a format that is accessible by people with disabilities. S.F. 978, carried by Erickson Ropes, modifies the shaken baby syndrome training program.

## Capital investment bill okayed

A \$367 million capital improvements bill was the sole agenda item at the Thurs., Feb. 12, Finance Committee. Committee Chair Richard Cohen (DFL-Mpls.) said the bill provides a limited kick start to Minnesota's economy by directing funds to projects that are ready to go.

S.F. 781, authored by Sen. Keith Langseth (DFL-Glyndon), includes \$85 million for asset preservation at the University of Minnesota and the State Colleges and Universities System. In addition, the measure includes \$24 million for the Bell Museum of Natural History, \$5.7 million for the Red Lake School, \$26 million for flood hazard mitigation grants, \$25 million for closed land fill cleanup, \$5 million for amateur sports facilities, \$36 million for transportation projects, \$41 million to the Metropolitan Council for a variety of projects, \$10 million for asset preservations within the Dept. of Corrections and \$45.250 for economic development projects.

Langseth said the bill should be done at least by April 1. He said close to 60 percent of the bill is for asset preservation and those projects can begin immediately. Also, he said some of the projects will be able to leverage additional federal funds.

Sen. Claire Robling (R-Jordan) offered an amendment to delete a portion of the bill providing for extending a proposed high speed rail line from Chicago to St. Paul on to downtown Minneapolis. The amendment failed.

Sen. Linda Berglin (DFL-Mpls.) offered an amendment to take a portion of the asset preservations funds slated for the Dept. of Human Services and designate specific projects to be funded. Berglin said the projects in the amendment will generate operating savings. The amendment was adopted.

Sen. Steve Murphy (DFL-Red Wing) offered an amendment to provide \$250,000 for preliminary engineering for the I-94 Corridor Transit Way. The amendment was adopted.

Sen. Linda Higgins (DFL-Mpls.) offered an amendment specifying the route for completion of the Grand Rounds National Scenic Byway. She said the Ground Rounds National Scenic Byway encircles the city of Minneapolis via parkways. The amendment was adopted and the bill was approved and sent to the Senate floor.

# Committee update

## Agriculture and Veterans

### Several bills gain

The Agriculture and Veterans Budget and Policy Division, chaired by Sen. Jim Vickerman (DFL-Tracy), met Tues., Mar. 10, to hear five bills.

S.F. 122, authored by Sen. Scott Dibble (DFL-Mpls.), requires a notice for retail sales of cocoa bean shell mulch. Dibble said the mulch can be poisonous to pets, thus the bill is for the purpose of protecting pets.

Terry Hall, citizen of Minneapolis, spoke in support of the bill. He said he bought unprocessed cocoa bean shell mulch because the packaging said it had no pesticides and was organic, but his dog died after ingesting the mulch. He said the bill would create awareness and allow people who buy the mulch and who also have pets to be warned before using the mulch.

The bill was approved and referred to the Business, Industry and Jobs Committee.

S.F. 236, carried by Sen. Jim Carlson (DFL-Eagan), designates March 25 as Medal of Honor Day. The day is in honor of individuals from Minnesota who have received the Congressional Medal of Honor, he said. The bill was approved and recommended for placement on the Consent Calendar.

Sen. Dan Sparks (R-Austin) authored S.F. 364, which modifies drainage system provisions and appropriates \$1 million from the general fund to the Board of Water and Soil Resources for drainage records modernization challenge grants.

Chief Engineer Al Kean, Minnesota Board of Water and Soil Resources, said the bill clarifies where to file a petition to impound, reroute or divert drainage system waters for conservation purposes. The bill also extends the drainage inspector appointment requirement to all parts of the state that have public drainage systems, including watershed districts, he said. Kean also said the bill increases the amount of the limit for repair funds for smaller drainage systems to \$100,000, which is an increase of \$60,000.

The bill was approved and referred to the Finance Committee.

Sen. Tony Lourey (DFL-Kerrick) carried S.F. 484, which is a housekeeping bill that clarifies the duties of the Food Safety and Defense Task Force, changes membership and procedures of the Minnesota

Organic Advisory Task force and repeals the aquaculture and the invasive species annual report requirements.

Sen. Rod Skoe (DFL-Clearbrook) offered an amendment to remove the repeal of the two annual reports from the bill and lay them on the table as a separate provision to keep them in the division. The amendment was adopted.

The bill was approved as amended and recommended for placement on the Consent Calendar.

S.F. 133, authored by Sen. Steve Dille (R-Dassel), is a resolution to Congress to oppose federal legislation that interferes with a state's ability to direct the transport or processing of horses. The resolution was approved and referred to the Senate Floor.

## Business, Industry and Jobs

### Several measures gain

The Business, Industry and Jobs Committee, chaired by Sen. James Metzen (DFL-South St. Paul) met Wed., Mar. 11, to take action on a number of bills.

Sen. David Tomassoni (DFL-Chisholm) carried S.F. 1197, which conforms Minnesota law to the requirements necessary to receive federal stimulus funds. The bill also appropriates \$9.9 million of the federal stimulus funds for the purpose of unemployment insurance to the commissioner of employment and economic development.

Lee Nelson, legal affairs director, Dept. of Employment and Economic Development, said that once the bill passes, an application will be submitted to the federal Dept. of Labor for the funding.

The bill was approved and referred to the Finance Committee.

S.F. 689, also authored by Tomassoni, expands eligibility for the small business growth acceleration program. The bill appropriates \$3 million for the 2010-2011 biennium from the general fund for the program, he said.

Bob Kill, Enterprise Minnesota, said the bill provides that a company is qualified to receive assistance under the program if the company is a manufacturing company or manufacturing related service company with 250 or fewer full-time equivalent employees. Kill said that a company with less than 50 employees must contribute one dollar for every three dollars of program assistance, a company with 50 to 100 employees must contribute one dollar for every one dollar of program

assistance and a company with 101 to 250 employees must contribute three dollars for every one dollar of program assistance.

The bill was approved and referred to the Finance Committee.

Sen. Dennis Frederickson (R-New Ulm) sponsored S.F. 1329, which allows federal stimulus funds to be used for clean water and drinking water loans and grants. Frederickson said the state is expected to receive approximately \$72 million for clean water infrastructure projects and \$35 million for drinking water infrastructure projects in the federal stimulus package. The bill provides that 50 percent of the total funds must be used for grants to eligible projects, and grants must be based on as-bid costs, he said. The bill was approved and referred to the Finance Committee.

S.F. 1198, authored by Sen. Terri Bonoff (DFL-Minnetonka), makes a number of technical changes proposed by the Dept. of Employment and Economic Development. The bill was approved and referred to the Finance Committee.

S.F. 1004, carried by Sen. Linda Scheid (DFL-Brooklyn Park), makes several technical modifications to construction codes and licensing and appropriations restrictions. The bill removes the bonding and insurance requirements for restricted journeyman plumbers, Scheid said. She said the measure also expands the authority of the commissioner of labor and industry by allowing him to prescribe uniform standards for new water conditioning servicing and installation anywhere in the state. The bill was approved and referred to the Senate floor.

## Capital Investment

### Capital improvements bill gains

The Capital Investment Committee met Tues., Mar. 10, and approved a capital investment bill appropriating \$362.4 million for capital improvements to state and local facilities.

S.F. 781, authored by committee chair Sen. Keith Langseth (DFL-Glyndon), provides that debt service on \$323.7 million of the bonds sold to finance the capital improvement appropriations must be paid from the general fund.

Langseth said that \$36.9 million is appropriated for transportation projects, including the Duluth airport facilities project, local bridge replacement and rehabilitation and the construction of a



**Senators Tom Bakk (DFL-Cook) and Tarryl Clark (DFL-St. Cloud) converse in the Senate Chamber during the Thurs., Mar. 12, floor session.**

high-speed rail from St. Paul to Chicago. Also, \$41.183 million is appropriated for transportation projects through the Metropolitan Council, Langseth said. He said the Metropolitan Council appropriation will be used for several bridges, bicycle trails, transit way corridors and the Central Corridor Light Rail Transit.

Langseth said the bill appropriates \$90.28 million to projects for Minnesota State Colleges and Universities and \$59 million to the University of Minnesota for higher education asset preservation and replacement and the Bell Museum of Natural History construction. Langseth also said early childhood facility grants receive \$2 million under the bill.

Other appropriations under the bill include: \$4 million to the Dept. of Veterans Affairs, \$10 million to the Dept.

of Corrections, \$29 million to the Dept. of Natural Resources, \$25 million to the Pollution Control Agency, \$5 million to amateur sports and \$3.602 million to the Dept. of Military Affairs, Langseth said.

Sen. LeRoy Stumpf (DFL-Plummer) offered an amendment to include an appropriation of \$7.75 million for a flood mitigation project in the city of Roseau. The amendment was approved.

The bill was approved as amended and referred to the Finance Committee.

## Commerce and Consumer Protection

### Mortgage mediation bill gains

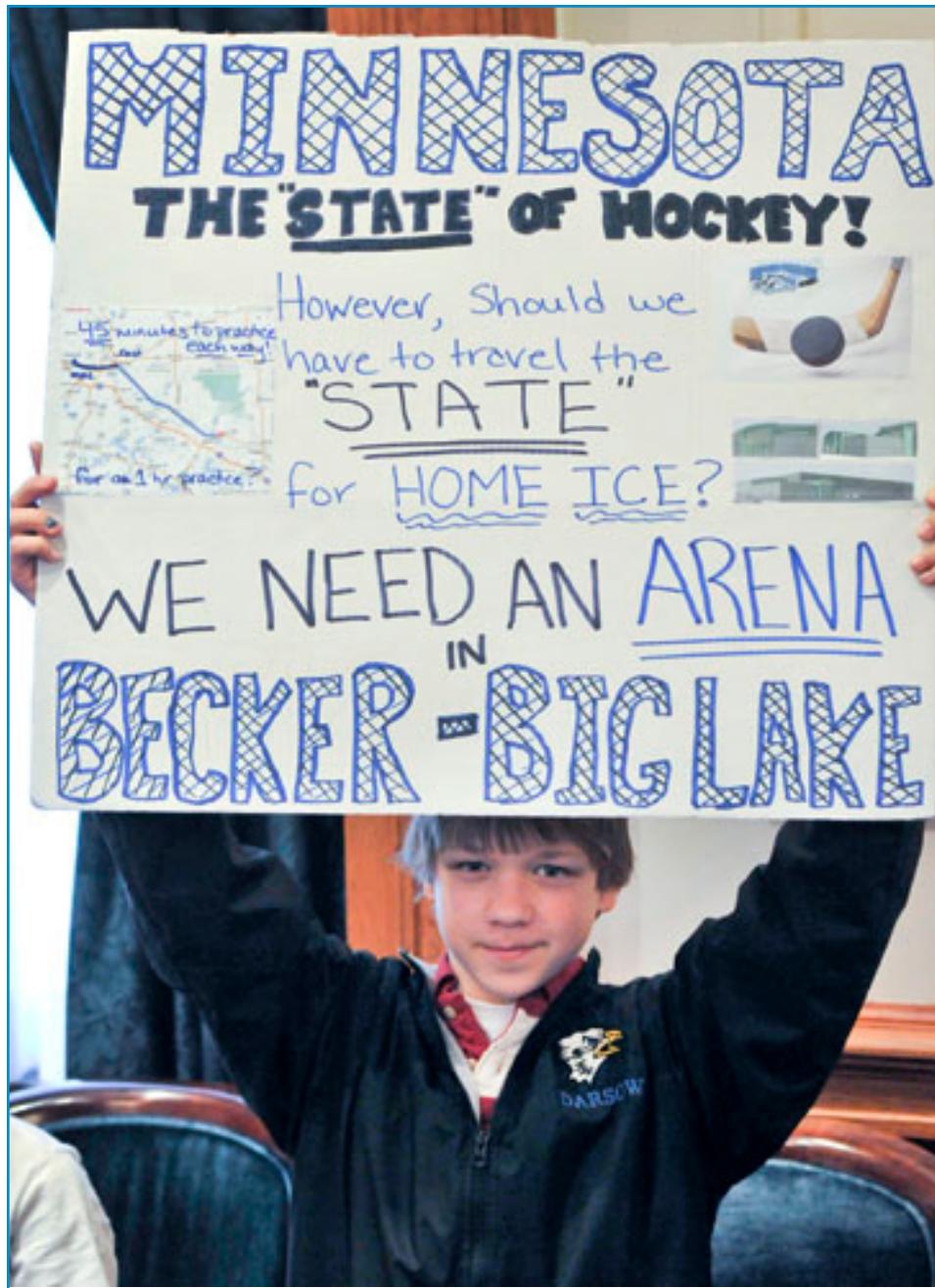
The Committee on Commerce and Consumer Protection, chaired by Sen. Linda Scheid (DFL-Brooklyn Park), met

Tues., Mar. 10, to hear five bills, including a measure requiring homeowner-lender mediation prior to foreclosure proceedings begin.

S.F. 340, authored by Scheid, requires notice and mandatory mediation prior to commencement of mortgage foreclosure proceedings on homestead property. The bill, named the Homeowner-Lender Mediation Act, requires that, before a lender forecloses on a property, the lender will give the homeowner notice of the right to mediation, said Scheid. She said the parties involved in the mediation would be required to negotiate in good faith and could agree to a range of remedies, from adjusting the interest rate, adjusting the principal, extending the repayment period or modifying the loan terms. Scheid said

Photo by A.J. Olmscheid

# Committee update



Big Lake Middle School seventh-grader Elliot Darsow holds up a sign as members of the Economic Development and Housing Budget Division consider legislation to appropriate funds for development of a Big Lake regional hockey center Mon., Mar. 9.

Photo by A.J. Olmscheid

the bill also establishes the Homestead-Lender Mediation act account as a special revenue fund in the general fund. The bill provides that the account will be administrated by the Attorney General and may be used to compensate mediators, reimburse staff and administrative costs and reimburse funds provided by the Attorney General prior to deposit of revenue in the fund, she said.

Scheid said the bill, which is modeled after the successful Farmer-Lender Mediation Act, is meant to bring down the number of home foreclosures in the state while restoring home values and stabilizing the local housing market. Scheid said estimates show Minnesotans will have lost over \$70 billion in home values by 2010 and foreclosures are projected to increase to 30,000 in 2009. Scheid said

the Homestead-Lender Mediation act is designed as a commonsense tool to address the foreclosure crisis and bring stability back to the economy.

President Susan Haigh, Twin Cities Habitat for Humanity, said foreclosures in Minneapolis totaled over 3,000 in 2008. She said her organization counseled almost 600 Minneapolis homeowners as they grappled with the financial challenges brought about by tough economic times. Of those, Habitat for Humanity was able to divert foreclosure for 58 percent of the home owners through counseling, she said. Although negotiations between home owners and lenders don't always warrant the involvement of a mediator, Haigh said there are cases where good faith negotiations do not occur or the two parties come to impasse. At that point, mediation for the counselor, home owner and lender would be beneficial for the timely resolution of the negotiation, she said. Haigh said having mediation as an option for homeowners and lenders takes a necessary step towards stemming the tide of foreclosures and keeping Minnesota families in their homes.

Scheid offered an amendment making technical changes to applicability and mediation proceedings notices. Sen. Dan Sparks (DFL-Austin) offered an amendment that specifies that the Act does not apply to mortgages refinanced under programs authorized by the federal Economic and Housing Recovery Act of 2008 or the Emergency Economic Stabilization Act of 2008, including but not limited to, the HOPE for Homeowners Program or the Home Affordable Modification Program. The committee approved the bill as amended and sent the measure to the Judiciary Committee.

In other action, the panel considered several additional bills. S.F. 688, sponsored by Sen. Ann Lynch (DFL-Rochester), requires health plans to cover and reimburse at 100 percent of billed charges, formulary-based wound care.

Tom Spencer, president, Advanced Healing Systems, said the bill is intended to improve wound outcomes and lower costs for individuals receiving the care. Spencer said formulary-based care is more cost efficient and clinically effective than traditional wound healing methods and provides an innovative option for individuals seeking wound care.

Geoff Bartsh, Minnesota Council on Health Plans, said there is no clear

clinical evidence to suggest that formulary-based care provides a higher rate of effectiveness than standard traditional care. He said the bill doesn't provide a clear definition for formulary-based care and doesn't allow for any negotiation of price because it mandates a 100 percent reimbursement.

The committee laid the bill over to give Lynch an opportunity to work on language in the bill and to clarify definitions related to formulary-based care.

S.F. 404, authored by Sen. Charles Wiger (DFL-Maplewood), requires an insurer to provide a written notice to applicants for homeowners' insurance informing them that the insurer may elect to cancel coverage at any time during the first 60 days following issuance of the coverage for any reason which is not specifically prohibited by statute. Wiger said the bill reflects requirements similar to those currently implemented in automobile insurance coverage.

Wiger offered an amendment to set the effective date for bill at January 1, 2010. The committee approved the bill and recommended the bill be placed on the Consent Calendar.

S.F. 708, carried by Sen. Lisa Fobbe (DFL-Zimmerman), modifies provisions relating to foreclosure consultants. Carla Heyl, Office of the Attorney General, said the bill is meant to protect financially distressed homeowners by tightening the law related to the negotiation of terms or conditions of residential mortgage loans between the homeowner and a foreclosure consultant.

The committee approved the bill and sent the measure to the full Senate.

S.F. 743, carried by Sen. Kevin Dahle (DFL-Mpls.), makes technical changes to update ASTM motor fuel specifications for the purpose of regulation by the Department of Commerce Weights and Measures Division.

The committee approved the bill and recommended the measure be placed on the Consent Calendar.

## E-12 Education Budget and Policy Division

### Charter school bills heard

Member of the E-12 Education Subcommittee on Charter Schools, chaired by Sen. Kathy Saltzman (DFL-Woodbury), met Fri., Mar. 6, to discuss a number of bills related to charter school reform.

S.F. 718, authored by Sen. David Hann (DFL-Eden Prairie), authorizes charter schools to lease or purchase unoccupied district buildings. The bill also authorizes the use of state money to purchase the buildings or additional land.

Gene Piccolo, Minnesota Association of Charter Schools, said charter schools should meet certain minimum occupancy requirements and have sponsor approval and undergo a review process before being allowed to occupy a public school building that has closed.

Jan Alswager, Education Minnesota, said the subcommittee should consider a moratorium on the creation of new charter schools because of the costs associated with doing so. She also said public school closings are often a difficult and emotional experience for both faculty and parents and a charter school moving into a recently closed facility may add to the turmoil.

S.F. 554, carried by Saltzman, provides employment protection of charter school employees. The bill specifies that a school is not allowed to discharge, threaten, discipline or otherwise discriminate against an employee regarding the employee's privileges of employment because the employee reports concerns about the school's financial management status, financial irregularities, instructional concerns, conflicts of interest or other violations of law.

S.F. 478, sponsored by Sen. Linda Scheid (DFL-Brooklyn Park), makes modifications to provisions relating to charter schools and revives the Charter School Advisory Council. Scheid said the bill addresses accountability issues related to charter school management by strengthening oversight and enhancing school operations and governance.

Saltzman also carried a bill offering modifications charter schools provisions, S.F. 852, which allows a nonprofit corporation to sponsor one or more charter schools if the charter school has operated for at least three years under a different sponsor and if the nonprofit corporation has existed for at least 25 years. S.F. 867, a final bill carried by Saltzman, offers charter school provision modifications similar to Scheid's bill, with a few differences related to financial aid and the establishment of a charter school authorizer as opposed to a sponsor.

All bills were laid on the table for possible inclusion in an omnibus charter school bill.

### Mandates repeal bill gains

The E-12 Education Budget and Policy Division, chaired by Sen. LeRoy Stumpf (DFL-Plummer), met Tues., Mar. 10, to hear a bill regarding home school mandates and a bill regarding school district education mandates simplification and repeal.

Sen. Dan Skogen (DFL-Hewitt) carried S.F. 672, which simplifies and repeals mandates on school districts. The bill minimizes the annual report that the superintendent must make to the commissioner and removes the requirement to report the number of children that are or are not in compliance with teacher licensure requirements, Skogen said. He said the bill also eliminates the requirement for the school board to publish an annual report on curriculum, instruction and student achievement and eliminates the requirement to make the report available for the commissioner. The bill also increases the population threshold from 2,000 to 10,000 for districts that are eligible for a director of community education, he said. Skogen said the bill also reduces teacher daily preparation time.

Sen. Sandy Rummel (DFL-White Bear Lake) offered an amendment to change the population threshold requirements for districts that are eligible for a director of community education from 10,000 to 4,000. She said the change will reduce the number of exempt districts from 253 to 134 districts. The amendment was approved.

Sen. Lisa Fobbe (DFL-Zimmerman) offered an amendment to clarify that a student who enrolls in a nonresident school may be rejected if the student was expelled from their resident school for possessing a dangerous weapon at school or a school function, possessing or using an illegal drug at school or a school function, selling a controlled substance at school or a school function or for committing a third-degree assault. The amendment was approved.

Sen. Kevin Dahle (DFL-Northfield) offered an amendment to eliminate the portion of the bill that reduces teacher preparation time. The amendment was approved.

The bill was approved and re-referred to the Finance Committee.

S.F. 846, authored by Sen. Gen Olson (R-Minnetrista), reduces mandates for home schools. The bill eliminates the need for reporting a home school instruc-

# Committee update

tional calendar and quarterly report card to the superintendent and requires home school instructors, rather than superintendents, to maintain documentation regarding subjects taught and assessments administered, Olson said. She said the bill makes the county attorney, rather than the superintendent, responsible for notifying home school instructors and parents if there is a chance that violation of home school requirements has taken place. The bill was approved and re-referred to the Finance Committee.

## Bills advance to Senate floor

The E-12 Education Budget and Policy Division, chaired by Sen. LeRoy Stumpf (DFL-Plummer), met Wed., Mar. 11, to discuss two bills and one resolution.

S.F. 11, authored by Sen. Tom Saxhaug (DFL-Grand Rapids), modifies requirements for online learning providers. The bill requires an online learning provider to give written assurance that all courses meet state academic standards and that the curriculum and assessments and teacher-student communication meet national standards and are demonstrated as such in a syllabus provided according to the commissioner's requirements, Saxhaug said. The bill was approved and referred to the Senate floor.

S.F. 33, carried by Sen. Rick Olseen (DFL-Harris), modifies legislation enacted in 2008 that specifies requirements for drivers of type III school vehicle such as cars, vans and sport utility vehicles. The changes allow the holder of a class A, B or C driver's license to operate a type III vehicle without a school bus endorsement, Olseen said. Thus, a person who is deaf or hard-of-hearing will be able to operate a type III school bus, he said.

Kirk Schneidawind, Minnesota School Board Association, said the modifications to the bill provide school districts with flexibility and will provide deaf or hard-of-hearing students with a sense of safety because many deaf students prefer riding with deaf drivers.

The bill was approved and referred to the Senate floor.

Sen. Kevin Dahle (DFL-Northfield) carried S.F. 358, which is a resolution memorializing Congress not to reauthorize the No Child Left Behind Act (NCLB) in its current form. The resolution suggests that the entire sanctions concept of NCLB be revised and that NCLB be amended to ensure that the act's standards

are based on sound research in student achievement and effective teaching, Dahle said. He said the resolution also states that NCLB places an over reliance on standardized testing and excludes other recognized indicators of student achievement. The resolution was approved and referred to the Senate floor.

## Charter school bill gains

The Education Subcommittee on Charter Schools met Wed., Mar. 11, to consider a measure making numerous changes in provisions relating to charter schools.

S.F. 867, sponsored by Subcommittee Chair Kathy Saltzman (DFL-Woodbury), was originally the governor's proposal relating to charter schools. However, Saltzman offered, and members adopted, an amendment reflecting work done in the subcommittee.

The bill adds student achievement to the list of purposes for charter schools and extends the Charter School Advisory Council until 2015. The measure also defines terms and clarifies the entities that may sponsor a charter school and specifies that nonprofit charitable organizations must not be nonpublic sectarian or religious institutions.

In addition, the bill requires charitable organization sponsors to have an ongoing fund balance of at least \$2 million for four consecutive years.

The bill also modifies the procedure for applying for approval as a sponsor and sets forth the criteria for approval. The measure requires a review of a sponsor's performance every five years and allows the commissioner of education to take corrective action.

Sponsors are required to fill out separate affidavit for each school it intends to authorize, under the bill. The bill sets forth criteria for charter school board membership and directs each board to attend department approved training.

The measure specifies that authorization or renewal of a school board by a sponsor must not be contingent on a requirement to contract, lease, or purchase services from the sponsor. The bill also outlines expansion procedures and prohibits a new charter school in a newly consolidated district or a dissolved district. The measure also sets the maximum number of charter schools at 160. The bill requires charter schools to meet federal requirements, in addition to state educa-

tion requirements, provides whistleblower protection, outlines admission requirements, clarifies the requirements of the annual report, and requires administrators to have an administrator's license by the 2012-2013 school year.

Discussion on the measure centered on just a few provisions. Sen. David Hann (R-Eden Prairie) offered an amendment to delete a requirement for an interested community member to be appointed to the charter school board by the resident school district. Hann said the issue involved the appointment, rather than the participation of an interested community member. Members adopted the amendment.

Sen. Terri Bonoff (DFL-Minnetonka) offered an amendment to reinstate language requiring licensed teachers to be a majority of a charter school board. The amendment was adopted.

Hann offered an amendment deleting provisions prohibiting the establishment of a charter school in a newly consolidated district or close to a public school that has been closed and setting the maximum number of charter schools at 160. The amendment failed on a divided voice vote. Sen. Gen Olson (R-Minnetrista) offered an amendment to delete the provision limiting the number of charter schools. The amendment also failed on a divided voice vote.

Members approved the bill and advanced the measure to the full Education Committee.

## Referendum changes gain

The E-12 Education Budget and Policy Division, chaired by Sen. LeRoy Stumpf (DFL-Plummer), met Thurs., Mar. 12, to hear a bill regarding modifications to operating referendum revocation.

S.F. 314, authored by Sen. Dan Skogen (DFL-Hewitt), increases the number of signatures required for an election to revoke an education finance operating referendum. Currently, he said, a petition must be signed by 15 percent of registered voters in the district for a referendum to be revoked, but the bill provides that signatures must account for at least 30 percent of registered voters. The bill also provides that voters may petition a school board for an election to increase referendum revenue amount, he said.

Representatives from the Minnesota School Board Association, Minnesota Rural Education Society, Association of

Metro School Districts, Minnesota Association of School Administrators, Parents United and others testified in favor of the bill, saying that it represents a fair opportunity for voters to revoke a referendum.

Sen. Sandy Rummel (DFL-White Bear Lake) offered an amendment to remove the portion of the bill that allows for the invocation or revocation of a referendum with a petition. The amendment also removes the signature requirements for petitions. The amendment was approved.

The bill was approved as amended and laid on the table for possible inclusion in the omnibus bill.

## Economic Development and Housing Budget Division

### Bonding bills reviewed

The Economic Development and Housing Budget Division met Mon., Mar. 9, to consider several bonding proposals. The panel, chaired by Sen. David Tomassoni (DFL-Chisholm), laid all the bills over for possible inclusion in the division's bonding recommendations.

S.F. 778, carried by Sen. Ann Rest (DFL-New Hope), modifies the grant amounts for Mighty Ducks ice facilities. Under the bill, the maximum grant amount for a new facility goes from \$250,000 to \$400,000 and the maximum grant amount for renovation of a facility goes from \$100,000 to \$200,000. The bill also appropriates \$6 million from the bond proceeds fund for Mighty Ducks grants.

S.F. 868, authored by Sen. Mee Moua (DFL-St. Paul), appropriates \$9.75 million from the bond proceeds fund for a grant to construct, furnish and equip an Asian Pacific Cultural Center in St. Paul. Moua said the cultural center is important not only to Asian-Americans born in this country, or Asian Americans who have immigrated to this country, but also for children who have been adopted from Asian countries as infants and raised in a different culture.

Sen. Lisa Fobbe (DFL-Zimmerman), sponsored a bill, S.F. 1000, providing for an appropriation of \$500,000 for an ice arena complex to support the Big Lake regional area. Fobbe said the bill requires a equal amount to be committed from nonstate sources. In addition, Fobbe said the measure requires the ice arena complex location to be determined by



*Central High School Junior Calitta Jones, St. Paul, testifies during an Economic Development and Housing Budget Division meeting Wed., Mar. 11, about the benefits she has received from participating in the Boys and Girls Club.*

Photo by David J. Oakes

taking into consideration community and business development, community traffic routes and the transportation needs of the Northstar Commuter Rail Line.

S.F. 742, authored by Sen. Bill Ingebrigtsen, (R-Alexandria), appropriates \$6 million from the bond proceeds fund for a grant to the Pope/Douglas Solid Waste Joint Powers Board to design, construct, furnish and equip the expansion of the Pope/Douglas waste-to-energy facility located in Alexandria. Ingebrigtsen said the project is "shovel ready" and will help create and maintain jobs in the area.

S.F. 982, sponsored by Sen. Rod Skoe (DFL-Clearbrook), appropriates \$12 million from the bond proceeds fund for

a grant to the White Earth Economic Authority to design, construct, furnish and equip a renewable energy biofuels production facility in White Earth.

### Appropriation bills heard

Members of the Economic Development and Housing Budget Division, chaired by Sen. David Tomassoni (DFL-Chisholm), met briefly Wed., Mar. 11, to hear three bills.

S.F. 928, authored by Sen. Scott Dibble (DFL-Mpls.), appropriates \$200,000 in FY 2010 and \$200,000 in FY 2011 from the general fund to the commissioner of employment and economic development for a grant to the Metropolitan Economic

# Committee update



Senators David Hann (R-Eden Prairie), left, and Steve Dille (R-Dassel) look over proposed legislation during the Senate's Thurs., Mar. 12, floor session.

Photo by David J. Oakes

Development Association for continuing minority business development programs in the Metropolitan Area.

S.F. 1027, sponsored by Sen. Rod Skoe (DFL-Clearbrook), appropriates \$1.8 million in the 2010-11 biennium from the workforce development fund to the commissioner for a grant to the Minnesota Alliance of Boys and Girls Clubs to administer a statewide project of youth job skills development. Skoe said the purpose of the project, which has career guidance components, including health and life skills, is to encourage, train and assist youth in job-seeking skills, work-

place orientation, and job site knowledge through coaching. The grant requires a 25 percent match from nonstate resources, Skoe said.

Calita Jones, youth club member, Boys and Girls Clubs of the Twin Cities, said she has been involved in career development programs offered by the Boys and Girls Club for almost 7 years. Jones said the programs have given her the skills she needs to prepare for finding and maintaining a job.

S.F. 752, carried by Sen. Jim Vicker- man (DFL-Tracy), modifies a prior appropria- tion to the city of Worthington for the

redevelopment of the former Campbell Soup factory by extending the deadline for which the funds are available.

The division laid all three bills over for possible inclusion in the omnibus economic development bill.

## Energy, Utilities, Technology and Communication

### PUC bills heard

Members of the Energy, Utilities, Technology and Communications Committee, chaired by Sen. Yvonne Prettner Solon (DFL-Duluth), met Tues., Mar. 10, to hear three bills related to the Public Utilities Commission (PUC) and one bill regarding customer liability for lost or stolen cell phones.

S.F. 586, sponsored by Sen. Rick Olseen (DFL-Harris), makes modifications in provisions relating to the deadline for rate determination by the PUC. Olseen said the bill extends the period of time during which the PUC may conduct an investigation to determine the reasonableness of a change in a utility rate schedule from ten to twelve months.

Burl Harr, executive secretary, PUC, said the bill helps the commission to more effectively manage its workload by giving the commission the flexibility it needs to properly execute its regulatory duties.

The committee approved the bill and sent the measure to the full Senate.

S.F. 573, carried by Sen. Kevin Dahle (DFL-Northfield), makes technical corrections regarding the cold weather rule and updates language to allow the commission to make electronic recordings of all proceedings before the commission unless the commission provides a hearing reporter to record the proceeding.

Dahle offered an amendment to add a section to the bill allowing the commission to make arrangements for court reporter services for the purpose of recording proceedings that come before the commission. The committee approved the bill as amended and sent the measure to the full Senate.

S.F. 574, also carried Dahle, authorizes the PUC to require any public utility to refund to its customers any revenues the commission finds were collected as a result of an unlawful utility rate.

The bill was approved by the committee and sent to the full Senate.

S.F. 298, authored by Sen. Ellen Anderson (DFL-St. Paul), limits customer

liability for unauthorized use of lost or stolen cellular phones. Anderson said the bill states that a customer is not liable for any amount in excess of \$50 resulting from unauthorized use of a phone as long as the person notifies the wireless service provider within 20 days of receipt of the service bill. The bill is modeled after legislation that is already in place related to unauthorized credit card use, said Anderson.

Bob Bass, state president, AT&T, said most wireless providers already have adequate policies and practices in place to handle matters related to lost and stolen phones and legislation addressing the issue is not necessary. Bass said the bill encourages possible fraudulent behavior by customers who may purposely run up their cellular phone bill with unnecessary calls and charges and then report it lost or stolen to avoid paying.

Mike McDermott, executive director of state public policy, Verizon Wireless, said wireless providers often side with customers on issues related to lost and stolen wireless devices and typically dismiss or reduce charges for those claimed by customers for unauthorized use.

Anderson said the bill is a reasonable consumer protection action and adds a level of comfort for customers with wireless service.

Anderson offered an amendment to add a section to the bill providing that anyone who obtains money, credit, services or anything of value from a cellular phone service provider by falsely claiming that a cellular phone was subject to unauthorized use is guilty of theft and may be sentenced by law. Members adopted the amendment. The committee approved the bill and re-referred the measure to the Judiciary Committee

## Stimulus-funded bills heard

The Energy, Utilities, Technology and Communications Committee, chaired by Sen. Yvonne Prettner Solon (DFL-Duluth), met Thurs., Mar. 12, to discuss three bills seeking funding from the federal stimulus act.

S.F. 1405, carried by Prettner Solon, requires the director of the Office of Energy Security to fund a residential energy program that makes grants to cities for conservation projects with federal stimulus dollars received by the state.

Jodi Slick, Duluth Green Jobs Initiative, said the residential energy program

will consist of four elements including performance-based community air sealing and weatherization, an environmental awareness and carbon footprint campaign, a beyond-the-basics conservation component including deep energy retrofits and appliance upgrades and a plan to recycle program funds so that the program is sustainable over time.

S.F. 961, sponsored by Sen. LeRoy Stumpf (DFL-Plummer), authorizes state agencies to develop plans for using federal stimulus funds dedicated to energy projects to install energy-efficient windows in government and residential buildings.

Stumpf said the window installation project would put many Minnesotans who have been recently laid off at numerous window production facilities around the state back to work and would employ over 1,000 individuals to install the windows.

S.F. 996, carried by Sen. Ellen Anderson (DFL-St. Paul), makes a blank appropriation from the federal stimulus funding to the commissioner of finance for a grant to the St. Paul Port Authority to develop a demonstration program to provide energy efficiency improvements in commercial and industrial facilities.

The committee approved all three bills and re-referred the measures to the Finance Committee.

Before adjourning, the committee heard S.F. 540, authored by Sen. Sharon Erickson Ropes (DFL-Winona), which authorizes the Winona County Economic Development Authority to form or become a member of a limited liability company for the purpose of developing a community-based wind energy development project.

The committee approved the bill and sent the measure to the full Senate.

## Environment and Natural Resources

### Land sale bill heard

The Committee on Environment and Natural Resources, chaired by Sen. Satveer Chaudhary (DFL-Fridley), met Wed., Mar. 10, to hear four bills.

S.F. 353, authored by Chaudhary, prohibits sales of land within the outdoor recreation system for the purpose of anticipated savings to the general fund. Chaudhary said provisions of current Minnesota law require state agencies to sell lands that they own to help offset general

fund deficits. He said the burden of selling land falls primarily on the Department of Natural Resources because the department has considerably more land than other agencies. Chaudhary said the bill doesn't completely prohibit the sale of outdoor recreational land; it just prohibits the sale of the land for the purpose of contributing to the general fund.

The committee approved the bill and re-referred the measure to the Finance Committee.

S.F. 805, carried by Tom Saxhaug (DFL-Grand Rapids), authorizes a forest management lease pilot project and directs the commissioner of natural resources to increase timber sales based on appraised value only. The bill permits the commissioner of natural resources to lease up to 10,000 acres of state-owned forest lands for forest management purposes for a term not to exceed 21 years. Upon implementation of the pilot project, the commissioner is required to provide an annual report to the Legislature on the progress of the project. The report must include a net revenue analysis comparing the lease revenue with the estimated net revenue that would be obtained through state management and silvicultural practices cost savings the state realizes through leasing. The bill also permits the commissioner to increase the amount of timber products sold from state lands under permits based solely on the appraiser's estimate of the timber volume described in the permit. The committee approved the bill and re-referred the measure to the Finance Committee.

Before adjourning, the committee heard two bills that make technical changes to existing law. S.F. 988, sponsored by Chaudhary, modifies rulemaking authority for the cost-share program. S.F. 1094, sponsored by Saxhaug, modifies local match requirements for certain grants

Both bills were laid over for possible inclusion in the omnibus bill.

### Panel hears grassland bill

The Environment and Natural Resources Committee, chaired by Sen. Satveer Chaudhary (DFL-Fridley), met Thurs., Mar. 12, to hear bills relating to grassland definitions, school fund utility permits, the Northshore trail name change and protecting children's health from harmful chemicals.

S.F. 692, authored by Sen. LeRoy Stumpf (DFL-Plummer), repeals certain definitions related to grasslands. The

# Committee update

repeal allows producers that are currently growing various grass seeds that may not conform to current statute definitions to market their grass, Stumpf said.

Mary Mueller, Mueller Habitat Restoration, Winthrop, said the measure provides seed growers the opportunity to grow more diverse kinds of grass. She also said the bill allows for grass species changing over time.

The measure was approved and sent to the Senate floor.

Sen. Tom Saxhaug (DFL-Grand Rapids) carried S.F. 121, which makes changes that will affect school trust land management and revenue. The measure specifies that revenue received from utility line permits be deposited in the permanent school fund, Saxhaug said. He said the bill also eliminates requirements relating to the location and public water access for exchanges of school trust lands for other state lands administered by the commissioner of natural resources.

The measure was approved and referred to the Finance Committee.

Sen. Thomas Bakk (DFL-Cook) authored S.F. 909. The measure renames the Northshore Trail as the C.J. Ramstad Memorial Trail. Bakk said C.J. Ramstad is an icon in the sport of snowmobiling. Ramstad passed away two years ago in a car accident with his son, Bakk said. The bill was approved and referred to the Finance Committee.

S.F. 225, sponsored by Sen. Linda Scheid (DFL-Brooklyn Park), requires disclosure by manufacturers of children's products that contain toxic chemicals, authorizes the PCA to require replacement of toxic chemicals with safer alternatives and authorizes participation in an interstate clearinghouse of chemical information.

Mike Sandusky, PCA, said there is a need for regulation of toxic chemicals in children's products. He also said that stakeholders need to have input in the regulation process.

Tony Kwikas, Minnesota Chamber of Commerce, said the chamber agrees with the premise of the bill but believes the process of eliminating toxic chemicals from children's products should happen at the federal level.

The measure was approved and sent to the Judiciary Committee.

## Land sale bills heard

Members of the Environment and Natural Resources Subcommittee on Pub-

lic Lands and Waters, chaired by Sen. Dan Skogen (DFL-Hewitt), met Fri., Mar. 13, to discuss numerous land sale bills.

S.F. 1123, authored by Skogen, provides for various state park additions and deletions and the public and private sale of state lands. Skogen said the bill is a vehicle for the omnibus public lands and water bill.

S.F. 175, carried by Sen. Tom Saxhaug (DFL-Grand Rapids), provides for the apportionment of proceeds from the sale of certain tax-forfeited land in Itasca County.

S.F. 176, also carried by Saxhaug, modifies lease terms for tax-forfeited lands in Itasca County. S.F. 812, sponsored by Sen. Thomas Bakk (DFL-Cook), authorizes public and private sales of certain tax-forfeited land that borders public water in St. Louis County.

S.F. 524, authored by Sen. LeRoy Stumpf (DFL-Plummer), authorizes conveyance of certain tax-forfeited land that borders public water in Red Lake County. S.F. 958, also authored by Stumpf, authorizes public sale of certain tax-forfeited land that borders public water in Kittson County.

S.F. 822, carried by Sen. Gen Olson (R-Minnetrista), authorizes conveyance of land to the city of Wayzata. S.F. 44, sponsored by Sen. Ron Latz (DFL-St. Louis Park), requires the private sale of certain surplus state land bordering public water in Cass County.

All bills were amended onto S.F. 1123, recommended to pass and referred to the full committee.

## Environment, Energy and Natural Resources Budget Division

### Panel approves four bills

The Environment, Energy and Natural Resources Budget Division, chaired by Sen. Ellen Anderson (DFL-St. Paul), met Tues., Mar. 10, to hear several bills and a continuation of the PCA budget presentation.

S.F. 71, authored by Sen. Kathy Saltzman (DFL-Woodbury), changes closed landfill cleanup appropriations from revenue bond proceeds to appropriations from general obligation bond proceeds. The bill was approved and referred to the Finance Committee.

Sen. Dennis Frederickson (R-New Ulm) carried S.F. 375, which authorizes construction of wind energy and ethanol fuel training facilities in Marshall. Frederickson said the bill changes the language of the statute but not the amount of appropriation. The bill was approved and referred to the Finance Committee.

Sen. LeRoy Stumpf (DFL-Plummer) sponsored S.F. 974, which authorizes the issuance of state bonds and appropriates money for a flood mitigation project. Stumpf said the bill appropriates \$7.75 million from the bond proceeds fund to the commissioner of natural resources for flood mitigation for the city of Roseau.

Jeff Pelowski, mayor, city of Roseau, said the total project cost estimate for the flood mitigation is \$29.7 million, \$13.3 million of which is the state and local share.

The bill was approved and referred to the Finance Committee.

S.F. 46, authored by Sen. Steve Murphy (DFL-Red Wing), appropriates money for a biosolids processing facility in Red Wing. The bill also authorizes the commissioner of finance to sell and issue bonds an amount up to \$5 million. The bill was laid over for recommendation for the Capital Investment Committee.

Members also heard a continuation of the Pollution Control Agency budget presentation. Assistant Commissioner Tim Scherkenbach, PCA, said the agency has eliminated at least four FTEs and is spreading workload between existing employees to reduce the shortfall. He also said the PCA is actively working to reduce travel and training costs. There will also be an increase in the subsurface sewage treatment system (SSTS) license fees, Scherkenbach said.

Scherkenbach also said the agency wants to direct the federal stimulus money toward water monitoring and standards, wastewater infrastructure, diesel retrofits, alternative energy and leaking underground storage tanks.

## Finance

### Shared services bill gains

The Finance Committee, chaired by Sen. Richard Cohen (DFL-St. Paul), met Wed., Mar. 11, to take action on several measures.

S.F. 10, authored by Sen. Terri Bonoff (DFL-Minnetonka), establishes a shared services purchasing program for

school districts and charter schools. The bill requires school districts and charter schools to participate in the program and directs the Dept. of Education to administer the program. Bonoff said by using the shared services program school districts would benefit from an economy of scale in purchases. The measure requires districts to purchase goods and services from an approved vendor list established by the department. The bill specifies that all school materials, supplies, tools and equipment for school facilities operations and maintenance, technology equipment and communication services, food services and transportation services be purchased from the approved vendor list.

The bill also sets state and district technology guidelines, creates a quality rating and improvement system and clarifies the definition of comprehensive scientifically based reading instruction.

Members approved the bill and advanced the bill to the full Senate.

The committee also took action on two additional bills. S.F. 643, authored by Sen. Kathy Sheran (DFL-Mankato), provides eligibility for the federal workforce investment in regional economic development (WIRED) program for training to enhance the skills of employees working at regional businesses. Sheran said the bill is designed to give financial relief to companies experiencing layoffs because it allows employees to work reduced hours, while attending classes and retaining partial unemployment benefits.

The bill was approved and sent to the Senate floor.

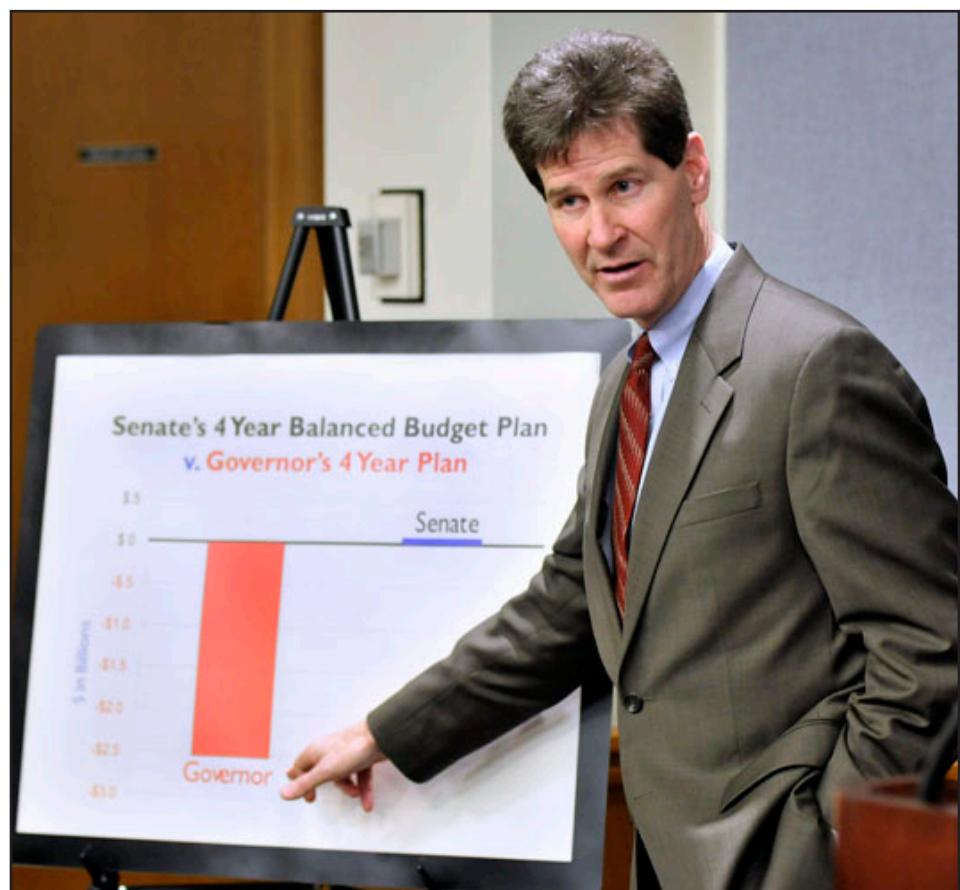
S.F. 811, authored by Sen. Steve Dille (R-Dassel), authorizes Independent School District #2887, McLeod West, to issue general obligation bonds for its reorganization operating debt. The measure was approved and re-referred to the Taxes Committee.

## Health, Housing and Family Security

### Health bills heard

The Health, Housing and Family Security Committee held an early evening hearing Mon., Mar. 6, to hear a variety of health related bills.

Sen. Yvonne Prettner Solon (DFL-Duluth) led off with a bill, S.F. 615, providing an exception to Hennepin County specialty psychiatric hospital construction moratorium. Prettner Solon said the bill



**Senate Majority Leader Lawrence Pogemiller (DFL-Minneapolis) unveils the Senate DFL plan to solve the budget shortfall during a press conference Thurs., Mar. 12.**

Photo by A.J. Olmscheid

allows for the construction of a specialty psychiatric hospital in western Hennepin County for patients under 21 years of age. She said the facility is expected to have up to 20 beds.

Dr. Shalene Kennedy said there is a need for acute psychiatric services for those under 21 years of age. She said for some conditions and circumstances a hospital is the only intervention safe enough and effective enough for young people.

Dr. Stephen Setterberg, Prairie St. Johns, said the facility would be part of Prairie St. Johns in Fargo. Prettner Solon said the facility will be privately funded with intensive outpatient services as well as inpatient services.

Setterberg said by locating in the Metro Area, the facility will become Medicaid eligible.

Members approved the measure and advanced the bill to the full Senate.

S.F. 473, authored by Sen. Patricia Torres Ray (DFL-Mpls.), establishes a women's heart health program and ap-

propriates \$1.5 million for the biennium. Torres Ray said under the bill, 15,000 eligible women, between the ages of 40 and 60, will be provided with heart disease risk screening. She said 25 percent of the eligible women will die from heart disease.

Natasha Fleischman, a survivor of sudden cardiac arrest, spoke in support of the bill. She said saving the life of a woman, there are far reaching ripples throughout the community and economy. Dr. Mary Boylan said heart disease is the leading cause of death for women. She said, "The only treatment that is effective is prevention—it's cheap and it's effective." We know that prevention works, Boylan said. The cost of preventing cardio-vascular disease is far less than treating a person with cardio-vascular disease.

The bill was approved and re-referred to the Finance Committee.

S.F. 986, carried by Sen. Ann Lynch (DFL-Rochester), relieves counties of a variety of human services and health care

# Committee update

mandates. Lynch said the bill is the product of work done over the interim by a Working Group on Legislative Mandates. The bill allows counties to place children for treatment in bordering states under specific circumstances, modifies county payment of funeral services to include cremation, modifies nursing facility rules, provides an alternative licensing method for day training and habilitation services, accepting independent audits, modifies renewal notice requirements and modifies the health care program information that a school district or charter school must provide.

Lynch said the bill is designed to give counties more flexibility.

Sen. Paul Koering (R-Fort Ripley) moved to delete the provisions allowing cremation, rather than burial for recipients of public assistance and destitute persons. The motion failed on a 1 – 7 roll call vote.

The bill was approved and re-referred to the Committee on Finance.

Sen. Linda Berglin (DFL-Mpls.) authored three bills. S.F. 696 requires active participation in a patient-centered decision-making process before reimbursement is paid, either on a fee-for-service basis or by a health plan company under contract with the commissioner of human services or finance, for a surgical procedure for abnormal uterine bleeding; benign prostate enlargement; chronic back pain; early stage breast and prostate cancers; gastroesophageal reflux disease; hemorrhoids; spinal stenosis; temporomandibular joint dysfunction, ulcerative colitis, urinary incontinence, uterine fibroids or varicose veins.

Dr. Marcus Thygeson said shared decision-making is particularly important when there are several treatment options with essentially the same outcomes. In addition, patients have a better understanding of treatment options, Thygeson said.

Sara Noznesky, Minnesota Medical Association, said the association is very supportive of patient-centered decision-making, but the bill lacks specifics in several areas, particularly definitions, documentation and implementation.

The measure was approved and referred to the Finance Committee.

S.F. 633 authorizes Medical Assistance coverage of, and requires primary care health care providers, to perform primary caries prevention services as part of the child and teen checkup program. Berglin said the bill allows the application

of a fluoride varnish to children assessed by providers as being high risk as part of the well child checkup. Amos Deinard, University of Minnesota, said the screening and application of fluoride varnish may be done very quickly and do not need extensive training.

John Andrews, Minnesota Chapter American Academy of Pediatrics, said the academy appreciates the changes already made in the bill and would support the measure if it were permissive, rather than mandatory.

Sen. David Hann (R-Eden Prairie) said there was no need for the bill because some physicians are already performing the caries prevention services. He said there was no need to have a law, but that the professionals should be left to determine the best ways to deliver services.

Torres Ray said, though, that time and time again professionals said that a concept is very good, but that it should be performed by someone else.

The bill was approved and advanced to the full Senate.

S.F. 460 prohibits Medical Assistance hospital payment for hospital-acquired conditions and for hospital treatments reportable as adverse health care events. Berglin said the bill also prohibits billing the recipient of services for the treatments. Under the bill, Medical Assistance includes General Assistance Medical Care and MinnesotaCare, Berglin said. Mary Jo George, Minnesota Nurses Association, said there is a correlation between staffing levels and hospital-acquired conditions and the bill will aid in reducing hospital-acquired conditions.

The bill was approved and advanced to the Finance Committee.

## Oral health practitioner bill gains

Two bills offering different approaches to establishing the requirements and practice limitations for an oral health practitioner as a category of dental health were the focus of the Wed., Mar. 11, meeting of the Health, Housing and Family Security Committee. Members, chaired by Sen. John Marty (DFL-Roseville), heard testimony on both bills before advancing one measure to the Committee on Finance.

S.F. 1106, sponsored by Sen. Ann Lynch, establishes licensure and practice limitations for an oral health practitioner. S.F. 641, sponsored by Sen. Yvonne Prettner Solon (DFL-Duluth) establishes licensure and practice limitations for dental therapists.

Mike Scandrett, Minnesota Safety Net Coalition, said last year's legislation establishing a new mid-level dental professional called an oral health practitioner also established a work group to develop recommendations on the training and practice details. He said the result of the work group's recommendations are contained in S.F. 1106.

Scandrett said lack of access to dental care is one of the most important health problems for Minnesota children and adults, especially for those who are low-income, have a disability or special needs or live in rural areas. He said, according to the Dept. of Health, less than half of the low-income people who are on state health care programs received any dental care at all in 2006. He said the main barriers are the cost of dental care and a shortage of dentists who are willing to treat patients at reduced costs or practice in rural or communities or treatment settings.

Lynch said the bill sets forth the licensure requirements for an oral health practitioner. Under the bill, the individual must have graduated with a bachelor's or master's degree from an accredited or approved oral health practitioner education program, passed a comprehensive, competency-based clinical exam and an exam on the state's laws and rules relating to dentistry. The bill also allows the oral health practitioner to use the services of dental assistants, dental technicians and licensed dental hygienists. Lynch said the bill requires the practitioner to practice under the supervision of a Minnesota licensed dentist, limits the practice to settings that serve low-income, uninsured, or underserved patients or settings located in a dental health professional area. The bill also outlines the scope of practice for oral health practitioners, Lynch said. She said the practitioner may perform preventive, primary diagnostic, educational, palliative, therapeutic and restorative oral health services and may prescribe analgesics, anti-inflammatories and antibiotics.

Prettner Solon said that S.F. 641 requires a dental therapist to work under the supervision of a Minnesota licensed dentist and requires the collaborating dentist to accept responsibility for all services authorized and performed by the dental therapist. The bill also provides that a dental therapist may perform preventive, evaluative and educational oral health services.

Marilyn Loen, dean, College of Nursing and Health Sciences, Metropolitan State University described the curriculum Metro State has developed for oral health practitioners. She said the scope of practice is widened under the Metro State approach to allow the individual to provide services to the underserved while the collaborative dentist is off-site.

Patrick Lloyd, dean, University of Minnesota described the curriculum developed by the School of Dentistry at the University of Minnesota. He said under the University's model the dental therapist could provide services only when the collaborative dentist is on-site. Lloyd also said the program could not move forward if the governor's proposed cuts are enacted.

Members adopted an amendment attaching the language of the Prettner Solon bill, S.F. 641 to the language of the Lynch bill, S.F. 1106. S.F. 1106 was approved and advanced to the Committee on Finance.

## Health and Human Services Budget Division

### Marijuana bill heard

Members of the Health and Human Services Budget Division, chaired by Sen. Linda Berglin (DFL-Mpls.), gathered Tues., Mar. 10, to hear four bills.

S.F. 97, carried by Sen. Steve Murphy (DFL-Red Wing), allows the medical use of marijuana. Murphy said the bill provides regulation of the medical use of marijuana by setting limits for allowable amounts of marijuana and requiring qualifying patients and caregivers to possess registry identification cards, which are issued by the commissioner of health. He said the bill also authorizes registered organizations to grow and supply marijuana to patients and caregivers. Murphy presented a fiscal note for the bill which shows revenue from patient application and registered organization fees along with renewal application fees, failure to notify fines and identification card fees exceeding the general expenditures for the program by FY 2012.

Murphy offered an amended to increase fees related to patient and registered organization applications. The division approved the bill as amended and referred the measure to the full Finance Committee.

S.F. 727, authored by Berglin, transfers an existing appropriation from the Council on Developmental Disabilities in the Dept. of Administration to a disabilities self-advocacy group, Advocating Change Together. Berglin said the appropriation transfer allows Advocating Change Together to leverage additional federal funding against the grant awarded to them. .

The division approved the bill and sent the measure to the Finance Committee.

S.F. 694, also authored by Berglin, repeals an appropriation approved in 2007 to fund programs in Pine, Kanabec and Carlton Counties, which provide outreach services targeted at women who deliver children affected by prenatal alcohol or drug use.

Berglin offered, and members adopted, an amendment to allow the appropriation to be placed back into the children and economic assistance grants program and make the funds available until they are spent. The division approved the bill as amended and re-referred the measure to the Finance Committee.

S.F. 522, sponsored by Sen. Patricia Torres Ray (DFL-Mpls.), modifies the Lead Poisoning Prevention Act by reducing the allowable blood lead level for children under six years of age who are screened for lead.

Sam Yamin, public health scientist, Minnesota Center for Environmental Advocacy, said lead has toxic effects on the human brain and nervous system, especially in children. Yamin said evidence shows that high exposure to lead in children leads to elevated high school drop-out rates and increased juvenile delinquency and underage arrests.

The division laid the bill over to give Torres Ray an opportunity to review an amendment related to the companion version of the bill in the other body.

### MFIP bill heard

The Health and Human Services Budget Division, chaired by Sen. Linda Berglin (DFL-Mpls.), gathered Thurs., Mar. 12, to hear four bills, one of which relates to state assistance for low wage Minnesotans who lose their job.

S.F. 1150, authored by Berglin, appropriates \$3.5 million in FY 2010 and \$10.6 million for fiscal year 2011 from the Temporary Assistance for Needy Families (TANF) fund to the commissioner of hu-

man services to be allocated to counties and tribes for supported work for Minnesota Family Investment Program (MFIP) participants. Berglin said supported work includes paid transitional work experience and a continuum of employment assistance, including outreach and recruitment. It also includes program orientation and intake, testing and assessment, job development and marketing, preworksites training, supported worksite experience, job coaching and postplacement follow-up, she said.

Berglin said the economic stimulus act created an emergency fund for TANF to help states pay for increased use of the program during the economic downturn. She said revenue from the TANF fund is dedicated to the MFIP program, under the bill.

Deborah Schlick, Affirmative Options Coalition, said the MFIP program serves as an unemployment safety net for low wage working parents. Because of the current economic instability, more Minnesota families will be turning to MFIP for assistance in finding and maintaining more reliable employment, she said. Increased funding for the program is needed to deal with the rising demand for services, said Schlick.

S.F. 665, carried by Sen. Tony Lourey, (DFL-Kerrick), modifies provisions related to children aging out of foster care. The bill states that foster children for whom the commissioner or county has custody and financial responsibility on the 18th birthdays must be enrolled in Medical Assistance and must be certified eligible for Medical Assistance by the commissioner until their 21st birthdays. Lourey said the bill will help about 600 young people each year who leave foster homes at 18 years of age, but who often require ongoing mental health services and treatment. The bill gives them the added assistance they need as they make the difficult transition into adulthood, he said.

S.F. 378, authored by Sen. Sharon Erickson Ropes (DFL-Winona), modifies the makeup of the Drug Formulary Committee. The bill also adds requirements before the committee can require prior authorization of a drug and limits the committee's ability to require prior authorization for drugs prescribed for mental illness.

Erickson Ropes said the bill increases the transparency of the committee and adds more consumer representatives to the committee along with a clinical research-

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Senators Amy Koch (R-Buffalo) and Warren Limmer (R-Maple Grove) consult during the Thurs., Mar. 12, Senate floor session.

Photo by David J. Oakes

er. Sue Abderholden, director, National Alliance on Mental Health, said the bill provides increased access to medications because it does not require prior authorization for medications that treat mental illness if there is not a generic available or if there is a new method of delivery for the drug.

S.F. 503, sponsored by Sen. Ann Lynch (DFL-Rochester), expands the definition of mental health professional in the Comprehensive Adult Mental Health Act and the Children's Mental Health Act by adding a licensed professional in clinical counseling. The bill specifies the mental health professional must be a licensed professional clinical counselor with at least 4,000 hours of postmaster's supervised experience in the delivery of clinical services in the treatment of mental illness.

The division laid all bills over for possible inclusion in the omnibus bill.

## Higher Education Budget and Policy Division

### State grants reviewed

The Minnesota state grants program was reviewed by members of the Higher Education Budget and Policy Division at the Tues., Mar. 10, hearing.

Mark Misukanis, Office of Higher Education, said the state grant program is a need-based grant for Minnesota residents attending Minnesota institutions. He said the application process is the same as the process for federal Pell grants and that the grants are available for U.S. citizens and eligible non-citizens. He said the program distributes \$145 million to 83,000 students each year.

Misukanis said the price of attendance is assigned to three parties—students, their families and the taxpayers. Currently, the recognized price of at-

tendance includes an annual four year maximum of \$9,838 for tuition and fees and \$6,200 for living and miscellaneous expenses. Misukanis said the state grant program parameters are established in state law and include the recognized price of attendance and payment assignments. He said there are external benchmarks for tuition and fee maximums, which include the rate of inflation, the maximum public tuition and fees charged and the general public subsidy for higher education.

Meredith Fergus, Office of Higher Education, explained the calculations involved in determining assigned student responsibility, the assigned family responsibility and assigned taxpayer responsibility. Fergus said that college affordability is a growing concern for students and parents in Minnesota and nationally. In addition, she said the percent of income required of some families to pay college costs may be unreasonable. However, Fergus said the

state grant program design continues to serve the state well, but the effectiveness of the program is limited by the price of attendance is set artificially low.

Misukanis said low-income students have multiple barriers to higher education including a lack of academic preparation and college information.

Members also considered a bill aimed at targeted at helping low-income students become better prepared for higher education. S.F. 1293, authored by Pappas, requires higher education institutions to partner with high schools to promote college attendance, establishes high school-to-college developmental transition programs and revises the achieve scholarship program. Revisions in the achieve scholarship program include requiring students to complete a qualifying program in a high school or home-school program and graduate with an unweighted 2.5 point grade point average and having a family adjusted gross income of less than 185 percent of the federal poverty guidelines, Pappas said. She said students must also enroll full-time in the fall term immediate following high school graduation and be enrolled in a degree, diploma, or certificate program. Pappas said the bill also revises the maximum amount of the scholarship and sets the maximum qualifying expenses as the average total qualifying expenses at the four-year institutions of the Minnesota Colleges and Universities System.

Members laid the bill over for possible inclusion in the division's omnibus bill.

## Military coursework bill heard

The Higher Education Budget and Policy Division, chaired by Sen. Sandra Pappas (DFL-St. Paul), met Thurs., Mar. 12, to hear five bills.

S.F. 361, sponsored by Sen. Ron Latz (DFL-St. Louis Park), creates course equivalency guides for military coursework. Latz said the bill saves time and tuition dollars for veterans and creates an incentive for veterans to come to Minnesota for postsecondary education.

Deputy Commissioner Michael Pugliese, Veterans Affairs, said the measure could attract veterans to the U of M because the U of M currently gives credit sparingly for courses transferred from military schools.

The bill was approved and laid over for consideration in the omnibus bill.

S.F. 276, authored by Sen. Steve Murphy (DFL-Red Wing), expands the use of financial aid received as part of the public safety officer death benefit to include continued education at a postsecondary institution in a state with which the Office of Higher Education has a reciprocity agreement on student financial aid. The bill was approved and laid over for possible inclusion in the division's omnibus bill.

Sen. Dick Day (R-Owatonna) carried S.F. 397, which provides for remedial instruction in public postsecondary institutions. The bill was approved without recommendation and sent to the E-12 Education Policy Committee.

S.F. 537, sponsored by Latz, requires postsecondary institutions to notify prospective students of the potential effects of a criminal conviction on future employment.

Mark Hasse, director of public policy, Council on Crime and Justice, said the bill saves time and tuition for students who have a criminal background because they would be warned about future employment restrictions prior to entering their field of education.

Sen. Kathy Sheran (DFL-Mankato) offered an amendment to add a notification for postsecondary students regarding the effect a criminal conviction may have on obtaining federal, state and other higher education financial aid. The amendment was approved.

The bill was approved as amended and referred to the Judiciary Committee. The language in the measure was also laid over for inclusion in the omnibus bill.

S.F. 21, carried by Sen. Charles Wiger (DFL-St. Paul), establishes a P-20 partnership. The measure was approved and re-referred to the State and Local Government Operations and Oversight Committee. The language in the bill may also be considered for inclusion in the omnibus bill.

## Judiciary

### Older adult bills heard

The Judiciary Committee, chaired by Sen. Mee Moua (DFL-St. Paul), met Tues., Mar. 10, to consider several measures aimed at protecting vulnerable adults.

Judy Rehak, State Court Administrators Office, presented a report on issues relating to guardianship and conservator-

ship of vulnerable adults. Rehak said the study group assembled to consider the issues recommends the development of easily accessible information that can provide information for families and interested persons about the roles and limitations of the guardianship and conservatorship process. In addition, the group recommended mandatory education and training for persons appointed as a guardian or conservator as a condition of appointment, Rehak said. In addition, she said the group recommended providing necessary funding and professional resources for pre-decision assessment of the need for guardian and, in cases where a person has been receiving social services, include a representative from social services in conducting the pre-decision process. Rehak said other recommendations include the use of technology to expand case monitoring, monitoring of financial reporting and better complaint processing.

S.F. 758, sponsored by Moua, authorizes the disclosure of financial records in connection with financial exploitation investigations, modifies the procedures and duties for reporting and investigating maltreatment, specifies duties of financial institutions in cases alleging financial exploitation, modifies the crime of financial exploitation and imposes criminal and civil penalties.

Moua said the bill also modifies the criminal alert network law to provide for the dissemination of data regarding information on missing and endangered vulnerable adults. The measure also allows county attorney to subpoena the banking and financial records of vulnerable adults.

Ann Bebeau, St. Paul Police Dept., spoke in support of the measure. Bebeau said she has specialized in elder abuse cases and the bill adds further protections for vulnerable adults. She said very often elderly persons are unable to ask for help and are not aware of financial exploitation.

Phil Carruthers, Ramsey County Attorney's Office, said elder abuse is a severely underreported crime. He said according to the National Elder Abuse Incidence Study, only 16 percent of cases of the elderly abused or neglected in domestic settings were reported and substantiated by adult protective services.

Carruthers said most perpetrators are adult family members and that elder abuse is a crime of isolation and control. In ad-

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Tsering Yang Zom, Fridley, braves the cold on the Capitol steps during commemoration of the anniversary of Tibetan National Uprising Day Tues., Mar. 10.

Photo by A.J. Olmscheid

dition, Carruthers said elders abuse cases can be challenging to prosecute because of victims' diminished mental capacity, mental health issues, lack of victim cooperation and victim intimidation.

Members adopted an amendment addressing concerns raised by the banking community and specifying that financial institutions are immune from civil or criminal liability that might otherwise result from providing financial records. The measure was approved and advanced to the Health, Housing and Family Security Committee.

S.F. 412, also carried by Moua, enacts the Uniform Adult Guardianship and Protective Proceedings Jurisdiction Act. Moua said various states have differing laws relating to guardianship and protection of vulnerable adults. She said the

Uniform Laws Commission has developed a proposal to address problems of multi-state jurisdictions, transfer and out-of-state recognition.

Robert Tennessen, representing the Uniform Laws Commission, detailed the provisions of the measure. Tennessen said the bill defines home state, significant-connection state and another state for purposes of jurisdiction, specifies the procedure for transferring a guardianship or conservatorship to another state and outlines procedures to facilitate enforcement of guardianship and protective orders in other states.

The bill was approved and advanced to the full Senate.

Moua's final bill, S.F. 951, makes numerous changes to provisions relating to guardians and conservators.

Moua said approximately 22,000 Minnesotans are under private guardianship and the number will increase. She said the bill improves transparency and accountability of the guardianship and conservatorship systems.

The bill includes a representative of a state ombudsman's office or a federal protection advocacy program in the definition of interested person for purposes of guardianship and conservatorship proceedings, Moua said. In addition, she said the bill defines professional guardian or professional conservator, establishes a central registration system for guardians and conservators and establishes a bill of rights for wards and protected persons. The measure also modifies provisions governing the appointment of the counsel for a ward to require disclosures regarding potential conflicts of interest and establishes certification requirements for professional guardians, Moua said.

Bob McLeod, Probate Section, MSBA, said the probate section is concerned about the provision establishing a bill of rights for wards and protected persons because of language allowing wards unimpeded communication and visitation with persons of the ward or protected person, provided that if the court has found the communication or visitation may result in harm to the ward. He said the provision turns the concept of guardianship on its head because it restricts the guardian's ability to protect the ward.

Moua said that if a guardian decided visitation or communication would cause harm, the guardian could go to court to prevent the visitation or communication. Just because a person is under guardianship or conservatorship, doesn't mean they don't have a right to communicate with whom they want, Moua said.

The bill was approved and advanced to the Committee on Finance.

S.F. 60, authored by Sen. Linda Berglin (DFL-Mpls.), allows prisoners facing civil commitment to elect to remain confined in state correctional facilities beyond their scheduled release date to continue sex offender treatment. Berglin said the bill has two purposes--to allow inmates to finish treatment in a correctional facilities if they wish to do so and to reduce required expenditures by the state. Finishing treatment costs less than civil commitment, Berglin said.

Brent Wartner, Dept. of Corrections, said the department does not have the

resources to increase sex offender treatment programs. However, Berglin said the intent of the bill is to transfer funds from the Dept. of Human Services sex offender program to the Dept. of Corrections.

Berglin said the measure allows the exploration of the possibility of providing more effective treatment at a lower costs. However, committee members expressed concern about several provisions. The measure was laid over for further consideration.

S.F. 525, authored by Sen. Yvonne Prettner Solon (DFL-Duluth), establishes a regulatory system for technicians who perform body art procedures and for body art establishments. Moua said consideration of the bill should be limited to the judiciary issues contained in the measure. The bill provides with establishment license procedures, requires technicians to obtain informed consent, provides for investigations and provides penalties.

Prettner Solon said body art procedures are a growing business, yet there is no regulation of either the procedures or the practitioners. She said the bill is aimed at protecting consumers.

The bill was approved and advanced to the Commerce and Consumer Protection Committee.

Prettner Solon also authored a bill, S.F. 847, creates a pilot program for driver's license reinstatement diversion for individuals charged with driving without a valid license. Under the bill the person is required to successfully attend and complete educational classes, pay all required fees, fines and charges according to a schedule approved by the prosecutor, comply with all traffic laws and demonstrate compliance with vehicle insurance requirements. The measure is aimed at reducing the number of individuals who drive without a license after having been cited repeatedly.

The bill was approved and re-referred to the Finance Committee.

## Homeowner bills heard

The Judiciary Committee, chaired by Sen. Mee Moua (DFL-St. Paul), devoted the Thurs., Mar. 12, meeting to a variety of bills dealing with housing, warranties and lender mediation.

S.F. 638, carried by Sen. Linda Scheid (DFL-Brooklyn Park), removes an exception from a provision requiring contractors to make prompt payment to subcontractors. Scheid said the bill removes the

exception to prompt pay for residential property and single family dwellings. Scheid said the bill ensures prompt payment for residential subcontractors.

The bill was approved and advanced to the full Senate.

Sen. Kathy Saltzman (DFL-Woodbury), authored a bill, S.F. 170, providing that attorneys fees may be awarded to a homeowner who prevails in a breach of new home warranty cases.

Scott Andreson, an attorney, spoke in support of the measure and said under current law, homeowners are often forced to settle for less than the cost of repair because of mounting attorney fees. He said with the possibility of the homeowner being awarded costs and attorney fees, builders have a greater incentive to settle.

Joclyn Knoll, speaking on behalf of the Builders Association, said the normal rule is that each side pays attorney fees. She said the bill, though, takes discretion away from the courts and mandates that homeowners, if they prevail, will be awarded the attorney fees.

Discussion among members centered on whether the awarding of attorney fees should be mandatory or permissive. Sen. Don Betzold (DFL-Fridley) offered an amendment to provide that the attorney fees may be awarded if the homeowner prevails in a law suit. The amendment was not adopted.

The bill was approved and sent to the full Senate.

S.F. 264, sponsored by Sen. Lisa Fobbe (DFL-Zimmerman), provides homeowners with a longer period within which to notify contractors of construction defects. Fobbe said the bill extends the time period from six months to one year.

The bill was approved and sent to the Senate floor.

S.F. 470, carried by Sen. Sandy Rummel (DFL-White Bear Lake), clarifies the overall time limit during which claims may be brought for homeowner warranty claims to specify no action may be brought more than 12 years after the effective warranty date. The bill was also approved and referred to the full Senate.

S.F. 362, sponsored by Sen. Kevin Dahle (DFL-Northfield), eliminates the requirement that the notice of claim requirements for breach of a housing warranty be written. Members laid the bill over in order to draft an amendment to clarify the language.

Sen. Ron Latz (DFL-St. Louis Park) sponsored two measures. S.F. 6 allows homeowners to recover all damages incurred due to faulty construction. Latz said current law limits damages, but the bill allows for damages such as paying rent to live somewhere else while repairs are made.

Lisa Frenette, Builders Association, said under the bill, the term damages is too subjective and leaves open the possibility of too broad an interpretation.

S.F. 776 requires that existing statutory implied residential construction warranties be made as express warranties and be provided to the buyer in writing. The bill also prohibits waivers of the warranty.

Both measures were approved and sent to the full Senate.

Members reconvened after a one hour recess to tackle a bill requiring mediation prior to the beginning of foreclosure proceedings on homestead property. S.F. 340, sponsored by Sen. Linda Scheid (DFL-Brooklyn Park), also sets forth notice requirements, outlines the duties of the mediator, requires good faith on the part of the debtor and the creditor and provides for fees and appropriations. Scheid said the bill dovetails with legislation passed last year providing for an opportunity for counseling.

Scheid said foreclosures are affecting property values throughout the state. She said it is very important to stem the increase in foreclosures.

Bruce Johnson, assistant chief judge, Office of Administrative Hearings, said the Office of Administrative Hearings is the logical place for the foreclosure mediations. He said the office has a number of qualified mediators and has the ability to contract for additional mediators. Johnson said the office also has the infrastructure in place for mediations.

Kristin Beckmann, Habitat for Humanity, said Habitat for Humanity is the foreclosure counsel for the city of Minneapolis. Beckmann said that with the mediation process, perhaps it will prompt creditors to the table.

Joe Witt, Minnesota Bankers Association, spoke in opposition to the bill. He said association member banks are very much in favor of communication between lenders and debtors. He said the bill as currently written is too broad in scope. Witt said the local bankers and credit unions are not the problem and that every time there are changes there is a real costs

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for lenders. Mara Humphrey, Minnesota Credit Union Network, said credit unions are already working with mortgage holders to come to agreement on payment agreements. David Skilbred, Association of Community Bankers, said Minnesota banks and credit unions are not the target of the bill and should be excluded.

The bill was laid over to be considered at a later time.

S.F. 1147, sponsored by Sen. Linda Higgins (DFL-Mpls.), makes a number of changes in provisions relating to abandoned property.

Sgt. Richard Jackson, Minneapolis Police Department, Problem Properties Unit, said that foreclosed properties are becoming nuisance properties. Jackson said there is a progression in which the property is used for a party house, as a drug house, for prostitution, as a haven for gangs and finally stripped for copper. At that point the property is uninhabitable, Jackson said.

Higgins said the bill is a collection of provisions aimed at preventing properties from becoming nuisance properties. The measure requires that in cases where a city orders a vacant building to be secured, notice be sent to the owner of the record, the taxpayer or the holder of the mortgage or sheriff's certificate. In addition, the bill modifies provisions governing the reduced redemption period for abandoned property, establishes a duty to protect vacant foreclosed property and provides for the imposition of fines for failure to maintain property. The measure also alters the posting requirement for trespassing on construction sites and imposes civil and criminal penalties.

The bill was laid over in order to allow time to draft amendments.

## Public Safety Budget Division

### Federal stimulus funds described

The Public Safety Budget Division, chaired by Sen. Linda Higgins (DFL-Mpls.), met Wed., Mar. 11, to hear a description of the federal stimulus funds designated for public safety in Minnesota.

Jeri Boisvert, executive director, Office of Justice Programs, said the state will be awarded over \$32 million through the federal Office of Justice Programs in stimulus funding through three formula grant programs. She said the Byrne jus-

tice assistance grant program (JAG) is slated to receive \$29.157 million with 40 percent going directly to cities and counties and 60 percent going to the state to distribute. Boisvert said the victims of crime act program (VOCA) is slated to receive \$1.214 million with \$368,897 going for compensation payments to victims of violent crime and \$845,000 going for direct services to victims of crimes. The Violence Against Women Act program is slated to receive \$2.304 million, Boisvert said.

Boisvert said the purpose of the JAG program is to reduce or prevent crime by providing support to all components of the criminal justice system. She said the grants may be used for law enforcement programs, prosecution and court programs, corrections and community corrections programs and prevention and education programs. She said the distribution involves a competitive grant application process and must employ best or evidence based practices. She said the VOCA funding is to provide direct services to victims of crime and that the direct services will be integrated into the annual crime victim services application process.

The Violence Against Women Act funds are directed to the services, training, officers and prosecutors (STOP) program to promote a coordinated, multidisciplinary approach to improving the criminal justice system's response to violent crimes against women, Boisvert said.

Representatives of several programs, such as Big Brothers Big Sisters Twin Cities, Coalition against Sexual Assault and the NetWork for Better Futures, spoke on the successes the programs have had in the area of public safety.

## State and Local Government Operations and Oversight

### Several bills gain

The State and Local Government Operations and Oversight Committee, chaired by Sen. Ann Rest (DFL-New Hope), met Mon., Mar. 9, to hear a number of bills regarding civil rights, greenhouse gas emissions and employee background checks.

S.F. 538, sponsored by Sen. Ron Latz (DFL-St. Louis Park), is a proposal to change the timing during which a job applicant's background check becomes involved in the hiring process. The bill

provides that a public employer may not inquire into or consider the criminal record or criminal history of an applicant for public employment until the applicant has been selected for an interview, Latz said. He said the Dept. of Corrections is exempt from the conditions stated in the bill.

Councilmember Elizabeth Glidden, Minneapolis City Council, said the bill strengthens communities by allowing former criminals to find productive employment and start their lives anew. "The bill you're considering will provide positive change for people who are trying to do the right thing," Glidden said.

Lisa Jackson, who was incarcerated for four and a half years, spoke in support of the bill. She said that she and other people convicted of felonies have a difficult time finding work after being discharged from their sentence because they don't have a chance to explain their situations to employers. She said that the bill allows felons to be open about their crimes with employers instead of simply checking a box on an application that says they are a convicted felon with no chance of explanation.

Keith Carlson, Minnesota Inter-County Association, said the association has empathy with the goals of the bill, but wants some of its job positions to be exempt under the bill along with the Dept. of Corrections.

The bill was approved and referred to the Judiciary Committee.

S.F. 536, authored by Sen. Linda Higgins (DFL-Mpls.), authorizes a home rule charter or statutory city to adopt a program that requires persons or entities contracting with the governmental unit to hire a certain number of former offenders and low-income persons in the performance of construction or services contracts. The bill applies to government entities including cities, the state, the U of M and MnSCU, Higgins said. The bill was approved and referred to the Judiciary Committee.

Sen. Linda Scheid (DFL-Brooklyn Park) carried two bills. S.F. 423 specifies certain items as noncampaign disbursements. Under the bill, items such as paper plates and utensils are considered noncampaign disbursements. The bill was approved and placed on the Consent Calendar.

S.F. 32, also carried by Scheid, clarifies that an election judge may affirm an

oath rather than swear the oath. The bill was approved and placed on the Consent Calendar.

Sen. Mee Moua (DFL-St. Paul) authored S.F. 564, which restores the civil rights of an individual upon release from incarceration. The bill provides that an individual convicted of a felony is restored to civil rights when the individual is discharged from a correctional facility or the individual is placed on probation, parole, conditional release or supervised release, Moua said. The bill was approved on a roll call vote of 9-4 and referred to the Judiciary Committee.

Moua also sponsored S.E. 763, which requires a notice of restoration of civil rights to be provided to individuals convicted of a felony when their sentence has been discharged. The bill was approved and referred to the Judiciary Committee.

S.F. 444, carried by Sen. Yvonne Prettner Solon (DFL-Duluth), requires the commissioner of the Pollution Control Agency to establish a system for reporting and maintaining a greenhouse gas emissions registry. The bill was approved and re-referred to the Finance Committee.

Sen. Scott Dibble (DFL-Mpls.) sponsored S.F. 549, which adds greenhouse gas reduction goals and strategies to various state and metropolitan programs and plans and establishes goals for per capita reduction in vehicle miles traveled to reduce greenhouse gases.

Dibble offered an amendment to the bill that requires the Metropolitan Council to provide a policy for reducing vehicle miles traveled by at least 17 percent from 2005 levels by 2025. The amendment was approved.

The bill was approved as amended and re-referred to the Committee on Education.

## Voter registration bill gains

The State and Local Government Operations and Oversight Committee, chaired by Sen. Ann Rest (DFL-New Hope), met Wed., Mar. 11, to discuss several measures.

S.F. 660, authored by Sen. John Marty (DFL-Roseville), provides for automatic voter registration of applicants for a driver's license, instruction permit or identification card. The bill also requires public officials to provide additional data to the secretary of state such as name changes, restoration of civil rights or names from

the Social Security death index for use in maintaining the voter registration system, Marty said. He said the bill requires the secretary of state to determine, on a monthly basis, if any individual with active voter registration is currently serving a felony sentence, if an individual serving a felony sentence has voted when his or her civil rights were revoked or if an individual serving a felony sentence has been discharged from that sentence.

Secretary of State Mark Ritchie said automatic voter registration under the bill would increase accuracy and integrity in voting, reduce hassle for citizens and reduce cost to the state.

Sen. Chris Gerlach (R-Apple Valley) offered an amendment to delete the portion of the bill providing for automatic voter registration of applicants for a driver's license, instruction permit or identification card. The amendment failed.

The bill was approved and referred to the Judiciary Committee.

S.F. 815, authored by Sen. Linda Berglin (DFL-Mpls.), creates a medical supplies and equipment purchasing alliance. Berglin said the alliance would lower the cost to the state and vendors.

Kari Thurlow, Aging Services of Minnesota, spoke in support of the bill. Thurlow said the bill would allow aging services to hold down costs.

The measure was approved and referred to the Finance Committee.

Sen. Yvonne Prettner Solon (DFL-Duluth) sponsored S.F. 545, which adds a member appointed by the Minnesota Psychological Association to the Health Care Reform Review Council and makes modifications to the Minnesota Psychology Practice Act.

Sen. Rick Olseen (DFL-Harris) proposed an amendment to clarify that the new member of the Health Care Reform Review Council must be appointed by October 1, 2009. The amendment was approved.

The bill was approved as amended and referred to the Senate floor.

Sen. Linda Higgins (DFL-Mpls.) carried S.F. 872, which designates a Statewide Radio Board as Minnesota's State Interoperability Executive Committee. The Statewide Radio Board must develop a statewide plan for local and private public safety communications interoperability that integrates with the state's emergency operation plan, Higgins said. She said the board must also develop and uphold

guidelines and operational standards for local and private public safety communications interoperability in Minnesota and advise the commissioner of public safety on communications interoperability and on the allocation of funds made available to the state to support communications interoperability. The bill was approved and referred to the Judiciary Committee.

S.F. 999, authored by Sen. Gary Kubly (DFL-Granite Falls), requires that as of January 1, 2011, medical laboratory science professionals must be licensed. Kubly said the bill also creates a Medical Laboratory Science Professional Licensing Advisory Council to advise the commissioner on licensure standards, enforcement and issues related to violation of licensure. The commissioner of health must complete the first appointments to the council by September 1, 2009, and the first meeting must convene no later than October 1, 2009, Kubly said. The measure was approved and sent to the Judiciary Committee.

S.F. 487, sponsored by Sen. Tarryl Clark (DFL-St. Cloud), creates an Office of Early Learning. The office would coordinate the state's early childhood system to make early childhood education and programs more effective, Clark said. The office is required to report to the commissioners of education and human services and must coordinate funding streams for early childhood education and child care, she said. The bill was approved and sent to the Finance Committee.

Sen. Ron Latz (DFL-St. Louis Park) carried S.F. 82, which creates the Minnesota False Claims Act. The act establishes civil liability and remedies for claims against individuals who make false or fraudulent claims against the state, Latz said. He said the bill also contains whistleblower protection for employees. The bill was approved and referred to the Finance Committee.

S.F. 661, carried by Sen. Sandra Pappas (DFL-St. Paul), requires postsecondary institutions to prepare a list of students enrolled in the institution and residing in Minnesota and to provide the list to the secretary of state for the purpose of precinct matching for the November general election. The bill also provides for online voter registration confirmation, Pappas said.

Graeme Allen, director of government relations, Minnesota State University Student Association, spoke in support

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of the bill. Allen said the online voter registration under the bill is beneficial for students since many college students do most of their business online.

The bill was approved and referred to the Judiciary Committee.

Sen. Kathy Saltzman (DFL-Woodbury) sponsored S.F. 866, which clarifies the definition of comprehensive scientifically based reading instruction, outlines requirements for prekindergarten through grade six teachers and creates an assessment of reading instruction. The bill was approved and referred to the Committee on Education.

Rest sponsored S.F. 729, which modifies several personnel rules and procedures in Hennepin County. The bill permits an involuntarily demoted employee who fails probation to be dismissed for just cause if the employee's performance does not meet expectations, Rest said. She said the bill also provides that the period of probation during which a probationer may be dismissed or demoted without right of appeal may not exceed 12 months unless otherwise specified by the Hennepin County Resources Board. The bill was approved and referred to the Senate floor.

## State Government Budget Division

### Panel hears three bills

The State Government Budget Division, chaired by Sen. Don Betzold (DFL-Fridley), heard three bills at their meeting Mon., March 9.

Sen. Ann Rest (DFL-New Hope) authored all three bills heard at the meeting. S.F. 91 requires the commissioner of finance to maintain a Web site with a searchable database of state expenditures. The Web site will be available to the public, Rest said. The bill was laid on the table to be considered for possible inclusion in the division's omnibus bill.

S.F. 57 adds duties to the commissioner of finance, Rest said. The bill requires that the commissioner establish a process to monitor and encourage implementation of recommendations made to state agencies by the legislative auditor, Rest said. She said the bill also requires the commissioner to develop training materials and policies on internal controls and ensure that executive branch employees with financial responsibilities participate in a regular course of training on internal controls and financial management.

An amendment was proposed to clarify that recommendations made to state agencies and to the legislative auditor in the bill are not classified as new duties. Instead, the bill's language under the amendment encourages the commissioner to monitor recommendations made by the legislative auditor. The amendment was approved and the bill was laid on the table.

S.F. 107 clarifies and strengthens laws prohibiting misuse of state funds and prescribes criminal penalties for misuse of state funds, Rest said. Criminal offenses under the bill are classified as a gross misdemeanor and penalties include imprisonment for no more than one year or a fine of no more than \$3,000, she said. The bill was laid on the table for possible inclusion in the omnibus bill.

### Technology amendment heard

The State Government Budget Division, chaired by Sen. Don Betzold (DFL-Fridley), met Wed., Mar. 11, to consider a bill proposing an amendment to the constitution allowing state information technology systems, licenses and infrastructure to be financed by state bond sales.

Chief Author Ann Rest (DFL-New Hope) said the bill, S.F. 935, if approved by the voters, provides another tool for financing expensive technology systems. Rest said currently, the constitution does not allow bonds to be sold to finance technology systems. She said the constitution limits the use of bond proceeds to more bricks and mortar projects. Rest said another tool is the use of lease-purchase in order to acquire technology systems.

Members adopted an amendment changing the wording of the question to be submitted to voters. The amended version specifies that the question must say, "Shall the Minnesota Constitution be amended to permit the state to issue bonds for state information technology systems, licenses and infrastructure?"

John Lally, Office of Enterprise Technology, said the use of bond proceeds for technology is a tool to be used judiciously.

Members approved the measure and advanced the bill to the full Finance Committee.

In addition, members approved a bill, S.F. 319, modifying the distribution of sale proceeds when state bond financed property is sold. The bill, sponsored by Sen. Sandra Pappas (DFL-St. Paul), provides

that if the state property was acquired or bettered partly with state bond proceeds and partly with other money and was owned and directly operated and managed by a political subdivision, the net proceeds of the sale must be paid to the political subdivision.

The bill was also approved and advanced to the full Finance Committee.

## Taxes

### Levy limit abolition gains

The Taxes Committee, chaired by Sen. Thomas Bakk (DFL-Cook), met Tues., Mar. 10, to consider several bills for possible inclusion in the panel's omnibus bill. In addition, the committee took action on two measures, one of which abolishes levy limits.

S.F. 1054, carried by Bakk, abolishes property tax levy limits, modifies local government reporting requirements and repeals the mandate for truth in taxation hearings. Bakk said the bill provides more flexibility for local units of government because of the drop in local government aid from the state. The measure was approved and re-referred to the Rules and Administration Committee.

Bakk also sponsored a bill, S.F. 832, that extends the income tax exception to minimum contacts required for jurisdiction to ownership of property on the premises of a printer under specific conditions. The bill was approved and sent to the full Senate.

Three bills were heard and laid over for possible inclusion in the panel's omnibus bill. S.F. 609, authored by Sen. Kevin Dahle (DFL-Northfield), authorizes an increase in the city aid base for specific cities. S.F. 493, sponsored by Sen. Kathy Sheran (DFL-Mankato), modifies the usage of revenues from the special sales tax in the city of Mankato. S.F. 322, carried by Sen. Dick Day (R-Owatonna), authorizes the transfer of sales and use tax proceeds to a qualified transportation project within the city of Owatonna.

### Dreary economic forecast heard

Members of the Taxes Committee, chaired by Sen. Thomas Bakk (DFL-Cook), gathered Wed., Mar. 11, to hear an overview of the February economic forecast.

Commissioner Tom Hanson, Minnesota Management and Budget, said the budget shortfall for the 2010-11 bie-



Conducted by Stillwater's Oak-Land Junior High School orchestra teacher Julie Guerberg, Spritoso String performers fill the Capitol Rotunda with music Mon., Mar. 9.

Photo by A.J. Olmscheid

nium is now forecasted at \$4.6 billion. A \$1.166 billion reduction in forecast revenues caused by further deterioration in the United States economic outlook was more than offset by the \$1.359 billion in general fund assistance from the federal stimulus package, said Hanson. After factoring in a small state spending increase of \$152 million and the carry-forward of \$236 million from FY 2009's projected ending balance, the projected shortfall for the 2010-11 biennium falls by \$277 million from the November 2008 forecast, he said. Hanson said without the federal stimulus, the shortfall would have been closer to \$6.3 billion.

James Schowalter, assistant commissioner, Minnesota Management and Budget, said state and local governments are eligible for an estimated \$4.6 billion in aid, but much of the total is dedicated to

specific purposes and projects and doesn't directly impact the budget outlook. He said forecast projections are only impacted by federal matching funds for Medical Assistance, which will result in lower state spending of \$464 million in FY 2009 and \$1.4 billion in FY 2010-11. Aside from the Medical Assistance match, the state will likely receive \$800 million in state stabilization to cover base expenditures for education and health care programs and \$2 billion for infrastructure programs, said Schowalter. He said Minnesota will also receive competitive grants for programs related to "green" job development and health care related information technology, but monetary totals for the grants have yet to be determined.

State Economist Tom Stinson, Minnesota Management and Budget, said we are currently in what is likely to be the

longest and deepest recession since World War II.

He said Minnesota recession related job losses are projected to reach nearly 120,000 by 2010 and reductions in wages combined with substantial declines in capital gains and state revenue from individual income tax will further add to the budget shortfall. Although the federal stimulus will help shorten the recession, Stinson said that it is a short-term fix and only reduces budgetary pressures through FY 2011. He said the economy is now expected to begin growing again by early fall, but job growth is not projected to resume until early 2010. In conclusion, Stinson said consumer confidence and spending along with improvements in the credit, housing and job markets will all be key determining factors in the length and depth of the recession.

# Committee update

## TIF bills heard

The Taxes Committee, chaired by Sen. Thomas Bakk (DFL-Cook), met Thurs., Mar. 12, to consider bills dealing with tax increment financing and other special taxing districts.

S.F. 871, sponsored by Sen. Satveer Chaudhary (DFL-Fridley), extends the duration of a Columbia Heights tax increment financing district. S.F. 1184, carried by Sen. Ann Rest (DFL-New Hope), allows additional authority to spend increments for housing replacement district plans and authorizes the city of Brooklyn Park to establish housing replacement districts. In addition, the bill reauthorizes the cities of St. Paul and Fridley to use special laws for housing replacement.

S.F. 248, sponsored by Sen. Lawrence Pogemiller (DFL-Mpls.), modifies the Minneapolis downtown taxing area. S.F. 975, carried by Sen. Scott Dibble (DFL-Mpls.), includes transit improvement areas in the definition of tax increment financing districts designated as economic development districts.

All of the bills were laid over for possible inclusion in the committee's omnibus bill.

## Transportation Budget and Policy Division

### Driver's license bills heard

The Transportation Committee, chaired by Sen. Steve Murphy (DFL-Red

Wing) met Tues., Mar. 10, to hear six measures.

S.F. 345, carried by Sen. LeRoy Stumpf (DFL-Plummer), creates enhanced driver's license and identification cards to be used in place of passports for boarder crossings by land. The card, issued by the state, meets Homeland Security regulations, said Stumpf. The card has an electronic chip allowing the boarder patrol to identify citizenship, he said. After July, citizens will be required to show a passport to travel outside the United States and the enhanced driver's license or identification card allows for continued business and manufacturing between countries, Stumpf said. The bill was approved and re-referred to the Judiciary Committee.



Senators Steve Murphy (DFL-Red Wing) and Katie Sieben (DFL-Newport) look over the details of a bonding bill during a meeting of the Finance Committee Thurs., Mar. 12.

Photo by David J. Oakes

S.F. 1014, sponsored by Sen. Tarryl Clark (DFL-St. Cloud), requires that a driver's license or identification card application contain a space for an applicant to request a veteran designation on the license or card. Clark said the designation allows citizens to acknowledge the veteran's contribution and will be a useful tool for law enforcement. The measure was approved and re-referred to the Finance Committee.

S.F. 1028, carried by Sen. Kevin Dahle (DFL-Northfield), authorizes the city of New Prague to close Trunk Highway 19 annually for one weekend in September for the Dozinky Festival. Kristy Mach, executive director, New Prague Chamber of Commerce, said the character and integrity of the festival lies in its placement on the town's main street. The new closure rule of no more than four hours per day, implemented by MnDOT, might hurt the 25-year long community festival, she said. Scott Peterson, Minnesota Department of Transportation, said the new standards for closure of the highway were implemented because of population growth and safety concerns. The bill was approved and advanced to the Senate floor.

S.F. 454, carried by Murphy, removes state hazardous materials registration and permit requirements. Murphy said the federal standards for hazardous materials transportation are extensive and the state requirements are unnecessary. The bill was laid over.

S.F. 287, sponsored by Sen. Joe Gimse (R-Willmar), expands the use of public transit assistance fund to include pupil transportation costs. The bill transfers \$95 million of Metro transportation funds and \$5 million greater Minnesota transit funds to the commissioner of education for student transportation, said Gimse. Eighty percent of public school children ride the bus and education funding alone is unable to cover the costs for safely transporting all the children, he said. The bill was laid over.

S.F. 462, sponsored by Sen. Ron Latz (DFL-St. Louis Park), modifies and expands the existing DWI ignition interlock device pilot project, making it statewide. The device stops a vehicle from starting if it senses alcohol on the driver's breath, said Latz. The program helps people with a DWI get their driver's license back sooner and increases public safety, he said. The bill was approved and re-referred to the Judiciary Committee.

## Bonding bills gain

The Transportation Budget and Policy Division met in the early evening Wed., Mar. 11, to hear several bonding proposals. All of the measures were advanced to the full Finance Committee.

S.F. 1178, authored by Sen. Terri Bonoff (DFL-Minnetonka), authorizes an appropriation of \$500,000 for preliminary engineering, environmental analysis and land acquisition for the Little Crow Transit Way along or near Trunk Highway 12 between Willmar and downtown Minneapolis. S.F. 1279, authored by Sen. Leo Foley (DFL-Coon Rapids), provides for an appropriation of \$30 million from the bond proceeds account for a project at marked U.S. Highway 10 and Hanson Boulevard in the city of Coon Rapids and for the addition of a third travel lane on marked U.S. Highway 10 in each direction between Hanson Boulevard and Round Lake Boulevard in the city of Coon Rapids.

S.F. 827, sponsored by Sen. Kathy Saltzman (DFL-Woodbury), appropriates \$250,000 from the bond proceeds fund for the predesign and preliminary engineering of transportation and transit improvements, including busways or rail transit, in the marked Interstate Highway 94 corridor from the Minnesota-Wisconsin border extending westward through Washington County to downtown St. Paul.

Members also advanced S.F. 42, the bill making seat belt violations a primary offence, to the full Finance Committee. Chair Steve Murphy (DFL-Red Wing), chief author of the bill, said the reason the measure was back before the division was because at the full Finance Committee it was determined the fiscal note for the bill was inaccurate and the division needed to act upon the bill again.

## Photo cop bill gains

After acting as the Transportation Budget Division, members continued to meet as the Transportation Committee the evening of Wed., Mar. 11, to consider several policy measures.

One of the more controversial measures to come before the committee, S.F. 541, establishes an automatic enforcement of traffic control devices. The bill, dubbed the photo cop bill, sponsored by Sen. Linda Higgins (DFL-Mpls.), defines an automatic traffic enforcement system as consisting of one or more cameras and one or more vehicle sensors designed to

produce recorded images of motor vehicles entering an intersection or turning at an intersection in violation of an official traffic control signal.

The bill also sets forth the fine for violations, provides exceptions and specifies that \$8 of each fine be deposited in the law enforcement and trauma center assistance fund.

Members adopted an amendment requiring the citations issued for violations to be accompanied by the image, or photo, of the violation.

Lt. Gregory Reinhardt, Minneapolis Police Department, spoke in support of the bill. Reinhardt said the stop on red program initiated in Minneapolis reduced accidents by 31 percent overall. He said right angle accidents are the most common intersection accidents, but that type of accident was reduced by 42 percent. He said the photo cop program works at reducing accidents. In addition, Reinhardt said the cameras provide a deterrent. He said one officer may change the behavior of one driver at a time, but the camera program affected the behavior of thousands of drivers. He said the program allows for more effective deployment of officers and enhances the ability to enforce traffic laws.

An amendment requiring the recorded images to include an image of the driver was adopted. In addition, the amendment specifies that an image of the driver may be used as evidence of the identity of a driver by an owner or lessee who claims that the owner or lessee was not the driver at the time.

Jim Dahling, spoke in opposition to a portion of the bill. Dahling said legislation was enacted recently to exempt motorcycles that are not heavy enough to trip a left-turn signal from citations for left-turn violations, but the bill does not make the distinction. The panel adopted an amendment exempting motorcycles from the bill.

Members approved the bill and advanced the measure to the Judiciary Committee.

A bill, S.F. 359, prohibiting smoking in motor vehicles with children present failed to gain the committee's approval. Sen. Sandra Pappas (DFL-St. Paul), chief author, said children are more susceptible to the harmful effects of second-hand smoke and that being in a confined space, such as a motor vehicle, intensifies the degradation of air quality.

# Committee update

Sen. Dick Day (R-Owatonna) said the bill is too intrusive in the activities of private citizens. Other members echoed Day's concerns and failed to advance the bill on a voice vote.

In other action, members advanced several bills to the Senate floor. S.F. 933, authored by Sen. Terri Bonoff (DFL-Minnetonka), directs the commissioner of transportation to revise the statewide transportation plan and to include a study on the feasibility of establishing commuter transit service in the Little Crow Transitway on Trunk Highway 12 between Willmar and Minneapolis. S.F. 1124, carried by Sen. John Doll (DFL-Burnsville), prohibits a state agency, court, or public official from masking, deferring imposition of judgment, or allowing an individual to enter into a diversion program that would prevent a conviction for a violation of a state or local traffic control law from appearing on the driving record of a holder of a commercial driver's license. S.F. 492, authored by Sen. Dan Skogen (DFL-Hewitt), regulates the titling, registration and operation of mini trucks.

Sen. Scott Dibble (DFL-Mpls.) authored two bills. S.F. 1089 allows a state income tax credit for railroad track maintenance. Under the bill, the income tax credit is available for a Class II or III railroad or an entity that transports property on railroads or furnishes railroad-related property or services to a Class II or III railroad. The bill also sets forth the formula for calculating the credit. S.F. 1090 provides for a subtraction from federal taxable income, for state tax purposes, the amount of the federal tax credit allow for railroad track maintenance expenditures by Class II and III railroads. Both measures were advanced to the Taxes Committee.

## Lift bridge bill heard

Members of the Committee on Transportation, chaired by Sen. Steve Murphy (DFL-Red Wing), met Thurs., Mar. 12, to discuss a bill related to weight restrictions for trucks traveling over the Stillwater lift bridge.

S.F. 1091, sponsored by Sen. Ray Vandeven (R-Forest Lake), requires the commissioner of transportation to impose a gross vehicle weight limit of 9,000 pounds on the Stillwater lift bridge over the St. Croix River. The bill also requires the commissioner to erect signs on the Minnesota side of the bridge giving notice of the prohibition, while also making

arrangements with the state of Wisconsin for the posting of similar signs on the Wisconsin side of the bridge. Finally, the bill makes exclusions for emergency vehicles and motor vehicles engaged in work on the bridge, including snow and ice removal and flood control.

Mayor Ken Harycki, city of Stillwater, said the bill is aimed at providing traffic congestion relief for businesses and tourists in Stillwater by keeping trucks out of the downtown area. Furthermore, Harycki said the bill addresses the issue of frequent damage done to the bridge by trucks attempting to maneuver tight turns and constricted spaces along the path of the bridge. He said oversized, over height, or overweight trucks cause frequent structural harm to the bridge, which is forced to close numerous times each year for structural repairs. Harycki said many trucks cross over to Wisconsin on the Stillwater bridge to avoid safety inspections and weight scales located along Interstate 94, which is the next closest crossing.

Sen. Rick Olseen (DFL-Harris) offered an amendment to increase the weight limit to 26,000 pounds to accommodate commercial vehicles using the bridge to deliver and transport goods and services to Stillwater and the surrounding areas. The amendment was adopted. The committee approved the bill as amended and set the measure to the full Senate.

Kevin Gray, chief financial officer, Minnesota Department of Transportation (MNDOT), spoke to the committee about the governor's budget recommendations for three divisions of MNDOT—aeronautics, transit and freight. Gray said the governor is recommending a one-time appropriation in FY 2010 for airport development grants to fund capital projects within the aeronautics division. He said the governor is also proposing a reduction of \$1.924 million per year for the transit division. Gray said all three divisions will be receiving additional federal funding from the stimulus act to fund infrastructure projects, although the exact amount of funding is not yet known.

## Senate on the World Wide Web

The Minnesota Legislature's Web site has been updated. A joint effort of the Senate, House of Representatives, Legislative Reference Library, Legislative

Commissions, and the Office of the Revisor of Statutes, the site offers easier access to a variety of legislative and government information.

The Legislature's page (<http://www.leg.mn>) includes links to other government agencies and departments, as well as copies of Minnesota Statutes, Session Laws, and Rules. The page also allows one to track legislation and get general information about the legislative process. The site includes a district finder service for those who need to contact their House member or Senator. Other information—about visiting the Capitol, state history and symbols, and employment opportunities with the Legislature—is also available.

Information about joint legislative departments, the various legislative commissions, and task forces is available at <http://www.commissions.leg.state.mn.us>.

The House of Representatives Web page (<http://www.house.mn>) includes membership and committee information. It also has daily news, information, and the daily House schedule. House journals and legislative information are also available.

The Senate Web site (<http://www.senate.mn>) has information about members, committees and Senate staff. The page also has daily and weekly schedules for the Senate, as well as copies of the Journal and Senate Briefly. The status of legislation and confirmation of executive appointments by the Senate is also available.

Both the Senate and House Web sites offer streaming video access to floor and selected committees.

## Capitol Report: on air, online

Explore current policy issues and hear lawmakers discuss current legislative proposals by watching "Capitol Report," a weekly public affairs program produced by Senate Media Services. The program includes interviews with Legislators, agency heads and prominent policy experts. It also features historical and informational features about the Senate, the Capitol and Minnesota.

"Capitol Report" airs weekly on public television affiliates on cable access channels across Greater Minnesota. It is also available online, with archives going back to 2000: <http://www.senate.mn/media>

# Senate Briefly

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*Minnesota Historical Society Conservation Lab Staff Ann Frisina removes a Fourteenth Minnesota Volunteer Infantry Regiment flag from a display case in the Capitol Rotunda Mon., Mar. 16. Several historic flags were being removed for conservation work. Photo by David J. Oakes*



[March 20, 2009](#)

# Highlights

## Bonding bill passed

Final passage of a \$362.4 million bonding bill was the highlight of the Mon., Mar. 16, floor session. The bill, S.F. 781, authored by Sen. Keith Langseth (DFL-Glyndon), was granted final passage under a suspension of rules on 56-8 roll call vote.

Langseth said more than half of the projects contained in the measure are for asset preservation of state buildings, with the balance going to projects that will speed economic recovery. "What we tried to do this year, is make this a jobs bill," Langseth said. He said there is \$85 million for higher education asset preservation, with an addition \$24 million for the Bell Museum. The bill also provides \$26 million for flood mitigation projects and \$25 million for closed landfill cleanup, Langseth said. He said a number of the projects will leverage additional federal funds. Langseth said the state is 43rd in debt service rating per capita and with passage of the bill, the state will remain at 43rd.

Sen. Claire Robling (R-Jordan) offered an amendment to delete the appropriation for the Bell Museum and to appropriate the funds for higher education asset preservation. Robling said, "In tough economic times, we need to differentiate between wants and needs." Robling said the Bell Museum is more of a want than a need. She said asset preservation is more labor intensive and puts more people to work. In addition, Robling said asset preservation leads to energy efficiency and lower operating costs. Langseth said the higher education systems said

they can use the amount in the bill, but more would be problematic for this year. Sen. Ellen Anderson (DFL-St. Paul) said the Bell Museum is the state's natural history museum and badly needs a new building. The amendment failed on a 25-39 roll call vote.

Sen. Kathy Saltzman (DFL-Woodbury) offered an amendment to add a line item designating \$650,000 from the flood mitigation funds for the Stillwater flood control project. Saltzman said the state portion leverages federal funds for the project. Sen. Ray Vandeveer (R-Forest Lake) said it is important to note that the amendment does not add to the cost of the bill. Langseth said the amendment will leverage about nine or ten times the state appropriation. The amendment was adopted.

Sen. Steve Murphy (DFL-Red Wing) offered an amendment to the title on the high-speed rail line to conform with federal language and to require the renovated St. Paul Depot to allow for extension to Minneapolis. The amendment was adopted.

Robling offered an amendment to delete the \$11 million for the Como Park Zoo and designate the funds for the Minnesota Housing Finance Agency to providing housing for low and moderate income persons. She said our priorities should be for providing housing for homeless Minnesotans. Langseth said there is about \$38 million in the federal stimulus bill for housing. The amendment failed on a 31-32 roll call vote.

Sen. John Doll (DFL-Burnsville) offered an amendment to transfer the title of the Apple Valley Transit Center from the Metropolitan Council to the Minnesota Valley Transit Authority. The amendment was adopted.

The bill was granted final passage on a 56 – 8 roll call vote. The measure was then laid on the table to await the bill from the other body.

Sen. Bill Ingebrigtsen (R-Alexandria) moved to withdraw S.F. 1585 from committee and suspend the rules in order to grant the measure final passage. Ingebrigtsen said the measure is a resolution urging the state of California to retain jurisdiction over Kathleen Soliah during the period of her probation and allow her to remain in California. Ingebrigtsen said Soliah is being released from prison and has asked to serve her parole in Minnesota. However, Ingebrigtsen said California law enforcement and victims want

Soliah to serve her parole in California. Domestic terrorism is a very cowardly act and we should support California's law enforcement, Ingebrigtsen said. The motion failed on a 20 - 44 roll call vote.

In other action, members debated a bill requiring school districts to use shared services and cooperative purchasing. Chief Author Terri Bonoff (DFL-Minnetonka) said the bill, S.F. 10, allows more resources going toward educating children. Bonoff said there are exemptions for goods and services that are cheaper, or closer, or there is a regional need or there is an emergency need. She said the exemptions provide districts the flexibility they need. However, Bonoff said in those cases, districts must provide documentation.

Bonoff offered an amendment to include others ways school districts and charter schools may purchase goods and services such as a joint powers agreement or an intergovernmental agreement. The amendment was adopted.

Sen. David Hann (R-Eden Prairie) offered an amendment specifying that school districts and charter schools may purchase goods and services, when price competitive, from a regional service cooperative, an intermediate school district, a regional management information center or from state contracts available through the cooperative purchasing venture operated under the authority of the Dept. of Administration. The measure also requires the commissioner of administration to conduct outreach to school districts and charter schools to encourage the use of purchasing agreements.

Bonoff opposed the amendment and said it is not practical or efficient if left permissive. In addition, Bonoff said the real savings will come through the shared services portion of the bill.

The amendment failed on a 26-38 roll call vote.

Sen. LeRoy Stumpf (DFL-Plummer) spoke in support of the measure and said the bill is a very small step in offsetting anticipated cuts in education. Sen. Gen Olson, also speaking in support, said the bill allows more school funding to be used for educating students.

The bill failed to gain preliminary passage on a 31-33 roll call vote.

Preliminary passage was granted to two measures. H.F. 56, authored by Sen. Michelle Fischbach (R-Paynesville), makes a correction in a parks appropriation grantee. S.F. 740, carried by Sen.

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**Editor/Writer:**  
Karen L. Clark

**Writers:**  
Amanda Lillie  
Justin Thiessen

**Photographers:**  
David J. Oakes  
A.J. Olmscheid

Michael Jungbauer (R-East Bethel) authorizes Anoka County to use the design build process for a highway project.

Members began the floor session by granting final passage to bills on the Senate Calendar. S.F. 685, sponsored by Sen. Scott Dibble (DFL-Mpls.), provides for respiratory therapist licensing. S.F. 887, carried by Sen. Rod Skoe (DFL-Clearbrook), establishes a portion of Highway 200 as Veterans Memorial Highway. S.F. 265, carried by Sen. Ron Kelash (DFL-Mpls.), requires crime alerts to be distributed in a format that disabled citizens can access. S.F. 978, authored by Sen. Sharon Erickson Ropes (DFL-Winona), changes the requirements for shaken baby syndrome prevention training.

A number of noncontroversial bills on the Senate Consent Calendar also gained final passage. S.F. 32, authored by Sen. Linda Scheid (DFL-Brooklyn Park), clarifies that election judges may affirm the oath. S.F. 423, also carried by Scheid, specifies certain items, such as plastic ware and paper plates, as noncampaign disbursements. S.F. 404, sponsored by Sen. Charles Wiger (DFL-Maplewood), requires a notice to applicants for homeowners insurance that the insurer may cancel the insurance. S.F. 743, authored by Sen. Kevin Dahle (DFL-Northfield), updates weights and measures relating to petroleum standards. S.F. 236, carried by Sen. Jim Carlson (DFL-Burnsville), designates March 25 as Medal of Honor Day.

## Green acres bill passed

Senators met for a very brief floor session Wed., Mar. 18, in order to process committee reports and other work at the Front Desk. In addition, members granted final passage to three bills on the Senate Calendar.

H.F. 392, authored by Sen. Thomas Bakk (DFL-Cook), is a federal tax conformity bill. In addition to the conformity provisions, the measure also makes changes to the green acres law. The measure was granted final passage on a 52-9 roll call vote.

H.F. 56, sponsored by Sen. Michelle Fischbach (R-Paynesville), corrects the grantee for a parks appropriation in provisions enacted last year. S.F. 740, carried by Sen. Michael Jungbauer (R-East Bethel), authorizes Anoka County to use the design-build process for the construction of an intersection at U.S. Highway 10 and County State-Aid Highway 83.



Senators Dennis Frederickson (R-New Ulm) and Patricia Torres Ray (DFL-Minneapolis) discussed legislation during the Senate's Mon., Mar. 16, floor session.

Photo by David J. Oakes

## Brief session held

Senators met very briefly in floor session Thurs., Mar. 19, to process committee reports and other paperwork at the Front Desk. The approach of the first committee deadline Fri., Mar. 27, means long committee agendas that necessitate movement of bills from one committee to another. The floor session was recessed in order to allow time for more committee reports to be processed to facilitate the movement of bills between committees. The Senate then adjourned until Mon., Mar. 23.

## ATV restrictions bill gains

The Environment and Natural Resources Committee, chaired by Sen. Satveer Chaudhary (DFL-Fridley), convened Wed., Mar. 18, to take action on bills regarding all-terrain vehicle restrictions, the classification of electronic licensing information and technical modifications to sewage treatment system provisions.

Chaudhary sponsored S.F. 1655, which modifies operating restrictions for all-terrain vehicles. The bill provides for seizure and forfeiture of off-highway vehicles and provides criminal penalties for violations while operating an off-highway vehicle, Chaudhary said. A person may be convicted of a misdemeanor or gross

misdemeanor if they are in violation of provisions in the bill, he said.

Members adopted an amendment to allow confiscation of an off-highway vehicle after the second gross misdemeanor instead of the first gross misdemeanor. The bill was then approved as amended and re-referred to the Judiciary Committee.

S.F. 1341, authored by Sen. Mary Olson (DFL-Bemidji), classifies electronic licensing information and data maintained by the commissioner of natural resources. The bill provides that private data kept by the commissioner of natural resources may only be disclosed under certain conditions, including for use by a government agency, for use in connection with vehicle operator safety or theft, for use for information needed in court or for use by an insurance agency, among other conditions.

Members approved an amendment that places further restrictions on the release of data from the Dept. of Natural Resources. The bill was approved as amended and re-referred to the Judiciary Committee.

S.F. 1449, carried by Sen. Lisa Fobbe (DFL-Zimmerman), makes several changes to current sewage treatment systems provisions. The measure was recommended to pass and sent to the Senate floor.

# Committee update



Marshall High School students and Future Farmers of America members Meghan Carmody, left, and Taylor Welu listen to speakers in the Capitol Rotunda Wed., Mar. 18, during a National Agriculture Week event.

Photo by David J. Oakes

## Agriculture and Veterans Budget and Policy Division

### Hunger task force bill gains

The Agriculture and Veterans Budget and Policy Committee, chaired by Sen. Jim Vickerman (DFL-Tracy), met Tues., Mar. 17, to take action on a number of measures.

S.F. 691, carried by Sen. Sharon Erickson Ropes (DFL-Winona), regulates the application of pesticide by railroads. The bill requires a railroad company applying pesticide to its property to give at least 48 hours, but not more than ten days, advance posted notice to its employees who are expected to work in the area of the application, Erickson Ropes said. She said an employee may be offered commensurate reassignment if the individual believes exposure to the pesticide will be harmful to his or her health.

William Jorde, vice chairman, Brotherhood of Maintenance Way Employees,

Unified System Division, spoke in favor of the bill. He said many employees have expressed concern regarding the spraying of pesticides and the health implications involved and the bill would help answer employees' questions.

Ryan Sweeny, BNSF Railway, spoke in opposition to the bill, saying the bill is unnecessary because BNSF does not make its employees work under conditions that might make them sick. "We think the provisions are hard to work with in a real world situation," Sweeny said.

The measure did not move from the committee and was laid over for further consideration.

Sen. Dan Skogen (DFL-Hewitt) authored a measure that makes technical provisions to nursery laws. Geir Friisoe, plant director, Minnesota Dept. of Agriculture, said H.F. 598 protects consumers who have been buying products that die shortly after purchase. The bill was approved and referred to the Senate floor.

Vickerman sponsored S.F. 566, which makes technical changes to provisions regarding pesticide control law and the fertilizer, soil amendment and plant amendment law. The measure was approved and sent to the Finance Committee.

S.F. 1507, also sponsored by Vickerman, establishes the Feeding Minnesota Task Force. Vickerman said the task force will work to maximize the consumption of Minnesota grown produce and livestock by facilitating donations to charities that provide food for the hungry.

Newell Searle, Second Harvest Heartland, said the task force would begin the process of looking at what Minnesota has to offer in after-harvest products.

The bill was approved and referred to the State and Local Government Operations and Oversight Committee.

S.F. 1142, carried by Sen. Steve Murphy (DFL-Red Wing), declares June 13, 2009, Welcome Home Vietnam Veterans Day. The bill was placed on the Consent Calendar.

## Biofuels facility bill gains

The Agriculture and Veterans Budget and Policy Committee, chaired by Sen. Jim Vickerman (DFL-Tracy), met Thurs., Mar. 19, to hear two bills, a biofuels feasibility study report and the AURI budget presentation.

S.F. 1159, authored by Sen. Thomas Bakk (DFL-Cook), appropriates money for a renewable energy biofuels demonstration facility on the Bios Forte Reservation in St. Louis and Koochiching Counties. The funding will be used to design, construct, furnish and equip the demonstration facility, Bakk said. The bill was approved and referred to the full Committee on Finance.

Sen. Steve Dille (R-Dassel) sponsored S.F. 1241, which updates terms of the agricultural shared savings loan program, beginning farmer program, loan restructuring program, seller-sponsored program, agricultural improvement loan program and the livestock expansion loan program. Sen. Rod Skoe (DFL-Clearbrook) offered an amendment to change the maximum loan amount in one program from \$100,000 to \$160,000. Members adopted the amendment, approved the bill as amended and laid it over for possible inclusion in the division's omnibus bill.

Ken Valentas, Biotechnology Institute, U of M, provided members with an overview of the White Earth and Chisago, Isanti and Pine Counties Biofuels Feasibility Study. He said the object of the study was to determine the economic and technical feasibility of a biofuels or bioenergy demonstration plant using existing resources and to determine the future goals for bioenergy production. Valentas said that based on the study, the short term goal is to invest in wood and grass pellet plants and for White Earth to sustainably use its existing 48,000 acre tribal forest and convert its casino to wood pellet energy. The long term goal, Valentas said, is to build a renewable energy conversion plant to convert cellulosic biomass into carbon-neutral transportation fuels.

Kate Paris, planning and project development director, Agricultural Utilization Research Institute (AURI), gave an overview of the institute's budget. She said the total budget is \$6.131 million. Of the total budget, \$1.819 million is appropriated for new trend expenditures, \$2.166 million is spent on salaries and benefits and \$416,760 is used on labs and equipment, Paris said. She said \$521,300 is appropriated for team project expenditures

and \$618,044 for operations, contracted services and professional development.

## Business, Industry and Jobs

### Tax credit bills gain

The Business, Industry and Jobs Committee, chaired by Sen. James Metzen (DFL-South St. Paul), met Mon., Mar. 16, to take action on three bills, all authored by Sen. Kathy Saltzman (DFL-Woodbury).

S.F. 724 provides an income tax credit for a qualified taxpayer's investment in a new high-technology business venture in the state. The credit is equal to 25 percent of the taxpayer's investment in the business with maximum credit caps in place, Saltzman said. The measure was approved and re-referred to the Taxes Committee.

S.F. 292 provides a credit for investment in start-up and emerging Minnesota businesses. Michael Korengold, Enhanced Capital Partners, said the bill will raise \$200 million in investment capital. He said the tax credits do not kick in until four years from now.

The bill was approved and re-referred to the Taxes Committee.

S.F. 1446 establishes a technology matching grant program to provide financial assistance for commercialization activities. "We need to have a place for businesses to go for support in Minnesota," Saltzman said. The measure was approved and sent to the Finance Committee.

### Boiler operator bill gains

The Committee on Business, Industry and Jobs, chaired by Sen. James Metzen (DFL-South St. Paul), met Wed., Mar. 18, to take action on several bills.

Sen. Kathy Sheran (DFL-Mankato) authored S.F. 1189, which specifies training requirements for school district boiler operators. The bill requires school districts to provide licensed custodial engineers at least eight hours of boiler operation training each year, Sheran said.

Alicia Anderson, custodian, Champlin Park High School, said having qualified operators will reduce maintenance and energy costs to school districts.

The bill was approved and referred to the Committee on Education.

Sen. Dan Sparks (DFL-Austin) sponsored S.F. 1423, which clarifies that the Dept. of Labor and Industry is to assist employees and employers with the

workers' compensation system. The bill states that the commissioner must provide technical advice concerning rights and obligations to employees and employers. The bill also directs the commissioner to establish a workers' compensation assistance office, Sparks said.

Sen. David Tomassoni (DFL-Chisholm) offered an amendment to delete the portion of the bill that allows the commissioner to provide legal advice to an employee or employer. The amendment was adopted.

The bill was approved as amended and re-referred to the Committee on Finance.

Both Tomassoni and Metzen authored bills dealing with the practice of plumbing. S.F. 1273, carried by Tomassoni, modifies regulations on the practice of plumbing and S.F. 1272, sponsored by Metzen, requires plumbing inspectors to hold licenses as master or journeyman plumbers and have five years of documented, practical plumbing experience. Metzen's bill was amended onto S.F. 1273, approved as amended, and referred to the Senate floor.

S.F. 1425, sponsored by Sen. Rod Skoe (DFL-Clearbrook), provides for regulation of elevators in grain elevators. The bill instructs the Dept. of Labor and Industry to establish an advisory committee to review existing laws relating to elevators and manlifts in grain elevators and similar facilities, Skoe said. He said the advisory committee must report to the Legislature any changes needed to address maintenance criteria on elevators. The measure was approved and sent to the Senate floor.

S.F. 1477, authored by Sen. Dennis Frederickson (R-New Ulm), provides limited state building code exemptions for the Gilfillan Estate in Redwood County. The bill was approved and recommended for placement on the Consent Calendar.

S.F. 1476, carried by Sen. Thomas Bakk (DFL-Cook), makes several technical modifications to workers' compensation provisions. The measure was approved and referred to the full Senate.

## Commerce and Consumer Protection

### Pay day loan bills heard

The Commerce and Consumer Protection Committee, chaired by Sen. Linda Scheid (DFL-Brooklyn Park), met Tues., Mar. 17, to consider bills ranging from no-

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fault automobile insurance reform to pay day loan regulation.

Two bills dealing with pay day loans were discussed. S.F. 628, sponsored by Sen. Charles Wiger (DFL-Maple Grove), originally prohibited the ability of financial institutions to make pay day loans. Wiger said he did have an amendment that would allow loans to be made but would cap the interest rate at 33 percent. The amendment was adopted. Wiger said the loans are a type of financial quicksand.

Josh Fuhrman, director of counseling, Homeownership Preservation Foundation, said payday loans often increase the amount of debt and the level of stress. He said many consumers are already in crisis, but obtaining pay day loans exacerbates the problem.

S.F. 806, authored by Sen. Kevin Dahle (DFL-Northfield), regulates pay day lending. Dahle said the bill does not restrict access to pay day loans, in fact, the bill allows up to three short-term loans, plus a long-term loan within six months. Dahle said some short-term loans are used properly, but some borrows find themselves in a downward debt spiral. He said the bill prohibits loan churning. Dahle said the bill prevents borrows from becoming trapped in long-term debt.

Ron Elwood, Legal Services Advocacy Project, spoke in support of the bill. Elwood said the bill insures people can still get credit, but won't get trapped in the cycle in debt. The key to the bill is turning the short-term loans into an installment loan, he said.

Mark Peters, executive director, Lutheran Coalition for Public Policy in Minnesota, said reforming pay day loans is a top priority for the coalition. He said the stated purpose of pay day loans is to help consumers in an emergency situation, but the reality is much different. Peters said the target of the bill is the systemic practice of exploitation.

Paul Cassidy, representing Payday America, said the bill would effectively shutdown the short-term credit industry. He said the bill eliminates \$78 million in short-term credit at a time when economic hardship is hitting consumers hardest. He said the problem is with unscrupulous internet lenders who are not covered by the bill. Cassidy said the bill will drive consumers underground or to the internet. Cassidy said Minnesota already has the strongest short-term loan law in the country.

Scheid said the worry is that if the pay day loan businesses go away, the alternative may be greater fees, more bounced checks and more late fees. Sen. Mary Olson (DFL-Brainerd) said the businesses have found a way of exploiting low-income people and trapping them in debt.

The motion to advance the bill did not prevail.

Scheid authored a bill, S.F. 1310, providing for no-fault insurance reforms. Scheid said that the bill is a more modest effort to get positive benefit for consumers in the form of lower premiums than previous bills. Scheid said the bill focuses on medical costs and makes common sense reforms. The bill raises the weekly maximum disability and income loss benefit that an injured person may receive from \$250 to \$500 and raises the funeral and burial maximum from \$2,000 to \$5,000.

Scheid said that the bill limits medical expenses to reasonable medical expense benefits actually paid, rather than billed, but for an applicable deductible that is over \$4,000. The measure also prohibits an award for medical expense benefits if there is credible evidence of fraud, Scheid said. The measure also prohibits balance billing by health care providers.

Bob Johnson, Insurance Federation of Minnesota, spoke in support of the bill. He said the measure does not make major reforms, but does help in resolving some ambiguity in the no-fault law. He said if the health care was fully paid for on the terms the provider agreed to, the individual is not entitled to a greater benefit.

Nick Frentz, attorney, said Minnesota's no-fault system is one of the best in the nation, but the bill needs clarification on some terms.

The measure was approved and advanced to the Judiciary Committee.

Members also heard S.F. 406, sponsored by Sen. Thomas Bakk (DFL-Cook), which regulates franchise agreements between outdoor sport equipment dealers, manufacturers and distributors.

Bakk said the bill is aimed at improving the relationship between outdoor sports equipment retailers and manufacturers. The bill requires a signed contract between the parties, prohibits a manufacturer from dropping a retailer without cause, and provides for a succession type agreement in order for a dealer to pass the business on to the dealer's children, Bakk said. He said the measure also requires the dealer to perform warranty work

and requires manufacturers to buy back inventory when a dealership is terminated without good cause.

The bill was approved and re-referred to the Judiciary Committee.

## Liquor bills heard

Members of the Commerce and Consumer Protection Committee, chaired by Sen. Linda Scheid (DFL-Brooklyn Park), met Thurs., Mar. 19, to hear a variety of liquor related bills.

S.F. 1313, carried by Scheid, allows exclusive liquor stores to sell reusable, multiple purpose bags designed to carry purchased items. Scheid said the measure will be the vehicle for the omnibus liquor bill.

S.F. 31, also carried by Scheid, repeals restrictions relating to direct wine shipments. She said the bill was a technical, housekeeping measure.

S.F. 283, sponsored by Sen. Lawrence Pogemiller (DFL-Mpls.), authorizes Augsburg College to obtain a liquor license from the city of Minneapolis.

Jay Benanav, Augsburg College, said the bill allows the college to serve beer and wine at alumni events.

S.F. 219, sponsored by Sen. Tom Saxhaug (DFL-Grand Rapids), authorizes a convention center in Grand Rapids to obtain a liquor license.

S.F. 195, carried by Sen. Yvonne Pretter Solon (DFL-Duluth), authorizes the sale of liquor at the Duluth Entertainment and Convention Center during intercollegiate hockey games.

S.F. 239, authored by Sen. Ron Latz (DFL-St. Louis Park), allows the sale of devices designed to ensure safe storage and monitoring of alcohol in the home to prevent access by underage drinkers at exclusive liquor stores.

S.F. 1160, sponsored by Sen. Thomas Bakk (DFL-Cook), authorizes the city of Grand Marais to issue on-site liquor licenses to two lodging facilities within city limits.

S.F. 1506, carried by Sen. David Tomassoni (DFL-Chisholm), authorizes the sale of liquor to all attendees, not just people in premium seating areas and suites, at stadiums or arenas operated by the University of Minnesota.

S.F. 1318, carried by Sen. Dan Sparks (DFL-Austin), clarifies that public facilities may allow noncommercial alcohol use without licenses. Sparks said many cities are already allowing this activity and the

bill simply clarifies that the activity is acceptable by law.

S.F. 1620, sponsored by Sen. James Metzen (DFL-South St. Paul), allows the Metropolitan Airports Commission to extend hours of sale at on-sale locations within the security areas of the Lindbergh and Humphrey terminals.

All bills were amended onto S.F. 1313 and the measure was approved by the committee.

S.F. 1485, authored by Scheid, creates a new class of brewer and establishes a license fee.

Pete Rifakes, Minnesota Craft Brewers Guild, said the bill allows local microbreweries and brewpubs to promote and distribute products both on-site and throughout the state. Currently, Rifakes said microbreweries are not allowed to sell products on-site and brewpubs cannot distribute products to retailers.

The bill was laid aside to allow Scheid an opportunity to make further modifications.

S.F. 390, authored by Sen. Amy Koch (R-Buffalo), authorizes artisan distilleries. Koch said an artisan distillery is a distillery producing distilled spirits with a total quantity of under 25,000 gallons in a calendar year. The bill provides that the commissioner may issue and renew artisan distillery licenses for an annual fee of \$250. The bill also provide that distilled spirits produced under an artisan distillery license must be made at least 50 percent Minnesota produced or grown agricultural products. The bill was laid aside to give Koch more time to work on it.

S.F. 604, sponsored by Sen. Bill Ingebrigtsen (R-Alexandria), modifies provisions relating to farm wineries.

The committee approved the bill and re-referred the measure to the Finance Committee.

S.F. 1120, authored by Sen. Sandra Pappas (DFL-St. Paul), requires posting of notices related to human trafficking at establishments that sell alcoholic beverages at retail and lodging establishments that have been involved in prostitution-related activity.

Pappas offered an amendment specifying the wording that will appear on the postings. Pappas offered another amendment that narrows the required posting to establishments that have been the subject of multiple complaints related to human trafficking. Both amendments were adopted. The committee adopted

the amendments, approved the bill and re-referred the measure to the Judiciary Committee.

### Vacation home bill heard

The Commerce and Consumer Protection Committee reconvened for an evening session on Thurs., Mar. 19, to discuss three bills left over from the committee's afternoon agenda.

S.F. 894, authored by Sen. Dan Skogen (DFL-Hewitt), clarifies the definition of vacation home rental as it pertains to regulation and licensing of the home. Skogen said the bill will effect how vacation rentals are licensed.

Coleen Tollefson, Explore Minnesota, said the definition change has much more of an effect on how vacation homes are licensed and will only make minor changes in management requirements.

The committee approved the bill and re-referred the measure to the Committee on Health, Housing and Family Security.

S.F. 1539, sponsored by Sen. Chris Gerlach (R-Apple Valley), regulates viatical settlements and enacts and modifies the Viatical Settlements Model Act of the National Association of Insurance Commissions. Gerlach said viatical settlements are life insurance settlements.

The committee approved the bill and re-referred the measure to the Finance Committee.

S.F. 525, carried by Prettner Solon, establishes a regulation system for technicians performing body art procedures and for body art establishments.

Prettner Solon offered an amendment clarifying language for the licensure of technicians. The committee adopted the amendment, approved the bill and re-referred the measure to the Finance Committee.

## E-12 Education Budget and Policy Division

### Integration aid discussed

The Education Budget and Policy Division Subcommittee on Integration Aid met Mon., Mar. 16, to hear background information on integration aid in the state. Chair Terri Bonoff (DFL-Minnetonka) said the subcommittee was going to hear the 2005 Office of the Legislative Auditor about integration and begin the discussion that will lead to policy reform. Bonoff said the goal is for meaningful reform for the present and for the future.

Judy Randall, Office of the Legislative Auditor, gave an overview of the report. She said the report's major findings include determining that the purpose of the integration aid is not clear, that school districts vary widely in how they use integration revenue, and that neither the state nor the districts have assessed the results of the program. In addition, Randall said over the last five years, racial concentration has increased in some districts that participate in the program and that the department of education has not provided consistent oversight of the program. Finally, Randall said the funding program has some unintended and potentially negative consequences such as providing a disincentive for to fully integrate schools or districts.

Tom Gillaspy, state demographer, said the population of the state is changing and becoming more racially and ethnically diverse. However, Gillaspy said the state is among the least diverse. He said the sources for the change are migration and immigration. The populations of color are younger and are increasing faster than other populations, Gillaspy said.

He said that since the 2000 school year, enrollments of minority students have increased sharply. Gillaspy said it is expected that the Latino population will nearly double by 2020 and that African-American and Asian populations are also expected to grow. He said the national average of diversity is 33 percent, but even the most diverse counties will not catch up to the national average for quite some time.

Members also heard from several metro school districts, Morgan Brown of the Dept. of Education and Roger Banks of the Council of Black Minnesotans.

### Policy provisions heard

The E-12 Education Committee, chaired by Sen. LeRoy Stumpf (DFL-Plummer), met Tues., Mar. 17, to hear a bill regarding pre-kindergarten through grade 12 education policy provisions and modifications.

S.F. 1253, authored by Sen. Charles Wiger (DFL-St. Paul), makes several changes to existing pre-kindergarten through grade 12 education policies and also makes a number of technical changes to Minnesota statutes.

The bill ensures that statewide language arts assessments administered to students in the 2012-13 school year are

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aligned with state academic standards, Wiger said. He said the bill also provides for online learning. Lisa Barnidge, Dept. of Education, said the bill allows the commissioner to award state-funded, two-year grants for advanced placement summer training for secondary teachers. The measure also allows any Minnesota public, private or charter school to award Minnesota World Language Proficiency Certificates for students who demonstrate oral and written language skills at the American Council on the Teaching of Foreign Languages' Intermediate-Low level by way of assessment.

Sen. Patricia Torres Ray (DFL-Mpls.) offered an amendment to clarify that early learning systems must use culturally relevant assessment instruments and that a school board must employ teachers who are trained not only in early childhood development, but also cultural competency. The amendment was adopted.

No action was taken on the bill.

## Harassment bill heard

The E-12 Education Committee, chaired by Sen. LeRoy Stumpf (DFL-Plummer), met Wed., Mar. 18, to take action on several bills.

S.F. 971, sponsored by Sen. Scott Dibble (DFL-Mpls.), clarifies harassment, bullying, intimidation and violence policies. The bill requires school boards to adopt a policy by January 1, 2010, that prohibits harassment, bullying, intimidation and violence based on, but not limited to, race, color, creed, religion, national origin, sex, marital status, disability, socioeconomic status, sexual orientation, gender identity or expression, age and physical characteristics, Dibble said.

Kirk Schneidawind, Minnesota School Board Association said the enumerated policies in the bill is more effective in combating bullying because enumerated policies call attention to individual areas of discrimination that may be easily glossed over in existing policy. He also said the association supports the bill because it requires school boards to adopt a harassment policy rather than keeping it optional.

There were several other speakers who spoke in support of the measure, including representatives from OutFront Minnesota, the Minnesota PTA, the Family Equality Council and students from local high schools. Supporters of the bill said the new, enumerated policies force



*Perpich Center for the Arts student Andy Berlin tells members of the Education Committee Wed., Mar. 18, about the extreme harassment he experienced at his former high school. The committee was considering a bill to expand school anti-bullying and harassment definitions.*

Photo by David J. Oakes

all schools to take harassment and bullying more seriously, which will hopefully decrease the rate and intensity bullying occurs

No action was taken on the bill and more testimony will be heard at a later date.

S.F. 402, authored by Sen. Kathy Saltzman (DFL-Woodbury), modifies school background check requirements related to disciplinary action. The bill clarifies that disciplinary action does not include an action based on court-ordered child support or maintenance payment arrearages, she said. The measure was approved and referred to the Judiciary Committee.

Sen. Michael Jungbauer (R-East Bethel) carried S.F. 739, which allows school districts to waive background

check fees for volunteers. The bill was approved and laid over for possible inclusion in the omnibus bill.

## Reading corps bill heard

The E-12 Education Budget and Policy Division, chaired by Sen. LeRoy Stumpf (DFL-Plummer), gathered Thurs., Mar. 19, to take action on several bills, all of which were recommended for possible inclusion in the division's omnibus bill.

S.F. 851, sponsored by Sen. Kathy Saltzman (DFL-Woodbury), establishes a Minnesota reading corps program and appropriates \$1.7 million in FY 2010 and \$1.7 million in FY 2011 from the general fund for the program. The reading corps program provides Americorps members with a data-based problem-solving model of reading instruction to use in training

pre-kindergarten program providers and teachers with students in kindergarten through third grade, Saltzman said.

Saltzman also carried S.F. 866, which clarifies the definition of comprehensive scientifically based reading instruction and creates additional requirements for teacher licensure. The bill requires an individual to complete and pass a reading instruction assessment before receiving an initial teaching license to teach students in pre-kindergarten or elementary programs, Saltzman said.

S.F. 1107, authored by Sen. Charles Wiger (DFL-St. Paul), modifies deaf or hard of hearing resource center provisions. The bill requires the advisory committee for the resource center for the deaf and hard of hearing to meet at least four times a year and submit an annual report, Wiger said. He said the advisory committee must submit aggregate data-based education outcomes for deaf and hard of hearing children, consistent with state academic standards and assessments.

Tom Anderson, member of Commission of Deaf, DeafBlind and Hard of Hearing Minnesotans, said that as a father of deaf children, the bill would allow him to know how his children are doing in school compared to other students and state academic standards. He said that parents of hearing children are informed quarterly of their child's progression in school and parents of deaf or hard of hearing students deserve to know the same information.

S.F. 1342, carried by Sen. Terri Bonoff (DFL-Minnetonka), creates an alternative teacher preparation program and a resident teacher license for qualified nontraditional candidates.

Matt Kramer, president and chief program officer, Teach for America, said the bill allows Teach for America students to teach in the state of Minnesota. This is beneficial for the state of Minnesota, he said, because after a student finishes the two-year Teach for America program, he or she may be more likely to stay in Minnesota and continue teaching here.

## Arts Education reports heard

The E-12 Education Budget and Policy Division Subcommittee on Arts Education, chaired by Sen. Dan Skogen (DFL-Hewitt), gathered Fri., Mar. 20, to hear several presentations.

Mike Hiatt, Perpich Center for Arts Education, said the mission of the center is to provide all students in the state with the opportunity to develop their artistic

and academic abilities to their highest potential. Hiatt said the Perpich Center partners with schools to strengthen arts education in school districts throughout Minnesota. The center also provides arts courses for educators for professional development and technical support, he said.

Louise Chalfant, director of education, Guthrie Theater, told members she strongly supports giving 50 percent of the arts funding from the constitutional amendment passed last November to the Minnesota State Arts Board. "These are public funds and should be managed by a public system," she said.

Nicholas Smith, student and employee, Illusion Theater, said the theater provides educational plays for students of all ages through its peer education program. Illusion Theater has plays available that deal with the prevention of sexual abuse, violence, teen smoking and eating disorders, Smith said.

Sue Gens, Minnesota State Arts Board, said the board offers support for schools by matching funds for schools that want to sponsor artist residencies of one week or longer and providing grants for art education programs. Gens said the board serves over two million people in the state through its grants and activities.

Finally, Bill Strusinski, Minnesota Public Television Association, spoke about the importance of MPTA in the state. He said that the programs aired on MPTA allow all Minnesotans to engage in arts education regardless of their mobility, income or education. Strusinski said that funding provided by the amendment passed last November could allow Prairie Public, serving the Moorhead/Crookston area, to provide educational services to nearly 100 school districts in Northwest Minnesota. Additional funding would also allow KSMQ, serving the Austin/Rochester area, to produce historical documentaries about communities in Southern Minnesota, he said. The projects made possible by additional funding would create jobs throughout the state, he said.

## Economic Development and Housing Budget Division

### Panel tour businesses

The Economic Development and Housing Budget Division devoted the Mon., Mar. 16, hearing to a tour of businesses in Senate District 34 and in the JOBZ program affected by the economic

crisis. The panel is chaired by Sen. David Tomassoni (DFL-Chisholm).

### Unemployment assistance bill gains

Members of the Economic Development and Housing Budget Division, chaired by Sen. David Tomassoni (DFL-Chisholm), met Wed., Mar. 18, to hear five bills.

S.F. 1197, authored by Tomassoni, conforms Minnesota law to the requirements necessary to receive federal stimulus funds for unemployment insurance relief.

Lee Nelson, legal affairs director, Department of Employment and Economic Development (DEED), said the state is on track to receive approximately \$130 million in federal unemployment assistance. Nelson said the money will be deposited into the unemployment trust fund, where it will earn interest of roughly \$100,000 per week. The federal assistance, along with the interest, will help sustain the trust fund, which is slated to go into deficit without the assistance, he said.

The division approved the bill and re-referred the measure to the full Finance Committee.

S.F. 952, authored by Sen. Dan Sparks (DFL-Austin), appropriates \$1.1 million each year in FY 2010 and 2011 from the general fund to the commissioner of employment and economic development for the operation of the BioBusiness Alliance of Minnesota.

CEO Dale Wahlstrom, BioBusiness Alliance of Minnesota, said the funds are to create, recruit, retain and expand biobusiness activity in the state. Wahlstrom said the funds will also be used to implement the destination 2025 statewide plan to promote the growth of biobusiness in Minnesota. Biobusiness includes medical devices, biopharmaceuticals, renewable energy and renewable materials, Wahlstrom said.

Sparks said the bill allows Minnesota to stay competitive relative to other states and nations working in the biobusiness industry.

S.F. 1198, sponsored by Sen. Terri Bonoff (DFL-Minnetonka), makes technical and policy changes to DEED and unemployment insurance. Bonoff said the measure is a technical bill that makes a number of housekeeping changes and specialized amendments to current law.

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S.F. 1057, carried by Sen. Mary Olson (DFL-Bemidji), appropriates \$1.375 million in both FY 2010 and FY 2011 from the workforce development fund to the commissioner of employment and economic development for opportunities industrialization centers.

The division laid all three bills on the table for possible inclusion in the omnibus bill.

S.F. 1329, carried by Sen. Dennis Frederickson (R-New Ulm), provides that the federal money allocated under the American Recovery and Reinvestment Act of 2009 for capitalization grants for clean water and drinking water state revolving funds is appropriated to the Public Facilities Authority for deposit into the clean water revolving fund and the drinking water revolving loan fund.

The division approved the bill and referred the measure to the full Finance Committee.

## Housing bills heard

The Joint Health, Housing and Family Security Committee and Economic Development Budget Division Subcommittee on Housing, chaired by Sen. Ken Kelash (DFL-Mpls.), met Fri., Mar. 20, to consider a variety of housing bills.

S.F. 969, presented by Sen. David Tomassoni (DFL-Chisholm) on behalf of Sen. Scott Dibble (DFL-Mpls.), modifies provisions relating to children aging out of foster care. Tomassoni said that on any given night 1,800 unaccompanied young people are homeless.

Kirsten Anderson-Stembridge, director of advocacy, Lutheran Social Services, and Andrea Simonett, director of Catholic Charities Hope Street Runaway and Homeless Youth Services, described the circumstances of young people who are homeless. Simonett said shelter beds for young people are almost always filled.

Tomassoni said the bill provides a safety net for children who age out of the foster care system. The bill appropriates \$4 million for outreach and services to young people between age 18 and 21. Originally, the bill provided for enrollment in Medical Assistance and for local agencies to develop a specific plan, if requested for vocational, educational, and social needs. Members adopted an amendment deleting the policy provisions in the bill. Tomassoni said the measure is the vehicle for a number of bills relating to homeless youth. The bill was approved

and advanced to the Economic Development and Housing Budget Division.

A bill, S.F. 1269, modifying provisions relating to the manufactured home relocation trust fund. Tomassoni (DFL-Chisholm), chief author, said the relocation trust fund was established to help manufactured home owners relocate if their park closed or was sold. Currently, manufactured home owners are required to pay \$12 by August 15 each year to the park owner who, in turn, forwards the payment to the commissioner of finance for deposit in the fund. However, Tomassoni said administrative problems have necessitated the changes contained in the bill. Under the bill, a park owner may collect, along with monthly lot rent, a fee of \$1 to cover the cost of participating in the relocation fund.

Justin Bell, All Parks Alliance for Change, said there were great variations in the way park owners notified residents about the fee, collected the fee and forwarded the funds to the commissioner of finance. In addition, there has been a great deal of confusion in the notification process. He said the bill simplifies the process of collecting the fee and ensures the fund is able to help residents whose park closes or sold.

Members advanced the bill to the Finance Committee without recommendation.

S.F. 1077, authored by Sen. Gary Kubly, appropriates \$600,000 for continuum of care planning in Greater Minnesota. Liz Kuoppala, Minnesota Coalition for the Homeless, said the continuum of care planning allows for consolidating the planning for many small projects in order to be able to prioritize the grant process. The bill was approved and referred to the Economic Development and Housing Budget Division.

S.F. 1534, carried by Tomassoni, appropriates \$1 million in each year of the biennium to a nonprofit organization selected to administer the demonstration project for high-risk adults. Tomassoni said the bill allows homeless, high-risk adults a chance to get their lives back. The bill was approved and advanced to the Economic Development and Housing Budget Division.

S.F. 1166, authored by Kelash, modifies the eligibility requirements for group residential housing. The bill provides that an individual, who is otherwise eligible for group residential housing, does not

lose eligibility because of employment for 12 months or until the individual is not income-eligible for group residential housing. The bill was approved and referred to the Health, Housing and Family Security Committee.

S.F. 1552, carried by Kelash, is the Neighborhood Renewal Act. Kelash said the bill provides for the rehabilitation of housing that is vacant and abandoned as a result of the foreclosure crisis. In addition, the bill provides a legal process to appoint receivers for abandoned properties and recovery of funds spent to bring the property up to code. The measure was approved and referred to the Health, Housing and Family Security.

## Energy, Utilities, Communications and Technology

### Utility bill heard

The Energy, Utilities, Technology and Communications Committee, chaired by Sen. Yvonne Prettner Solon (DFL-Duluth), met Tues., Mar. 17, to discuss a bill that would prohibit public utilities from owning and operating nonutility companies.

S.F. 43, carried by Sen. Don Betzold (DFL-Fridley), regulates the use by a holding company of certain public utilities earnings. The bill provides that a holding company may not use or attempt to use the earnings or financial assets of a public utility affiliate in a holding company system to support the business operations of a nonutility affiliate in the same holding company system.

Bruce Knight, general manager, Superior Engineering Company, said a fundamentally unfair business environment exists because publicly-regulated utilities and entities containing publicly-regulated utilities can own, control and operate non-utility businesses. Knight said S.F. 43 is a remedy to the situation that can be implemented without losing jobs, damaging lives or hurting investors. Because of their special status, Knight said utilities enjoy three huge advantages not available to other businesses which include guaranteed cash flow, highly predictable profit and excellent credit. Utility subsidiaries have access to the cash and credit generated by the utility, giving them the advantage to bid jobs more aggressively and offer goods and services at a rate that



*Under the watchful eyes of U.S. Senator William D. Washburn, Senators Tom Saxhaug (DFL-Grand Rapids), left, and Bill Ingebrigtsen (R-Alexandria) converse in the back of the Senate chamber during the Thurs., Mar. 19, floor session.*

Photo by David J. Oakes

can't be matched by independently-owned competitors, said Knight.

Mayor Matt Brenk, city of Detroit Lakes, said Otter Tail Power Company currently owns and operates a tool and die company in Detroit Lakes. The company, BTD Manufacturing Inc., which employs 500 people in the state and has a local payroll of \$23 million, plays a major role in the stability of the city's economy and a change in ownership would jeopardize the BTD's ability to remain in the community, he said. Brenk said proponents of the bill claim that operations of BTD are subsidized by Otter Tail's rate payers, even though two recent rate reviews done by the Public Utilities Commission have revealed no evidence to validate the claim.

The bill was not approved by the committee.

S.F. 896, authored by Sen. Chuck Wiger (DFL-Maplewood), authorizes two or more existing municipal power agencies to collectively form a municipal power agency.

Leo Routys, vice president of renewable development, Avant Energy, said the bill will permit smaller companies to form

municipals, giving them the ability to undertake larger scale projects by allowing them to combine capital and resources.

The committee approved the bill and recommended the measure for inclusion on the consent calendar.

### **Electric car bill gains**

Members of the Energy, Utilities, Technology and Communications Committee, chaired by Sen. Yvonne Prettner Solon (DFL-Duluth), gathered Thurs., Mar. 19, to hear a number of bills seeking inclusion in the omnibus energy bill.

S.F. 916, authored by Sen. Scott Dibble (DFL-Mpls.), establishes incentives for the adoption and use of electric vehicles and regulates electric vehicle infrastructure. Dibble said the bill is aimed at placing Minnesota in a leadership position among other states in the country in the area of electric car technology and development.

Dibble offered an amendment to clarify language to bring the bill in compliance with national energy code. Sen. Ellen Anderson (DFL-St. Paul) offered an amendment to add policy to the bill

to increase demand for electric vehicles and promote Minnesota manufacturing of the vehicles. The committee adopted the amendments, approved the bill and sent the measure to the State and Local Government Operations and Oversight Committee.

S.F. 1430, carried by Sen. Sandra Pappas (DFL-St. Paul), amends the definition of "qualifying solar electric project" to include energy storage equipment and to include installation in publicly owned buildings.

S.F. 526, sponsored by Prettner Solon, requires an annual legislative report on the adequacy of electric transmission infrastructure.

Prettner Solon offered an amendment to add some clarifying language regarding the specifications that must be in the report. The committee adopted the amendment.

S.F. 1213, also sponsored by Prettner Solon, modifies certificate of need exemption status for large wind-powered electric generation facility.

S.F. 670, authored by Sen. Kevin Dahle (DFL-Northfield), mandates inclu-

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sion of strategic tree planting as eligible for direct expenditures as energy conservation improvement.

Dahle offered an amendment establishing cost-effective energy efficiency performance standards for new and substantially reconstructed commercial buildings. The amendment was adopted by the committee.

S.F. 841, also authored by Dahle, requires the commissioner of commerce to study the issue of disclosing the energy use of a residence to a purchaser or renter. The bill requires the commissioner to convene a stakeholder group to assist in the study, which will report the results of the study, along with any recommended legislation, to the chairs of the committees of the Legislature with primary jurisdiction over energy policy by January 12, 2010. Dahle said energy use information could be invaluable to prospective home buyers and renters.

Dahle offered an amendment to replace the commissioner of commerce with the Legislative Energy Commission as the entity that will conduct the study. Sen. David Senjem (R-Rochester) offered an amendment to include ranking minority members to the list of individuals that will receive the results of the study. The committee adopted both amendments and laid the bill over for possible inclusion in the omnibus bill.

All six bills were laid over for possible inclusion in the omnibus bill.

S.F. 1642, sponsored by Anderson, transfers the responsibilities of the Office of Energy Security to the Pollution Control Agency (PCA) and renames the PCA as the Department of Energy and Environmental Protection. The bill also creates the Department of Energy and Environmental Protection under the control and supervision of a commissioner. Furthermore, the bill creates the Board of Energy and Environmental Protection, which consists of the commissioner and eight members appointed by the governor. Lastly, the bill transfers the responsibilities of the commissioner of labor and industry to the commissioner of commerce and renames the commissioner of commerce as the commissioner of labor and commerce.

Anderson said the bill will make state government more efficient and effective and is meant to elevate discussion of energy policy to another level.

The bill was referred to the Committee on Environment and Natural Resources without recommendation.

## Environment and Natural Resources

### Clean Car testimony begins

After a long floor session, members of the Committee on Environment and Natural Resources, chaired by Sen. Satveer Chaudhary (DFL-Fridley), gathered briefly on Mon., Mar. 16, to begin public testimony on the Minnesota Clean Car Act

S.F. 674, sponsored by Sen. John Marty (DFL-Roseville), establishes the Minnesota Clean Car Act, which requires decreased emission of air pollutants and greenhouse gas pollution from new motor vehicles. Marty said the increased emissions standards will save Minnesotan's money while improving the quality of air in the state. Marty said the bill would likely increase the average cost of vehicles sold in the state, but the average consumer would end up saving roughly \$24 per month because of reduced operating costs brought about by driving a "cleaner" car. The bill would also put pressure on car makers to use new technologies to develop more efficient vehicles, said Marty. Marty said the bill helps the state meet the goals recently established by the governor and the Legislature for cleaner air through reduced greenhouse gases brought about by automobiles burning cleaner fuels. Marty said 14 other states have already enacted similar legislation.

Kevin Paap, president, Minnesota Farm Bureau Federation, said uncertainties related to state government regulation, flexible fuel vehicle availability and consumer costs leave many farmers with an uneasy feeling about the bill. Although farmers are committed to respecting and protecting the state's natural resources, they must also consider the business implications of any regulation affecting their farms, said Paap.

Chaudhary said further discussion of Marty's bill will continue at a later date.

### Omnibus policy bill heard

Members of the Committee on Environment and Natural Resources, chaired by Sen. Satveer Chaudhary (DFL-Fridley), gathered Wed., Mar. 18, to discuss the omnibus policy bill.

S.F. 1110, carried by Chaudhary, modifies a number of natural resources, state park and outdoor recreation provisions. Chaudhary said the bill is the omnibus policy bill and is comprised of

measures previously heard and approved by the committee.

Chaudhary offered an amendment to add a section regarding additional rules for game and fish regulation.

Members also heard two additional bills. S.F. 640, authored by Sen. Kenneth Kelash (DFL-Mpls.), provides for a temporary drawdown of public waters.

Kevin Bigalke, administrator, 9 Mile Creek Watershed District, said the bill makes changes to current law to allow for the drawdown of public water if the drawdown happens in reaction to a public waters project that is deemed beneficial by the commissioner and is approved by the majority of the riparian landowners affected by the project.

The committee approved the bill. S.F. 1399, sponsored by Sen. Yvonne Prettner Solon (DFL-Duluth), approves the consumptive use of water for snow-making in St. Louis County. Prettner Solon said the bill allows the Spirit Mountain Recreation Authority to draw water directly from the St. Louis County basin as opposed to drawing it from the Duluth city water utility for the intent of making snow for recreational purposes.

Renee Mattson, executive director, Spirit Mountain Recreation Authority, said the bill allows Spirit Mountain, which uses about 66 million gallons of water each season to make snow, to make snow in half the time it currently takes. The bill also relieves water consumption stress currently being imposed on the city utility, said Mattson.

The committee approved the bill. Chaudhary offered an amendment to include both S.F. 640 and S.F. 1399 in the omnibus policy bill. The committee adopted the amendment, approved the bill and re-referred the measure to the Judiciary Committee.

## Environment, Energy and Natural Resources Budget Division

### Clean water budget discussed

The Environment, Energy and Natural Resources Budget Division Subcommittee on Clean Water Legacy, chaired by Sen. Sandy Rummel (DFL-White Bear Lake), met Mon., Mar. 16, to hear a presentation of the governor's clean water legacy recommendations.

Fiscal Analyst Dan Mueller said the governor recommended \$39.484 million in the clean water legacy fund for FY 2010 and \$78.741 for FY 2011.

Assistant Commissioner Rebecca Flood, Minnesota Pollution Control Agency, gave an overview of the clean water fund. She said that of the \$118.24 million proposed for the clean water fund in FY 2010-11, \$15.56 million is appropriated for assessment and monitoring, \$25.094 million for total maximum daily load (TMDL) development, \$68.4 million for protection and restoration and \$9.19 million for drinking water protection.

Assistant Director Julie Klocker, Board of Water and Soil Resources, said \$24.7 million is appropriated for non-point restoration and protection projects, \$3.25 million for local resource conservation and preservation grants, \$980,000 for conservation drainage, \$3.75 million for feedlot water quality improvement and \$1.87 million for measures and results.

Joe Martin, assistant commissioner, Dept. of Agriculture, said the department has requested \$4.5 million from the clean water legacy fund for the agriculture best management practices loan program to be used for protection and restoration, \$2.625 for staff technical assistance, research, pilot projects and demonstration sites, \$675,000 for pesticide monitoring and assessment and \$1.125 million for drinking water protection.

Executive Director Terry Kuhlman, Public Facilities Authority, said the PFA has asked for \$2.875 million for small community wastewater treatment programs. He said the PFA also requested \$15 million for a TMDL grant program and \$7.5 million for a phosphorus reduction grant program. Kuhlman said the PFA expects \$82.564 million to be appropriated for clean water and \$24.577 million for drinking water from the federal stimulus package.

## Panel hears bill, testimony

The Environment, Energy and Natural Resources Budget Division, chaired by Sen. Ellen Anderson (DFL-St. Paul), met Tues., Mar. 17, to discuss one bill and hear public testimony on the governor's recommendations.

S.F. 35, authored by Sen. Jim Vicker- man (DFL-Tracy), appropriates \$140,000 in FY 2010 and \$140,000 in FY 2011 for floodplain management. The measure was approved and laid over for possible inclusion in the division's omnibus bill.

The committee also heard testimony on the governor's budget recommendations. Paul Aasen, advocacy director, Minnesota Center for Environmental Advocacy, said that in order for Minnesota to achieve its goal of clean water, it will cost \$12 to \$15 million each year for testing and assessment on a 10-year cycle and \$18 to \$20 million per year to prepare total maximum daily loads and implementation plans. Steve Morse, Minnesota



From left, Senators Scott Dibble (DFL-Mpls.), Jim Carlson (DFL-Eagan), Don Betzold (DFL-Fridley) and Steve Dille (R-Dassel) gather around a laptop computer following adjournment of the Senate's Mon., Mar. 16, floor session.

Photo by David J. Oakes

# Committee update

Environmental Partnership, said the clean water fund will not be providing as much funding as the partnership had hoped. He said the Clean Water Legacy needs to provide funding as originally intended under the amendment that was passed last November.

## Clean water funding bills gain

The Environment, Energy, and Natural Resources Budget Division Subcommittee on Clean Water Legacy met Wed., Mar. 18, to hear two bills and presentations on proposals for clean water.

S.F. 183, sponsored by Sen. Mary Olson (DFL-Bemidji), provides for an appropriation of \$250,000 in FY 2010 and \$500,000 in FY 2011 for grants to the Star Lake Association Board. Olson said the funding is aimed at engaging citizen participation and fostering local partnerships by increasing citizen involvement in water quality enhancement by designating star lakes and rivers.

Dale Gustafson, president of the Star Lake Association Board, said the board, which was created under legislation enacted last year, has successfully incorporated and developed a list of preliminary program objectives. Gustafson said goals include establishing an application process, developing criteria for star lake or star river designation, creating a list of potential partnering organizations, finding ways to leverage funding and developing a budget request. Gustafson said the bill before the members is the board's budget request.

Members laid the bill over for possible inclusion in the panel's omnibus clean water legacy bill.

S.F. 1086, authored by Sen. Sharon Erickson Ropes (DFL-Winona), appropriates \$395,000 to monitor agricultural nonpoint source pollution and implement best management practices in sub-watersheds with the Root River Watershed in southeastern Minnesota.

The measure was laid over for possible inclusion in the subcommittee's omnibus clean water legacy bill.

Subcommittee members, chaired by Sen. Sandy Rummel (DFL-White Bear Lake), also heard an overview of the governor's recommendations for drinking water protection.

John Linc Stine, Minnesota Department of Health, said the drinking water protection proposal is for \$9.19 million spread across five agencies. Under the pro-

posal, \$2.25 million is slated for the Pollution Control Agency, \$1.125 million is for the Dept. of Natural Resources, \$1.125 is for the Dept. of Agriculture, \$3.75 million is for the Dept. of Health and \$940,000 is slated for the Metropolitan Council.

Stine said each agency has a specific role in protecting water. He said about 1.3 million Minnesotans drink community surface water, 2.7 million Minnesotans drink community well water and about 1.2 million Minnesotans drink private well water.

He said the interagency drinking water protection proposal goals are increased nitrate monitoring, investigation and remediation, expanded emerging contaminant research, accelerated wellhead protection and expanded water supply evaluation and protection.

Representatives of other agencies also outlined plans for parts of the coordinated agency proposal.

## Funding bills heard

Appropriation measures were the focus of the Thurs., Mar. 19, meeting of the Environment, Energy and Natural Resources Budget Division.

Division Chair Ellen Anderson (DFL-St. Paul) presented a bill, S.F. 673, on behalf of Sen. LeRoy Stumpf (DFL-Plummer), providing an appropriation for an energy conversion building project. Shannon Mortenson, representing the city of Kennedy, said the appropriation of \$300,000 if for the energy conversion of a former school building to use geothermal, wind, and solar energy and to house the Go Green Business Center. The measure was laid over for possible inclusion in the division's omnibus bill.

S.F. 384, sponsored by Anderson, appropriates \$4.05 million in each year of the biennium for the operation and maintenance of the Metropolitan Regional Parks System. Members also heard a brief presentation on the park system from Mike Hahm, St. Paul Parks, and John VonDeLinde, Anoka County Parks. They said regional parks system visits have grown steadily through the years to 33 million in 2007. The measure was laid over for possible inclusion in the omnibus bill.

Sen. Gary Kubly (DFL-Granite Falls) sponsored a bill, S.F. 1215, that provides funding for clean energy resource teams. Kubly said the program has been favorably received across the state. The bill

provides \$625,000 in each year of the biennium for community energy technical assistance and outreach on renewable energy and energy efficiency. The measure was laid over for possible inclusion in the omnibus bill.

Sen. Dennis Frederickson (R-New Ulm) sponsored a measure to provide for natural resources asset preservation and replacement. S.F. 919 provides standards for capital expenditures for natural resource projects that are intended to preserve and replace existing facilities. Frederickson said the bill is modeled after the successful higher education asset preservation program. The bill also requires the commissioner of natural resources to provide a priority list of capital investment projects each year. The bill was approved and advanced to the full Finance Committee.

## Finance

### Child restraint bill gains

Members of the Finance Committee, chaired by Sen. Richard Cohen (DFL-St. Paul), met Thurs., Mar. 19, to discuss six bills.

S.F. 99, carried by Sen. Jim Carlson (DFL-Eagan), expands the current child restraint law from requiring children less than four-years of age to use an appropriate child restraint system to requiring children under eight-years of age and shorter than four feet nine inches to use an appropriate child restraint system in a motor vehicle. Carlson said that the use of restraints reduces a child's chance of injury by nearly 60 percent and the chance of death by almost 30 percent. He said the law continues to be primary enforcement and fines that are collected are deposited into the child restraint and education account, a special revenue fund. The Department of Public Safety's Office of Traffic Safety uses the funds to purchase child seats for children that are distributed to low-income families by public and non-profit agencies which provide services to those families, Carlson said.

Carlson offered an amendment that modifies seat belt requirements in accordance with the language proposed in S.F. 99. The amendment was adopted and the bill was approved and sent to the full Senate.

S.F. 672, authored by Sen. Dan Skogen (DFL-Hewitt), simplifies and repeals a number of mandates on school districts.

Skogen offered an amendment that provided clarifying language for employee contracts. The amendment was adopted. The committee approved the bill and re-referred the measure to the Rules and Administration Committee.

S.F. 986, carried by Sen. Ann Lynch (DFL-Rochester), relieves counties from a number of health care and human services related mandates.

Lynch offered an amendment making technical and conforming changes to the measure. The committee, adopted the amendment, approved the bill and re-referred the measure to the Rules and Administration Committee.

S.F. 137, sponsored by Sen. Ann Rest (DFL-New Hope) modifies and recodifies law governing access to birth record information by adopted persons. Under the bill, the Dept. of Health is required to prepare affidavits of disclosure and nondisclosure forms under which a birth parent may agree to or object to the release of the original birth record to the adopted person. The bill also requires the state registrar to provide a noncertified copy of the original birth record to an adopted person age 19 or older, unless there is an affidavit of nondisclosure on file. The measure also provides a court process for an adopted person to gain access to birth record information in cases where there is an affidavit of nondisclosure on file.

Rest offered an amendment appropriating \$164,000 in the 2010-11 biennium from the state government special revenue fund to the commissioner of health to provide access to birth records and to provide information to adopted persons and birth parents about their rights to access birth records. The amendment was adopted. The committee approved the bill as amended and sent the measure to the full Senate.

S.F. 1012, authored by Sen. Ellen Anderson (DFL-St. Paul), appropriates \$26.1 million from the Legislative-Citizen Commission on Minnesota Resources (LCCMR) trust fund to subsidize a variety of environment and natural resource projects. Anderson said the bill funds projects in six key areas which include natural resource inventory and planning, land and habitat acquisition and restoration, water resource research and analysis, environmental education and outreach, energy conservation and administration. Of the \$26.1 million, Anderson said \$6 million is for the collection, delivery and interpreta-

tion of foundational data pertaining to statewide distributions of biodiversity and ecological systems. She said \$13.2 million is to expand state recreational opportunities through expanded parks, trails and open spaces and \$2 million is to fund research pertaining to protection of water resources against compounds that disrupt endocrine system function in humans, fish and wildlife. Furthermore, Anderson said a little over \$1 million is for monitoring and treatment of ballast water to prevent the introduction and spread of aquatic invasive species in Minnesota waters and \$2.3 million is for analysis and recommendations pertaining to greenhouse gas reduction options related to electric power. Finally, she said \$1.4 million is for administration costs and project contract management.

The committee approved the bill and sent the measure to the full Senate.

S.F. 3, carried by Sen. Linda Berglin (DFL-Mpls.), eliminates unnecessary state regulations and mandates to ensure that public services are delivered as cost-effectively as possible. Berglin said mandates and regulations that qualify as unnecessary are those that are redundant, result in unnecessary paperwork or contain outdated or irrelevant requirements. She said the measure will be the vehicle for collecting all other mandate bills.

Because the bill has no fiscal note, the committee sent the measure to the Rules and Administration Committee without recommendation.

## Health, Housing and Family Security

### Communities for a lifetime bill gains

The Health, Housing and Human Services Committee held an abbreviated afternoon hearing Mon., Mar. 16. The panel, chaired by Sen. John Marty (DFL-Roseville) considered three measures.

S.F. 839, sponsored by Sen. Kathy Sheran (DFL-Mankato), specifies criteria for communities for a lifetime. Sheran said the bill also directs the Minnesota Board on Aging and the commissioner of employment and economic development to develop recommendations on the designation of communities for a lifetime. Sheran said the bill provides a policy of the state to develop communities for a lifetime with the capacity to

offer a welcoming environment to the senior residents of the state and recognizes seniors as an asset to the state.

Under the bill, communities for a lifetime means cities or towns the citizens of which seek to affirmatively extend to persons ages 65 and older the opportunities, supports and services that will enable seniors to be contributing, civically engaged residents.

The bill was approved and advanced to the Business, Industry and Jobs Committee.

S.F. 690, carried by Sen. Tom Saxhaug (DFL-Grand Rapids), modifies provisions relating to 24-hour customized living services. The bill sets service rate limits for customized living services when overnight supervision is provided by staff in an adjoining building. The bill was approved and advanced to the Committee on Finance.

S.F. 475, authored by Marty, provides a three percent increase for long-term care providers in each year of the biennium. Under the bill, three percent of the total operating payment rate must be made available to each long-term nursing facility and 75 percent of the total must be used to increase wages and benefits for all employees except for the administrator, central office staff and management fees.

Lynn Zimmerman, adult day services director, Common Sense Services for Seniors, said nursing home employees have long been underpaid and overworked. She said that even though the state is experiencing budget difficulties, it is vital that nursing home employees receive an increase.

Members heard additional testimony in support of the bill, before laying the bill over for further discussion.

### New born screening debated

The Health, Housing and Family Security Committee reconvened for an evening hearing Mon., Mar. 16, to discuss proposed provisions to the newborn screening program.

S.F. 1478, carried by Sen. Linda Scheid (DFL-Brooklyn Park), changes provisions in the newborn screening program. Scheid said the bill makes changes related to the collection, storage, use and dissemination of genetic information collected from a newborn baby during a blood screening. Furthermore, Scheid said the bill gives the parent or legal guardian of the newborn the right

# Committee update

to object to a number of items including the testing, the storage of the infant's blood sample, the storage of the infant's test results for a period longer than 24 months or the use of the infants blood samples and test results for newborn screening program operations. With a written consent of the parent or guardian, Scheid said the bill allows the Department of Health to store and use the newborn screening program blood samples for up to 24 months for newborn screening program operations and also use and store the newborn screening sample for individual health-related studies or any other purpose. Finally, the bill states that the Department of Health must remove information that directly links infants to screening blood samples used in program operations and requires the destruction of all samples within 25 months of the month of birth, said Scheid.

Twila Brase, Citizens' Council on Health Care, said the bill is a clear violation of genetic privacy law and infringes on the rights of both newborns and parents to keep DNA data private. Brase also said the bill allows the Department of Health to act unethically and gives the department unrestricted use and access to blood samples of individuals who have no understanding of how the sample is being used.

The bill was defeated on a 3-6 roll-call vote.

S.F. 676, sponsored by Sen. Patricia Torres Ray (DFL-Mpls.), authorizes retroactive payments to a provider for health care and related services for a person who has applied for Medical Assistance waiver services or alternative care services and who is later determined eligible for the waiver or alternative care services to the date of the recipient's eligibility. The measure also sets forth the obligation of local agency to process Medical Assistance applications within established time frames.

Patti Cullen, president and CEO, Care Providers of Minnesota, said the case is not one of payments being delayed, but one of payments never being received. Cullen said interested parties are working on an amendment to make sure the bill does not conflict with federal guidelines.

The bill was approved and re-referred to the Finance Committee.

Committee Chair John Marty (DFL-Roseville) sponsored S.F. 1235. The bill provides for youth violence prevention programs for at-risk youth. Marty said



Hennepin Technical College EMS Director Bob McCarthy, right, demonstrates the capabilities of a "SIM baby" to Dean of Business and IT Larry Sein during the college's Day at the Capitol Mon., Mar. 16. The computer controlled doll is used as a teaching tool by simulating a variety of medical conditions.

Photo by David J. Oakes

the bill treats youth violence as a public health problem. He said the bill originates in programs undertaken by the city of Minneapolis that have reduced crime by 40 percent. The measure applies statewide and authorizes community-based violence prevention programs serving at-risk youth in collaboration with local schools, law enforcement agencies, community groups and faith groups.

Minneapolis Mayor R. T. Rybak said the goal of the program is to coordinate existing services so each community in the state can implement a similar plan.

The bill was approved and re-referred to the Finance Committee.

S.F. 1135, also sponsored by Marty, apologizes on behalf of citizens of the state to all persons with mental illness and developmental and other disabilities who have been wrongfully committed to state institutions. The bill was approved and sent to the full Senate.

S.F. 499, carried by Ann Lynch (DFL-Rochester), modifies health-related licensing board provisions by removing language from current law regarding the right of appeal through the Attorney General's Office given to persons filing a complaint against a licensing board.

Deputy Attorney General, Steven Gunn said current law has created an unintended right to appeal to the Attorney General's Office and the bill removes the appeal process.

The bill was approved and sent to the full Senate.

S.F. 1526, authored by Sen. Tony Lourey (DFL-Kerrick), makes a variety of technical and policy changes to the statutes governing Department of Human Services (DHS) continuing care programs.

The bill was approved and sent to the full Senate.

S.F. 654, sponsored by Sen. Sharon Erickson Ropes (DFL-Winona), allows

alternative care program services to be provided by licensed class A, F or B home care providers that need not be Medicare-certified. The bill also establishes a new rate limit for customized living services under the elderly waiver program.

The bill was approved and re-referred to the Finance Committee.

S.F. 1535, sponsored by Sen. Yvonne Prettner Solon (DFL-Duluth), extends the approval period for certain nursing home moratorium exception projects and authorizes moratorium exceptions.

The bill was approved and re-referred to the Finance Committee.

S.F. 1099, sponsored by Prettner Solon, requires the commissioner of health to develop a uniform formulary exception that allows health care providers to request exceptions from group purchaser drug formularies using a standard form. The bill also requires that the formulary document be accessible by health care providers and group purchasers electronically through a secure internet site.

Dr. Terrence Clark, SMDC Health System, said the bill provides a more efficient method of interaction between health care providers and payers and essentially saves money for both parties.

Sen. David Hann (DFL-Eden Prairie) offered an amendment to change the effective date of the bill to January 1, 2011. The committee adopted the amendment, approved the bill and re-referred the measure to the Finance Committee.

## Prescription drug bills heard

The Health, Housing and Family Security Committee devoted the Wed., Mar. 18, to hearing three bills relating to prescription drugs and a measure banning gifts from drug or medical device manufacturers or distributors to physicians and formulary committee members.

S.F. 1238, authored by Sen. Yvonne Prettner Solon (DFL-Duluth), requires enforcement of the prescription drugs unfair price discrimination. Prettner Solon said, "Drug costs represent about 10 percent of all Medicaid expenditures." Prettner Solon said one of the reason for dramatic increase is price inflation on the part of the drug manufacturers. Thirteen other states have passed similar legislation, she said. Prettner Solon said the bill is the first step in making drug pricing more transparent. The measure prevents selling drugs at different prices and requires disclosure of rebates, discounts

or other forms of economic incentives. Prettner Solon said the bill may achieve considerable savings for the state. If the measure saves just one percent, that means over \$7 million in savings for the state, Prettner Solon said.

Carla Heyl, assistant attorney general, said the Attorney General's Office, welcomes the opportunity to enforce the unfair price discrimination law. Cody Wiberg, Minnesota Board of Pharmacy, provided background information on the structure and pricing in the pharmaceutical industry.

Vern Rowen, Express Scripts, a pharmacy benefit management firm, said pharmacy benefit management firms began about 20 years ago to ensure the best price for clients. The system is a very robust example of the marketplace at work, Rowen said. He said the bill eviscerates the most effective tools in the private marketplace. He said the effect of the bill will drive prices up. Clem Cypra, PhRMA, said Medicaid always gets the best price because it is required by federal law.

The measure was laid over.

S.F. 1237, sponsored by Marty, restricts gifts from drug or medical device manufacturers. Marty said the proposal helps reduce the cost of prescription drugs and prevents conflicts of interest on the part of health care providers. Members adopted an amendment to alter disclosure language in the bill to mirror language being contemplated on the federal limit. Marty said a number of health care providers are voluntarily prohibiting gifts from pharmaceutical companies or medical device manufacturers.

Don Jacobs, chairman and CEO, Hennepin Faculty Associates, spoke in support of the measure. He said even small gifts may give rise to a conflict of interests.

Don Gerhardt, CEO, LifeScience Alley, said the transparency and gift prohibition should wait for federal legislation. He said federal legislation allows for uniformity across states and allows for uniform compliance. Gerhardt said language relating to exceptions is unclear. Rob Clark, Medtronic, said passage of the bill could restrict investment in small start-up medical device makers or other medical technology businesses. He said Medtronic has endorsed the federal legislation and already provides disclosure. Clark said the bill throws into question some necessary, complex relationships.

Jessica Wolfe, Boston Scientific, said the bill will have a chilling effect on research and harm the development of life science businesses that are critical for Minnesota's economy.

Several committee members expressed concern about language prohibiting free samples. The panel adopted an amendment that struck the prohibition from the bill.

The bill was approved and re-referred to the Business, Industry and Jobs Committee.

S.F. 895, authored by Sen. Kathy Sheran (DFL-Mankato), establishes an academic detailing program for prescription drugs. Sheran said the program is aimed at providing health care providers with timely, evidence-based, objective and unbiased information about prescription drugs. Sheran said the bill also requires the program to include outreach and education to physicians, pharmacists and other health care professionals with prescribing authority who participate in state programs.

Sheran said the bill is designed to provide information on the therapeutic and cost-effective use of prescription drugs.

Don Jacobs, Hennepin Faculty Associates, said currently, there isn't a reliable, unbiased source for information about prescription drugs. Jacobs said the program may also lead to reduced health care costs.

Members laid the bill over because of time constraints.

## Variety of health bills heard

Health, Housing and Family Security Committee members reconvened for an evening hearing Wed., Mar. 18. The committee, chaired by Sen. John Marty (DFL-Roseville), began by continuing the discussion on S.F. 895.

The bill, authored by Sen. Kathy Sheran (DFL-Mankato), establishes an academic detailing program for prescription drugs. Sheran said the program is aimed at giving health care providers timely, evidence-based, objective and unbiased information about prescription drugs. She said the bill also requires the program to include outreach and education to physicians, pharmacists and other health care professionals with prescribing authority who participate in state programs. Sheran said the bill is designed to provide information on the therapeutic and cost-effective use of prescription drugs.

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Vern Rowan, Express Scripts, spoke in support of the bill and said the measure is good public policy.

Clem Cypra, PhRMA, said the bill does not ensure objectivity, but rather will result in a bias toward generic drugs.

The bill was approved and advanced to the State and Local Government Operations and Oversight Committee.

S.F. 1044, authored by Sen. John Doll (DFL-Burnsville), requires prescription information to be kept confidential. Doll said the bill has three goals—reducing health costs, protecting the privacy of the doctor-patient relationship, and improving the quality of prescribing in the state.

Proponents said using prescriber information for marketing purposes directs physicians toward more expensive name brand drugs. Opponents said the bill interferes with the ability of pharmaceutical manufacturers to successfully compete in the marketplace.

Sen. Linda Higgins (DFL-Mpls.) offered, and members adopted, an amendment deleting the purpose section of the bill.

The bill was approved and advanced to the Business, Industry and Jobs Committee.

S.F. 758, sponsored by Sen. Mee Moua (DFL-St. Paul), modifies provisions relating to vulnerable adults. Moua said the bill contains a number of initiatives designed to prevent the exploitation—financial, physical and emotional—of vulnerable adults. In addition, the bill imposes criminal and civil penalties and specifies the duties of financial institutions in cases alleging financial exploitation.

The bill was before the committee because of changes to the reporting provisions in vulnerable adult cases, Moua said. Moua said the bill streamlines the reporting process for, and investigation of, abuse and maltreatment of vulnerable adults. In addition, the bill revises the definition of vulnerable adult and requires lead agencies to develop guidelines for prioritizing reports for investigation.

Jane Ochrymowycz, Alzheimer's Association, said the bill was a consensus package of initiatives to protect older Minnesotans.

The bill was approved and advanced to the Commerce and Consumer Protection Committee.

S.F. 339, authored by Sheran, requires coverage for plasma protein therapies and home nursing services. Sheran said a very

small group of patients with a rare set of genetic diseases. Sheran said conditions such as alpha-antitrypsin deficiency, primary immunodeficiency disease and von Willebrand disease require the protein therapies.

Lin Nelson, Blue Cross and Blue Shield, said Blue Cross already covers the therapies. She said, though, that adding a mandate for home services will drive up costs. Stacia Smith, Minnesota Chamber of Commerce, said the chamber is concerned about the effect of the measure on negotiated prices.

The measure was laid on the table.

S.F. 704, sponsored by Sen. Kevin Dahle (DFL-Northfield), directs the commissioner of health, in consultation with the Minnesota Administrative Uniformity Committee, the commissioner of commerce and the commissioner of human services to study and make recommendations on the feasibility and barriers to simplifying health care administrative transactions through electronic data interchange. The bill also specifies that the study must include the feasibility of establishing a single, standardized system for all group purchasers for health care administrative transactions and recommendations for ensuring that use of providers and group purchasers is consistent with national standards.

The bill was approved and re-referred to the Finance Committee.

Sen. Yvonne Prettner Solon (DFL-Duluth) sponsored three bills. S.F. 341 allows committed same sex couples the right to control a deceased partner's remains. The bill also allows domestic partners, as well as spouses, to enter into wrongful death claims.

Prettner Solon said there are over 500 instances of discrimination against same sex couples in Minnesota law and the bill corrects a few of those instances. She said some sex couples have entered into a variety of legal documents to ensure a partner's wishes are carried out, only to find out the documents are ineffective. Prettner Solon said the bill also allows a surviving domestic partner to make a claim for wrongful death.

Laura Smidzik, director, Project 515, spoke in support of the measure. She said the ability of one partner to carry out another partner's wishes is an issue of fairness.

Tom Pritchard, Minnesota Family Council, said the bill defines domestic

partner as a member of a same sex couple and the council feels that is similar to marriage. Pritchard said the council's position is that marriage is between one man and one woman.

Members approved the bill and re-referred the measure to the Judiciary Committee.

S.F. 734, carried by Prettner Solon, establishes a grant program for nursing education demonstration projects. Under the bill, the College of St. Catherine and the College of St. Scholastica are directed to redesign their nursing education curricula to include a greater use of technology in teaching and learning. Prettner Solon said the goal is increase the number of nursing graduates without needing to hire additional faculty, reduce the burden on health care providers by using a virtual clinical experience, improve the ability of nursing graduates to serve underserved rural populations and improve cultural knowledge among nursing graduates.

Members adopted an amendment appropriating \$1.504 million for FY 2010 for the grant program. The bill was approved and re-referred to the Committee on Finance.

S.F. 831, sponsored by Prettner Solon, modifies Medical Assistance coverage to include consultations with psychologists and increases MA reimbursement rate for critical access mental health services. The bill was approved and advanced to the Finance Committee.

S.F. 1208, authored by Sen. Scott Dibble (DFL-Mpls.), allows a surviving same sex partner to continue living in a home owned jointly with the deceased person. Dibble said if the couple had to spend down their assets for MA, the surviving spouse would not have to leave because of a MA lien. The measure was approved and advanced to the Judiciary Committee.

S.F. 457, sponsored by Sen. Linda Higgins (DFL-Mpls.), modifies provisions for volunteer health practitioners requested for deployment pursuant to a plan or cooperative agreement with a disaster relief organization to allow the volunteer to practice in Minnesota within the scope of practice in the licensing state. Higgins said the bill also provides a definition of volunteer health practitioner and includes veterinarians. The bill was approved and advanced to the full Senate.

S.F. 968, authored by Doll, establishes a single dental administrator to administer

dental services for the recipients of state health care programs. Doll said the bill will simplify dental service delivery and allow for cost savings.

Dick Diercks, executive director, Minnesota Dental Association spoke in support of the measure. He said having a single administrator for dental services allows for more efficient delivery of services and simplification of the administrative process.

Diercks said if patients are not able to obtain dental services, patients go to emergency rooms, which are more expensive.

Joe Lally, Delta Dental, said Delta is one of the largest dental administrators in the state. He said the dental administrators in the state provide dental care coordination and provide coordination with health care providers. He said the current model provides efficiencies and effective care.

The motion to approve the bill failed on a divided voice vote.

## Health and Human Services Budget Division

### MFIP bills heard

Members of the Health and Human Services Budget Division, chaired by Sen. Linda Berglin (DFL-Mpls.), met Tues., Mar. 17, to discuss a variety of bills.

S.F. 481, authored by Berglin, modifies Minnesota family investment program (MFIP) and food stamp provisions by eliminating the food stamp asset limit, repeals the MFIP family cap and extends the MFIP 60-month time limit for up to two years for individuals who have reached the limit.

At the author's request, the division set bill aside.

S.F. 422, also authored by Berglin, makes modifications to the MFIP family stabilization and work programs.

Jessica Webster, policy advocate, Legal Services Advocacy Project, said the bill makes technical changes and clarifications regarding eligibility requirements for individuals participating in the family stabilization program. The bill also adds provisions to the postsecondary education program to include associate and baccalaureate programs.

The division set the bill aside.

S.F. 109, authored by Sen. Tony Lourey (DFL-Kerrick), establishes a medical response unit reimbursement pilot

program. The bill appropriates \$975,000 out of the Cooper/Sams volunteer ambulance trust for a variety of purposes, including \$250,000 for the pilot project. Lourey said the bill requires the Department of Public Safety to collaborate with the Minnesota Ambulance Association to design the pilot program and identify up to five registered medical response units to participate. Of the \$250,000 appropriated to the program, he said \$75,000 is for administrative costs incurred by the department and \$175,000 is for reimbursing medical response units.

The division laid the bill over.

S.F. 986, carried by Sen. Ann Lynch (DFL-Rochester), relieves counties from a number of health care and human services related mandates.

The division approved the bill and referred the measure to the full Finance Committee.

S.F. 710, sponsored by Sen. Kathy Sheran (DFL-Mankato), requires an increase in the consumer-directed community supports budget methodology for adults on the developmental disabilities waiver program who cannot access school due to graduation or age. Under the bill, the increase, which is the same for adults in the waiver programs for persons with disabilities, varies based on the participants' service needs.

Cindy Johnson, ARC of Minnesota, said the bill makes a necessary correction to the methodology for payments to allow individuals with disabilities who need support services during the day to cover the cost of services when school attendance ends.

The division laid the bill over.

S.F. 95, carried by Sen. Richard Cohen (DFL-St. Paul), provides deficiency funding for the Minnesota sex offender program in the amount of \$16 million.

The division approved the bill and referred the measure to the full Finance Committee.

### Cost-saving bills heard

Members of the Health and Human Services Budget Division, chaired by Sen. Linda Berglin (DFL-Mpls.), met briefly Wed., Mar. 18, to discuss three bills aimed at reducing expenditures through the use alternative methods.

S.F. 459, authored by Berglin, requires veterans homes to use Medicare Part D for pharmacy costs for eligible veterans residing at the homes. The bill also requires

the commissioner to encourage eligible veterans to participate in the Part D program and assist veterans in obtaining Part D coverage. Berglin said the bill is designed to maximize the use of Medicare Part D to help veterans pay for medical expenses related to pharmacy costs.

S.F. 696, sponsored by Berglin, requires eligible state employees to participate in a patient-centered decision-making process before a referral is approved or reimbursement is paid for a surgical procedure. Berglin said individuals using the patient-centered decision-making process have access to information on alternative procedures that are often less invasive and less costly.

S.F. 1402, also carried by Berglin, creates a withholding to managed care plan payments for prepaid Medical Assistance and General Assistance Medical Care. Berglin said the bill is meant to reduce costly emergency room use by encouraging people to use healthcare appropriately and in the right clinical setting.

The division set all three bills aside for possible inclusion in the omnibus bill.

## Higher Education Budget and Policy Division

### Oral health practitioner bill gains

The Higher Education Budget and Policy Division, chaired by Sen. Sandra Pappas (DFL-St. Paul), met Thurs., Mar. 19, to consider a bill establishing a mid-level oral health practitioner.

S.F. 1106, authored by Sen. Ann Lynch (DFL-Rochester), establishes licensure and practice limitations for an oral health practitioner and a dental therapist. Lynch said the aim of the bill is to increase access to dental health services in underserved areas. The bill includes two tracks for educational requirements—one through the Minnesota State Colleges and Universities System (MnSCU) and one through the U of M. Under the bill, an oral health practitioner may perform specific procedures without a supervising dentist off site, while a dental therapist may perform a more limited set of procedures with a supervising dentist on site.

The MnSCU system has developed a program for oral health practitioners said Dean Marilyn Leon, College of Nursing and Health Sciences, MnSCU. Dean Patrick Lloyd, School of Dentistry, University of Minnesota, is developing a program for dental therapist.

# Committee update



Senators Ellen Anderson (DFL-St. Paul), left, and Kathy Sheran (DFL-Mankato) consult during the Mon., Mar. 16, Senate floor session.

Photo by David J. Oakes

Lynch said there are two models contained in the bill, but they are not competing models. She said there is such a great need for dental services that both models could address the needs.

The bill was approved and advanced to the full committee.

## MnSCU credit maximum bills heard

The Higher Education Committee, chaired by Sen. Sandra Pappas (DFL-St. Paul), met Thurs., Mar. 19, to consider three measures relating to the maximum number of credits for baccalaureate and associate degrees in the Minnesota State Colleges and Universities (MnSCU).

S.F. 644, authored by Sen. Steve Dille (R-Dassel), allows the MnSCU Board of Trustees to determine the credit requirements for the two degrees. Current law sets the maximum number of semester credits for a baccalaureate degree at 120 semester credits or the equivalent and the number of semester credits required for an associate degree at 60 semester credits or the equivalent. The bill also repeals a process for granting waivers for specific degree programs in which industry or professional accreditation standards require a greater number of semester credits.

S.F. 579, sponsored by Sen. Ann Lynch (DFL-Rochester), also relates to the maximum credit issue. Lynch said

the measure offers a different approach. The bill exempts an associate of applied science degree from the 60 semester credit limit and requires the board to provide information on the unique nature and requirements of an associate of applied science degree. The measure was approved and re-referred to the Rules and Administration Committee.

S.F. 972, sponsored by Sen. Sharon Erickson Ropes (DFL-Winona), allows waivers to the policy setting semester credit requirements. Erickson Ropes said the measure allows the board to provide a process for granting waivers for emerging and innovative programs and programs of special merit or need. The measure

was laid over for possible inclusion in the omnibus bill.

Division also heard reports on MINITEX, MnLINK Gateway and the Learning Network of Minnesota. MINITEX is the statewide library service providing resource sharing, cooperative purchasing, access to the electronic library for Minnesota and administration of the MnLINK Gateway. The MnLINK Gateway is a virtual catalog of over 33 million library resources. The Learning Network of Minnesota provides essential services including Wide Area Network access, technical support for video conferencing, voice services and web conferencing to University of Minnesota and MnSCU campuses.

The members also heard a review of MnSCU occupational programs by the Office of the Legislative Auditor. Jody Hauer, program evaluator, Office of the Legislative Auditor, said MnSCU colleges respond well to economic conditions and workforce needs, but they also need to more routinely assess job prospects for their occupational program graduates. Hauer said colleges rely heavily on program advisory committees to identify employer needs, but not all committees work effectively. MnSCU surveys graduates' job placements, which is a useful source of information, but the data have limitations, Hauer said. She said changes in some MnSCU occupational programs matched trends in statewide employment, but colleges' flexibility is limited.

## Judiciary

### Ex-offender issues discussed

The Judiciary Committee met Tues., Mar. 17, to consider a package of bills aimed at reducing the collateral consequences for ex-offenders. The panel, chaired by Sen. Mee Moua (DFL-St. Paul), also heard overviews on the state's collateral punishments and expungement policy by former Judge Pam Alexander and former Speaker Phil Carruthers.

Alexander, now president of the Council on Crime and Justice, said the state is heading in a direction of perpetual punishment. She said stable employment and housing are necessary to keep ex-offenders from re-offending. She said state statutes are so intricate that it is difficult for ex-offenders to transfer back into society. Alexander said re-entry is even more difficult for those with mental health issues, health or chemical dependency

issues. Alexander said the difficulties faced by ex-offenders also diminish businesses, communities and society.

Carruthers, now assistant Ramsey County attorney, said the issues of re-entry are very complex. He said prosecutors want offenders to be able to move forward with their lives. Carruthers said prosecutors support efforts at reform, particularly in employment and housing. Carruthers, though pointed out areas the committee may want to consider in the discussion on the package of bills.

Sen. Ron Latz (DFL-St. Louis Park) carried two measures. S.F. 538 prohibits a public employer from inquiring into or considering the criminal record or criminal history of an applicant for employment until the applicant has been selected for an interview by the employer. Latz said very often, applicants with a criminal record never get beyond the resume stage even if they are well qualified for the position. Latz said the bill does not apply for the Dept. of Corrections or to public employers who have a statutory duty to conduct a criminal history background check.

Lisa Jackson speaking in support of the bill, said the box on an employer application about a criminal record does not allow an employer to assess who a person has become. She said it is difficult to prove rehabilitation if an individual does not have a chance to explain how his or her circumstances have changed.

Members adopted an amendment providing that an employer may specify particular types of criminal acts that would disqualify an applicant from consideration. The bill was approved and advanced to the full Senate.

S.F. 537 requires postsecondary institutions to notify prospective students of the potential effects of a criminal conviction on future employment. Latz said some students apply to a postsecondary institution, be accepted, complete the course of study and even graduate before finding out that their criminal record may disqualify them from their chosen field of study or employment.

The measure was approved and sent to the Senate floor.

Moua carried several measures. S.F. 763 requires notice to individuals who have served their sentences and subsequent probation or parole of the restoration of their civil rights. The measure also provides that prior to a plea bargain for a

felony-level offense, a court must notify the defendant of the loss of civil rights. The bill was approved and referred to the full Senate.

Moua said S.F. 564 restores the civil rights of an individual upon release from incarceration, requires notice of the restoration of civil rights and requires notice of the loss of civil rights prior to the court's acceptance of a plea for a felony-level offense.

Moua said the bill goes further than the previous bill by providing for the restoration of civil rights after incarceration, but before the completion of probation or parole.

Christopher Uggen, University of Minnesota, said the number of disenfranchised persons has increased dramatically with the increase in offenders on probation and parole. Uggen said offenders may have a short term of incarceration, but lengthy probation and probation periods. He said the rate of recidivism drops when ex-offenders participate in voting. Uggen said there is wide-spread public support for the restoration of civil rights, but that the support stops at the prison gate.

The measure was approved and re-referred to the Committee on Finance.

S.F. 562 limits the admission of criminal history evidence in actions against private employers. Moua said the bill is aimed at clarifying the liability of employers and provides some protections for employers.

Mark Haase, Council on Crime and Justice said the bill clarifies and limits liability of employers for hiring someone with a criminal record. He said the bill will increase employment opportunities and reduce recidivism, while rewarding employers who use safe, but fair hiring practices.

Sen. Linda Scheid (DFL-Brooklyn Park) offered an amendment to allow some workers who work in the stables or barns to work at the racetrack if the individual has completed parole or probation and been "off paper" for ten years. The amendment was adopted.

The bill was approved and re-referred to the State and Local Government Operations and Oversight Committee.

S.F. 645, sponsored by Sen. Julianne Ortman (R-Chanhassen), expands the conditional release program for non-violent drug offenders and modifies the mandatory minimum sentence for repeat fifth-degree controlled substance offend-

# Committee update



Senators Dan Skogen (DFL-Hewitt), left, and Satveer Chaudhary (DFL-Fridley) converse in the Senate Chamber during the Mon., Mar. 16, floor session.

Photo by A.J. Olmscheid

ers. Ortman said the bill includes some of the recommendations of the Controlled Substance Task Force. Ortman said 90 percent of offenders abused drugs or alcohol. She said the conditional release program expansion is one of the issues task force members agreed upon. She said the program allows for conditional release if non-violent drug offenders complete treatment. The bill, Ortman said, expands the program to non-violent offenders who are not drug offenders. The bill requires the savings realized from the early release of offender be used for chemical dependency treatment. The bill also allows the court to waive the six-month mandatory minimum sentence for fifth degree controlled substance crimes.

Dan Knuth, speaking for defense attorneys, said the current program is difficult to get into. Knuth said the screening program of the Dept. of Corrections is very restrictive.

State Public Defender John Stuart said that everybody on the task force endorsed expansion of the program.

Stuart said the bill also allows either the prosecutor or the judge to waive the mandatory minimum sentence for controlled substance crimes in the fifth degree. He said the current one size fits all approach treats individuals who have maintained sobriety for a period of time the same as individuals who have taken no steps toward rehabilitation.

Ortman offered an amendment to remove the portion of the bill dealing with the mandatory minimum sentence for fifth degree controlled substance offenders and remove the sunset provision for the conditional release program. She said the portion of the bill expanding the conditional release program is less controversial and she would like the provisions to proceed through the process. The amendment was adopted. Ortman also offered an amendment providing that a panel of three retired judges make the decision about an offenders conditional release, rather than having the commissioner of corrections make the determination. The amendment was adopted.

David Crist, assistant commissioner, Dept. of Corrections, said the department does not support the bill. Crist said the department believe the challenge incarceration program is a better alternative.

The bill was approved and re-referred to the Committee on Finance.

Moua sponsored a bill, S.F. 1097, that includes a certificate of good conduct as sufficient evidence of rehabilitation for the purposes of public employment or occupational licensure. She said the bill allows individuals convicted of or adjudicated delinquent by a Minnesota court to petition a court for a certificate of good conduct. Moua said the bill does exempt some occupations such as peace officers, teachers, doctors, school bus drivers and Dept. of Human Services licensees.

The measure outlines what must be included in the petition for a certificate of good conduct and requires an executed criminal history consent form, including fingerprints to be submitted along with the petition. The measure also provides for the hearing process and sets forth the eligibility requirements for a petitioner. In addition, the bill requires any victims of the crime be notified of the petition. The measure provides for issuance of the certificate, the effect of the certificate and for revocation of the certificate of good conduct.

Haase said there is currently no way for Minnesotans to demonstrate they have been rehabilitated and that, where appropriate, they can put their past behind them. Haase said the bill, and others heard during the meeting, will help those who have made mistakes move on.

The bill was approved and advanced to the Finance Committee.

S.F. 1231, sponsored by Ortman, expands eligibility for criminal records

expungements and recodifies provisions relating to expungements. Ortman said some offenders have earned society's forgiveness and a chance to start anew. Ortman said expungement is the sealing, not the destruction, of an individual's criminal record. She said courts have the authority to expunge records, but the administrative branch does not recognize the expungements.

The bill allows a job applicant to say he or she does not have a criminal record, if the record has been expunged, Ortman said. She said the bill also sets forth the requirements for petitioning for expungement, the contents of the petition, and details the hearing process. Ortman said that an order expunging the record of a conviction for a crime of violence must provide that the person is not to possess a gun. In addition, Ortman said the bill provides that upon the issuance of an expungement order, DNA samples and DNA records are not to be sealed. The measure also provides that an expunged record may be opened for purposes of a criminal investigation, prosecution or sentencing. The bill also lists the factors to be considered by the court when deciding whether or not to issue an expungement order.

Ortman said, "Forever seems like a long time to be unforgivable and the bill allows people who have earned the right to take their place in society."

Ortman asked that the bill be laid on the table in order for interested parties to have an opportunity to review the measure.

Moua also carried a bill related to expungements. Moua said that S.F. 560 is also a expungement reform bill. The measure provides that only felony-level offenses in which a child 16 or older has been adjudicated delinquent may be open, authorizes courts to waive collateral sanctions for juvenile offenders upon successful completion of the terms of the offenders sentence and probation, and expands the expungement provisions to cover juveniles or persons for whom the charges are dismissed.

Moua said the bill is another way of allowing young people who have made mistakes to prove their rehabilitation and become contributing members of society.

Todd Liljenquist, Minnesota Multi-Housing Association, said the association has some concerns that the measure will interfere in the tenant screening process.

He said landlords need to have a complete picture of prospective tenants. However, Ortman said the landlord still has the right to take action if a tenant does something wrong.

The bill was approved and advanced to the Finance Committee.

### **Unfunded mandates bill gains**

The Judiciary Committee, chaired by Sen. Mee Moua (DFL-St. Paul), met Thurs., Mar. 19, to tackle a lengthy agenda with bills ranging in topic from unfunded mandates to expansion of the DWI ignition interlock device pilot program.

S.F. 987, sponsored by Sen. Ann Lynch (DFL-Rochester), eliminates various reporting and analysis requirements for local law enforcement agencies. Lynch said that during the interim a workgroup pulled together a list of unnecessary and unfunded mandates in areas such as health care, education and local law enforcement. The bill allows juvenile probation officers to ensure that an electronic, or written, copy of a court's disposition order of a juvenile's probation, rather than requiring the transmission of a copy of the court's disposition. The bill also makes permissive, rather than requiring, a description of adverse social or economic effects a felony drug violation has on the neighborhood where the offense was committed. Members approved the bill and advanced the measure to the Rules and Administration Committee.

S.F. 203, authored by Sen. Gary Kubly (DFL-Granite Falls), establishes oversight and supervision for rural health cooperative arrangements. The bill requires the commissioner of health to review and supervise health care cooperative contractual arrangements to ensure that the arrangements are not in violation of state or federal antitrust law. Supporters said the measure allows better access to health care in underserved areas of the state. However, opponents said the cooperatives drive out competition and result in higher costs for everyone. A motion to table the bill failed. The measure was laid over.

Kubly also sponsored a bill, S.F. 999, establishing licensure requirements for medical laboratory science professions. Moua said the bill was before the committee because of provisions relating to civil liability and provisions relating to reporting immunity. The bill was approved and advanced to the Finance Committee.

S.F. 908, carried by Sen. Yvonne Prettner Solon (DFL-Duluth), expands eligibility for the peace office reciprocity examinations based on military experience. Prettner Solon said the bills builds on the experience of veterans, offers opportunities for veterans and helps recruitment at all levels of law enforcement. The bill was approved and sent to the full Senate.

Sen. Ann Rest (DFL-New Hope) sponsored several bills. S.F. 80 provides contribution limits for judicial campaigns. Under the bill, contributions are limited to \$2,000 in an election year and \$500 in other years. The bill also provides for the data classification of political party reports. The bill was approved and advanced to the Senate floor.

S.F. 1112, authored by Sen. Kevin Dahle (DFL-Northfield), repeals the exemption of public service corporations easement discharge from the eminent domain statute. Dahle said reforms enacted in 2006 provides greater protections for property owners in eminent domain takings by government entities, but did not include easements through eminent domain takings by public service corporations or utilities. Dahle said the bill provides for alternative appraisals, attorneys' fees and other protections in utilities' eminent domain proceedings.

Proponents said the bill addresses an issue of fairness in eminent domain proceedings by public service corporations. Paula Maccabee, Citizens Energy Task Force, said many landowners are not being adequately compensated for the easements. However, Craig Poorker, Great River Energy, said most often public service corporations use eminent domain for easements and landowners still have the use of their land. The bill was advanced to the Energy, Utilities, Communications and Technology Committee without recommendation.

Dahle also sponsored S.F. 362, which eliminates the written notice requirement to a building contractor of a construction defect. Moua said the bill, which had been before the committee earlier, had been laid over in order to fine-tune the language. An amendment specifying that the statute of limitations is tolled from the date any written notice provided by the homeowner is postmarked, or if not sent through the mail, received by the builder or from the date the vendor has actual notice was adopted. The bill was approved and advanced to the Senate floor.

# Committee update

S.F. 462, authored by Sen. Ron Latz (DFL-St. Louis Park), expands the current DWI ignition interlock device pilot program by two years and applies it statewide. Latz said the program does not have a fiscal impact, because federal funds are available for the pilot program. Latz said many repeat DWI offenders drive without a license, but the ignition interlock device allows offenders to drive if there is no evidence of alcohol. The bill was approved and sent to the full Senate.

S.F. 298, authored by Sen. Ellen Anderson (DFL-St. Paul), limits customer liability for unauthorized use of cellular phones. Members adopted an amendment specifying that a customer is not liable for cellular phone charges imposed by a wireless service provider that result from the unauthorized use of the customers cell phone. In addition, the amendment provides that there is a rebuttable presumption that any use of a cell phone after the service provider has been notified that the phone is lost or stolen is unauthorized, provided the customer agreed to suspend use of the wireless device.

Sen. Mary Olson (DFL-Bemidji) offered an amendment containing the language from a bill providing for a wireless telephone consumer protection act. Olson said the bill received extensive hearings last year and the language is the same as the final version last year. Olson said the Attorney General's Office supports the measure because the greatest number of complaints coming to the office relate to wireless telephone service.

Sen. Don Betzold (DFL-Fridley) said there had not been adequate notice that the bill was coming before the committee. He said, from a process point of view, he could not support the measure.

Anderson said she supports the bill, but that it is up to the committee to decide whether to adopt the amendment. Olson withdrew the amendment.

The bill was approved and sent to the full Senate.

Rest presented a measure, S.F. 661, authored by Sen. Sandra Pappas (DFL-St. Paul), expanding the requirements for postsecondary institutions to report resident student information to the secretary of state for voter registration purposes. Members adopted an amendment containing language relating to the investments of the University of Minnesota. Moua explained that the language of the amendment will remain in the Judiciary Subcommittee on Data Practices, but the



*Jill Vuchetich and her 21-month-old daughter Nina enjoy the festivities in the Capitol Rotunda during a Ready 4K early childhood event Thurs., Mar. 19.*

Photo by A.J. Olmscheid

bill is slated for hearing by the Higher Education Budget and Policy Division. Members adopted the amendment and re-referred the bill to the Finance Committee without recommendation.

S.F. 616, authored by Rest, modifies provisions relating to tax preparation services. She said the bill provides exceptions, specifies prohibited behavior, requires written agreements for refund anticipation loans and checks, requires disclosures for refund anticipation loans and allows for penalties and enforcement.

Rest said the bill provides higher standards for tax preparers, particularly

for refund anticipation loans. The bill was approved and re-referred to the Taxes Committee.

Rest's last bill for the evening, S.F. 1219, creates licensing standards for full-time firefighters. The bill requires the commissioner of public safety to appoint an accredited organization to prepare and administer firefighter certification examination designed to ensure competency in fire prevention, fire suppression and hazardous materials operations.

Marty Scheerer, vice president, Minnesota State Fire Chiefs Association, said the association does not oppose licens-

ing, but has concerns that the licensing because does not apply to volunteer firefighters. He said very often, volunteer firefighters have the same kind of training as professional firefighters. Scheerer said there is a certification process already in place and that licensing is duplicative. Scheerer said a tiered licensing system may provide more flexibility for local units of government.

Rest said the usual case for licensing is to provide assurance that there is a sufficient level of training. Members adopted an amendment providing a penalty for violations of the provisions for licensure.

The measure was approved and re-referred to the Finance Committee.

S.F. 568, sponsored by Sen. Linda Scheid (DFL-Brooklyn Park), extends civil immunity to municipalities that donate public safety equipment. Scheid said, "We are trying to encourage communities to donate public safety equipment to communities that need the equipment." However, there has been a concern over liability, Scheid said. She said as a result some equipment has been donated to other countries.

J.D. Burton, Coalition of Greater Minnesota Cities, said cities in Greater Minnesota both donate and receive donated equipment. In addition, the measure promotes cooperation between local government.

Joel Carlson, Minnesota Association for Justice, said the bill goes too far by providing immunity when someone negligently donates faulty equipment.

Olson offered an amendment specifying that the general standard of negligence applies to donated equipment. Scheid said the bill already specifies that there may be a claim if it is the direct result of fraud or intentional misrepresentation. Olson said negligence encompasses more than misrepresentation. The amendment provides immunity from liability unless the claim is a direct result of the intentional misconduct, gross negligence or negligence of the municipality for the failure to disclose known defects or mechanical failures.

Moua countered that when goods are donated to charities, donors are not held liable and the case for donating public safety equipment is similar. However, Don Betzold (DFL-Fridley), said if a municipality donates faulty equipment and someone is injured, no one is held accountable under the bill.

Scheid offered an amendment to the amendment deleting simple negligence, leaving intentional misconduct and gross negligence as exceptions from liability. Members adopted the amendment to the amendment. The amendment was adopted, the bill was approved and re-referred to the State and Local Government Operations Committee.

## State and Local Government Operations and Oversight

### Redistricting bill heard

Members of the State and Local Government Operations and Oversight Committee, chaired by Sen. Ann Rest (DFL-New Hope), met Mon., Mar. 16, to hear nine bills.

S.F. 182, authored by Sen. Lawrence Pogemiller (DFL-Mpls.), enacts statutory principles to govern redistricting plans and creates a redistricting commission to recommend to the Legislature the boundaries of legislative and congressional districts. Pogemiller said the principles are based on case law and historic traditions of redistricting in the state. He said the commission would consist of five retired judges of the Appellate or District Courts of the state who have not served in a party designated or party endorsed position. The Majority Leader of the Senate, the Minority Leader of the Senate, the Speaker of the House and the Minority Leader of the House would each appoint one judge, he said. The four judges would then work together to appoint the fifth judge to the commission, Pogemiller said. He said the commission will submit the redistricting plans for legislature and congressional seats to the Legislature for approval or rejection.

Sen. Tony Lourey (DFL-Kerrick) and Sen. Don Betzold (DFL-Fridley) both offered amendments to change timelines and deadlines related to the submission of the redistricting plans. The amendments were adopted and the bill was re-referred to the Finance Committee.

S.F. 284, sponsored by Sen. Linda Higgins (DFL-Mpls.), provides certain privileges and protection for local precinct caucuses held in first-class cities during an odd-numbered year. Higgins said privileges include preemption of certain public meetings and activities and the granting of time-off from work for employees wanting to attend the caucus. The bill also

specifies that no school official may deny the use of a public school building for the holding of a major political party precinct caucus and limits the fee for the use of the facility to the lowest amount charged to any public or private group, said Higgins. She said the privileges are substantially similar to those provided under existing law for caucuses held in even-numbered years.

The committee approved the bill and sent the measure to the full Senate.

S.F. 3, carried by Sen. Linda Berglin (DFL-Mpls.), eliminates unnecessary state regulations and mandates to ensure that public services are delivered as cost-effectively as possible. Berglin said mandates and regulations that qualify as unnecessary are those that are redundant, result in unnecessary paperwork or contain outdated or irrelevant requirements.

The committee approved the bill and re-referred the measure to the Finance Committee.

S.F. 1298, renames the Minnesota Department of Finance and the Minnesota Department of Employee Relations as the Minnesota Management and Budget Department.

The committee approved the bill and re-referred the measure to the Finance Committee.

S.F. 1544, authored by Rest, provides for the elimination, modification or suspension of certain statutorily imposed mandates on local governments. Rest said the bill was drafted based on suggestions from counties, townships and cities regarding reasonable proposals related to mandate relief.

Rest offered a number of amendments related to various technical modifications to the bill. The committee adopted the amendments and re-referred the measure to the Finance Committee.

S.F. 80, also authored by Rest, provides contribution limits for judicial candidates. The bill specifies that a candidate running for judicial office may accept a contribution of no more than \$2,000 in an election year and no more than \$500 in other years from any individual, political committee or political fund.

S.F. 425, sponsored Rest, makes numerous changes to campaign finance and public disclosure related to elections. The bill repeals and deletes some of the provisions of Minnesota law that have been held unconstitutional and are no longer enforced by the Campaign Finance and Public Disclosure Board, said Rest.

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She said the bill also requires individuals registering with the board to provide an e-mail address and removes a requirement for initial notice by certified mail when candidates and affiliated entities fail to meet filing deadlines. Finally, the bill assigns a fixed limit to the existing exemption from the gift ban for informational material and deletes conflicting language from current law regarding the timing for filing and affidavit of contributions.

S.F. 1141, carried by Rest, changes contribution limits for certain offices, limits expenditures, changes filing requirements and modifies political contribution and refund provisions. The bill amends current law to allow a candidate running for state senate to accept a contribution of no more than \$750 in an election year and \$250 in other years, a candidate for secretary of state or state auditor to accept \$1,000 in an election year and \$200 in other years and a candidate for state representative to accept \$500 in an election year and \$125 in other years. The bill also allows for the electronic filing of contribution reports.

Rest offered an amendment to combine the contents of S.F. 1141, 425 and 80 into one bill. The committee adopted the amendment and re-referred S.F. 80, as amended, to the Judiciary Committee.

S.F. 854, authored by Lourey, modifies licensing and reimbursement provisions governing services to persons with developmental disabilities. The bill also makes an appropriation to the Department of Human Services for FY 2010 to implement a comprehensive assessment tool across all long-term care programs and populations.

The committee approved the bill and re-referred the measure to the Finance Committee.

## Retention election bill gains

The State and Local Government Operations and Oversight Committee, chaired by Sen. Ann Rest (DFL-New Hope), gathered Wed., Mar. 18, to discuss several bills, including a judicial retention election amendment to the Minnesota Constitution.

Rest sponsored S.F. 70, which proposes an amendment to the Minnesota Constitution to change the process for the election of state court judges. The bill requires that judges who have been appointed by the governor stand for a retention election at the next regularly

scheduled general election held more than three years after the appointment, Rest said. If voters vote "no," the governor would then appoint another individual, but if the voters vote "yes," the judge would serve an eight-year term, she said. The bill also establishes a Judicial Performance Commission to evaluate judges in a nonpartisan manner, she said.

Associate Justice Barry Anderson, Minnesota Supreme Court, spoke in favor of the bill. He said retention elections and performance evaluations keep judges accountable to the public while also allowing for judicial independence.

Greg Wersal spoke in opposition of the bill and said the bill takes away the rights of voters to elect judges. Wersal said the bill gives the governor too much appointment power. Tom Prichard, president, Minnesota Family Council, said his concern about the bill is that judges will no longer be accountable to the public and may easily be able to abuse power.

Sen. Chris Gerlach (R-Apple Valley) proposed an amendment to delete language that states that the constitutional amendment under the bill is for the purpose of reaffirming the impartiality of the judiciary. The amendment failed.

The measure was approved and referred to the Rules Committee.

S.F. 1256, authored by Sen. Mary Olson (DFL-Bemidji), establishes a volunteer working group on Native language revitalization and preservation. The bill appropriates \$150,000 in FY 2010 from the arts and cultural heritage fund for the Working Group on Dakota and Ojibwe Language Revitalization and Preservation, Olson said.

Jennifer Bendickson, Dakota Ojibwe Language Revitalization Alliance, said she believes much can be gained culturally by bringing back the Native language. "It's also a healing thing for Native people," Bendickson said. She said that speaking the Native language helps American Indians know their culture and get in touch with their ancestry.

The bill was approved and referred to the Rules Committee.

S.F. 913, carried by Sen. Thomas Bakk (DFL-Cook), requires land use planning and limits some types of development to reduce greenhouse gas emissions, prohibits new incorporations, the use of minimum acreage standards for new school siting, and modifies tax increment financing standards. No action was taken.

Sen. Scott Dibble (DFL-Mpls.) authored S.F. 915, which requires school districts to obtain employee health coverage through the public employees insurance program. The measure was approved and referred to the Committee on Finance.

Sen. Katie Sieben (DFL-Newport) sponsored S.F. 671. The measure modifies the Critical Areas Act of 1973 and directs the DNR to protect and preserve the Mississippi River and adjacent lands, Sieben said. She said the bill requires the commissioner of natural resources to administer the Mississippi River Corridor critical area program. The bill was approved and sent to the Committee on Finance.

S.F. 484, carried by Sen. Tony Lourey (DFL-Kerrick), is a housekeeping bill that clarifies the duties of the Food Safety and Defense Task Force and changes membership and procedures of the Minnesota Organic Advisory Task Force. The bill also repeals the aquaculture and the invasive species annual report requirements, Lourey said. The measure was approved and sent to the Senate floor.

## State Government Budget Division

### Budget bill discussed

Members of the State Government Budget Division, chaired by Sen. Don Betzold (DFL-Fridley), convened Wed., Mar. 18, to review S.F. 1395, carried by Betzold, which is the governor's FY 2010-11 state government budget bill.

Betzold said the bill implements a number of the governor's recommendations, including proposed appropriations for constitutional offices, the Legislature, state agencies and base amounts for tort claims, contingent funds and pension funds. The bill also implements a number of the governor's initiatives including the data center consolidation, financial oversight, e-licensing, tobacco appropriation bonds and MAPS initiatives. He said the bill establishes spending limits for state lottery operations, amends existing law on grants policies and cooperative purchasing, implements the budget reserve recommendation and racing license fee increases, addresses requirements for federal stimulus funds and eliminates the Target Center appropriation. The bill amends existing law related to technology savings and the Environmental Quality Board. Betzold said further review of the bill would continue.



Senators Pat Pariseau (R-Farmington), left, and Gen Olson (R-Minnetrista) discuss proposed legislation during the Senate's Mon., Mar. 16, floor session.

Photo by David J. Oakes

## Taxes

### Tax Incidence Study reviewed

The Taxes Committee, chaired by Sen. Thomas Bakk (DFL-Cook), met Tues., Mar. 17, to hear an overview of the Dept. of Revenue's Tax Incidence Study.

Paul Wilson, Dept. of Revenue, said the Tax Incidence Study is an analysis of Minnesota's household and business taxes. He said the study addresses the question of who pays Minnesota Taxes. Wilson said the study answers the question by showing how the burden of state and local taxes is distributed across income groups. He said the study also estimates tax incidence across income groups for state and local taxes for 2011. The 2011 projections also take into account the impact of the forecast for income growth and expected changes in the distribution of income on the tax system.

Wilson said the study reports the distribution of calendar year 2006 state and local taxes in relation to taxpayer income.

Wilson said of the total \$22.1 billion 2006 taxes, 83.9 percent or \$18.5 billion of the burden ultimately falls on Minnesota residents. The state and local tax burden on Minnesota households averaged 11.2 percent of income, Wilson said. At the same time the share of state and local revenue from consumption taxes fell from 33.7 percent in 2004 to 31.8 percent in 2006 and is projected to fall to 30.3 percent in 2011. After allowing for the shifting of business taxes, the Minnesota tax system in 2006 was somewhat regressive, he said. Wilson said the state's refundable income tax credits and property tax refunds substantially reduce overall regressivity. He said incomes are expected to grow by 15.5 percent between 2006 and 2011, while tax receipts are forecast to grow at a slightly higher rate, thus raising the overall effective tax rate to 11.4 percent.

The entire Tax Incidence Study may be found at: [http://www.taxes.state.mn.us/taxes/legal\\_policy/research\\_reports/content/incidence.shtml](http://www.taxes.state.mn.us/taxes/legal_policy/research_reports/content/incidence.shtml)

### TIF bills heard

The Taxes Committee, chaired by Sen. Thomas Bakk (DFL-Cook), met Thurs., Mar. 19, to hear a number of bills dealing with tax increment financing. The panel also heard bills relating to the St. Paul sales tax and bonding for ISD # 2887, McLeod West.

S.F. 811, authored by Sen. Steve Dille (R-Dassel), authorizes Independent School District 2887, McLeod West to issue general obligation bonds for its reorganization operating debt. Members adopted an amendment providing that the levy for repayment of the bonds be levied against the referendum market value of the taxable property located within the boundaries of the district. The bill was approved and advanced to the Senate floor.

S.F. 929, carried by Sen. Sandra Papas (DFL-St. Paul), extends until 2014 the years the city of St. Paul can use sales tax revenue to pay the principal of bonds sold for the St. Paul Civic Center and capital

# Committee update

projects for development in downtown St. Paul and St. Paul neighborhoods. The measure was laid over for possible inclusion in the omnibus bill.

S.F. 1122, authored by Sen. Mee Moua (DFL-St. Paul), authorizes the St. Paul Housing and Redevelopment Authority to establish the Central Corridor light rail transit project area and extends the duration of several tax increment financing districts until 2029. The bill was laid over for possible inclusion in the omnibus bill.

S.F. 1283, carried by Sen. Tony Lourey (DFL-Kerrick), authorizes a Pine County to the list of regions allowed to create tourism tax increment financing districts. The measure was also laid over for possible inclusion in the omnibus bill.

Sen. Ron Latz (DFL-St. Louis Park) sponsored three bills. S.F. 1286 extends the duration of Hopkins tax increment financing districts by five, six or seven years depending on the district. S.F. 311 extends the duration and time for activities for the Elmwood Village tax increment financing district. S.F. 310 extends the duration of the Excelsior Boulevard redevelopment project district. All three bills were laid over for possible inclusion in the omnibus bill.

## Transportation Budget and Policy Division

### Budget discussions held

Members of the Committee on Transportation, chaired by Sen. Steve Murphy (DFL-Red Wing), met Tues., Mar. 17, to discuss the governor's budget recommendations for the Department of Public Safety and the Metropolitan Council.

Deputy Commissioner Mary Ellison, Department of Public Safety, said the governor is recommending a total budget of \$615 million for the 2010-11 biennium. She said the governor is recommending changing the funding source for the DWI laboratory testing program back to the trunk highway fund.

Ellison said the Minnesota State Patrol's yearly operating budget is approximately \$82 million, 96 percent of which comes from the trunk highway fund, 3 percent from the general fund and a little less than 1 percent from the highway user tax distribution fund.

Ellison said the Driver and Vehicle Services (DVS) annual budget is approximately \$55.6 million, which is funded

mainly from the special revenue and highway user tax funds. She said DVS generates nearly \$1 billion each year from fees associated with driver's licenses, motor vehicle title and registration, and auto dealer licensing and inspection.

The Office of Traffic Safety (OTS) receives an annual appropriation from the trunk highway fund of \$435,000, a required match which allows OTS to secure federal funds, grants and one-time monies that annually amount to roughly \$28 million, said Ellison.

The Office of Pipeline Safety receives \$2.25 million annually in special revenue and federal funds and \$1.35 million in direct appropriation special revenue derived from inspection fees and excavation damage prevention penalties, Ellison said. She said the office provides a number of services which include pipeline inspections, pipeline incident investigations, regulation enforcement and damage prevention.

Peter Bell, Metropolitan Council, said increased bus and rail transit expansion have left the council with a \$37.7 million transit deficit. The transit deficit, combined with increased fuel charges and an unallowment of \$600,000, leaves the council with a deficit of \$62.4 million for the 2010-11 biennium, he said. Bell said the council will be relying on funding from economic stimulus projects, levies, fare increases and a number of administrative interventions to curb the projected deficit.

### Panel hears appropriations bills

The Committee on Transportation convened Thurs., Mar. 19, to hear two measures that appropriate funds. Both bills were laid on the table for further discussion.

S.F. 1511, authored by Committee Chair Steve Murphy (DFL-Red Wing), appropriates the federal economic recovery funds. The bill requires the commissioner of transportation to make every effort to seek all available funds under the federal stimulus bill and to follow federal requirements in using the funds, Murphy said. He said the measure also eliminates the statutory local match for aeronautics projects funded by the stimulus bill.

S.F. 1276, also sponsored by Murphy, appropriates money for transportation, Metropolitan Council and public safety activities and programs. The measure reduces appropriations for the bridge

collapse and other highway construction projects for FY 2009, Murphy said. He said the bill appropriates \$2.123 billion in FY 2010, \$2.296 billion in FY 2011. In FY 2010, appropriations include \$98.385 million from the general fund, \$21.909 million from airports, \$496.785 million from the county state aid highway fund, \$133.988 million from the municipal state aid system, \$49.038 million from special revenue, \$9.538 million from the highway user fund and \$1.313 billion from the trunk highway fund.

Murphy said \$205.988 million is appropriated for infrastructure investment support, much of which is available in transportation grants, and \$591.3 million is appropriated for state road construction. He also said \$254.895 million will be used for infrastructure operations and maintenance in FY 2010. Also, \$16.548 million is appropriated for airport development and assistance, Murphy said.

Murphy said the Metropolitan Council is appropriated \$72.639 million in FY 2010, with \$67.346 million going for bus transit and \$5.293 million for rail operations. He also said public safety is appropriated \$152.478 million in FY 2010 to be used for patrolling highways, capitol security, traffic safety, pipeline safety and driver and vehicle services.

## Historical database available

The Legislative Reference Library has developed a database, "Legislators Past and Present," containing information about Legislators who have served since territorial times. The information was compiled from official legislative directories, obituaries, news clippings, family files and other sources. It contains information about terms of service, education, occupation, party affiliations, leadership positions, represented communities and more.

The database also includes information about Minnesota Legislators who served in other government functions, ranging from the local level to the national level. For example, almost two dozen Legislators have served on the University of Minnesota Board of Regents; the most recent is current Regent and former Senate Majority and Minority Leader Dean E. Johnson. The database even indicates which Minnesota Legislators also served in another state's legislature; there have been at least 15, and the number may climb as more information is compiled.

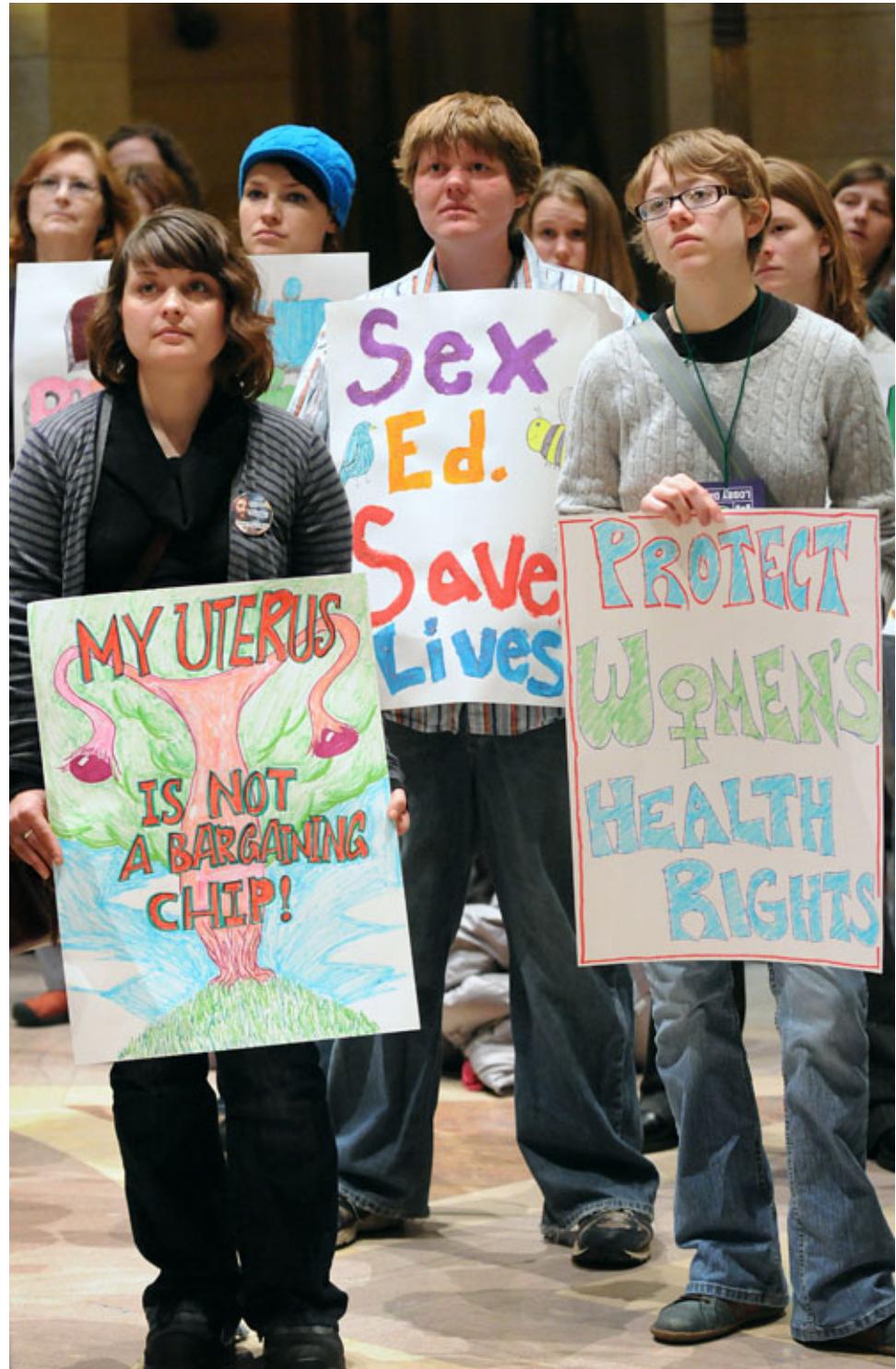
# Senate Briefly

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Wielding handmade signs, Pro Choice Lobby Day participants gather in the Capitol Rotunda Wed., Mar. 25.

Photo by David J. Oakes



March 27, 2009

# Highlights

## Child restraint bill gains

The Mon., Mar. 23, floor session was devoted to granting preliminary passage to a variety of bills and giving final passage to three bills on the Consent Calendar.

Bills on General Orders have been through one or more committees and are eligible for preliminary passage by the Senate acting as one large Committee of the Whole. Bills on the Consent Calendar are considered noncontroversial and are eligible for final passage.

Eight measures were granted preliminary passage on General Orders. Sen. Dennis Frederickson (R-New Ulm) authored a bill, S.F. 275, renaming the Minnesota River Basin Joint Powers Board. The bill also clarifies the duties and membership of the board. S.F. 983, carried by Sen. Ann Lynch (DFL-Rochester), establishes a segment of the Great River Ridge Trail.

S.F. 30, carried by Sen. Linda Higgins (DFL-Mpls.), specifies a retention time period for methamphetamine precursor drug logs maintained by retailers and provides that the logs are open to law enforcement inspection. Sen. Warren Limmer (R-Maple Grove) offered an amendment to require law enforcement to have probable cause before gaining access to the precursor drug logs. Sen. Julianne Ortman (R-Chanhassen) said current law already allows the inspection and that the bill was about the retention of records. The amendment failed. Limmer offered a second amendment to specify that law enforcement inspection of the logs be for the purpose of investigating violations of methamphetamine manufacturing.

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**Editor/Writer:**  
Karen L. Clark

**Writers:**  
Amanda Lillie  
Justin Thiessen  
Sydne Westorff

**Photographers:**  
David J. Oakes  
A.J. Olmscheid

Higgins said that the amendment was not necessary because of other language in the bill. The amendment failed on a 22-42 roll call vote.

Sen. Thomas Bakk (DFL-Cook) sponsored a bill, S.F. 832, extending the exception to minimum contacts required for jurisdiction to ownership of property on the premises of a printer. Bakk said the bill provides that paper owned by an out of state corporation, but delivered to a Minnesota printer, does not make the corporation subject to state income tax. S.F. 34, carried by Sen. Jim Vickerman (DFL-Tracy), extends the Casey Jones Trail and establishes a new state trail.

S.F. 1028, sponsored by Sen. Kevin Dahle (DFL-Northfield), provides for the closure of Trunk Highway 19 in New Prague for the Dozinky Festival. S.F. 208, authored by Sen. Ray Vandever (R-Forest Lake), authorizes the use of freeway shoulders by transit buses and Metro Mobility buses statewide.

S.F. 99, carried by Sen. Jim Carlson (DFL-Eagan), requires child restraint systems for children under the age of eight and shorter than four feet nine inches while passenger in a motor vehicles and modifies seat belt requirements accordingly. Sen. David Tomassoni (DFL-Chisholm) said the bill is unnecessary and that parents are responsible enough to see to their children's safety. Sen. Steve Murphy (DFL-Red Wing) said there is only 15 percent compliance with the child restraint systems. Sen. Julianne Ortman (R-Chanhassen) said it is impossible to protect children from everything. It is important to educate parents, but it should not be legislated, Ortman said. Sen. Sandra Pappas (DFL-St. Paul) said the bill is about protecting children and that should be paramount. The bill was granted preliminary approval on a 41-22 roll call vote.

Senators granted final passage to three bills on the Consent Calendar. S.F. 896, carried by Sen. Charles Wiger (DFL-Maplewood), authorizes two or more existing municipal power agencies to form a new municipal power agency. S.F. 1477, carried by Frederickson, provides a limited exemption to the state building codes for a specific picnic shelter. S.F. 1142, authored by Murphy, declares June 13, 2009, Vietnam Veterans Welcome Home Day.

## Brief floor sessions held

Senators met for a brief floor session Tues., Mar. 24, to process commit-

tee reports, bill introductions, messages from the other body and other work at the desk. With the approach of the first committee deadline Fri., Mar. 27, more frequent floor sessions are held to facilitate the movement of bills between committees.

## Deficiency appropriations bill passed

Senators met early Thurs., Mar. 26, to process committee reports and then recessed until late morning. At the late morning session, members discussed several bills on General Orders and granted final passage to bills on the Calendar. Members met again for a late afternoon session to process a bill making deficiency appropriations to various state agencies.

Senators suspended the rules in order to grant S.F. 95, the deficiency appropriation bill, final passage. The bill, sponsored by Sen. Richard Cohen (DFL-St. Paul), provides funding for the Dept. of Public Safety to provide a match for Federal Emergency Management Agency disaster payments and the Dept. of Human Services to provide additional funds for the Minnesota sex offender services. Cohen said the commissioner of the Dept. of Management and Budget had requested passage of the bill in order to avoid layoffs in the sex offender program. The bill provides an appropriation of \$17.06 million for the two programs. The measure was granted final passage on a 49-0 roll call vote.

A bill requiring an affidavit regarding the disclosure of birth records gained preliminary passage on General Orders. S.F. 164, sponsored by Sen. Ann Rest (DFL-New Hope), provides a procedure for an adopted person to obtain medical and social history information and provides for the birth parent to furnish nonidentifying medical history. In addition, the measure requires birth parent to file an affidavit of nondisclosure if the birth parent does not want the birth record disclosed to the adopted person. Members adopted two amendments, offered by Sen. Warren Limmer (R-Maple Grove), requiring notifications to be made by certified mail, rather than regular mail.

Several additional bills gained preliminary passage on General Orders. S.F. 33, carried by Sen. Rick Olseen (DFL-Harris), clarifies provisions enacted last year for type III school bus drivers. Olseen said there were some unintended consequences from last year's legislation specifying quali-

fications for type III school bus drivers. He said the bill provides for situations in which, for example, a debate coach may drive a team to a debate. S.F. 708, carried by Sen. Lisa Fobbe (DFL-Zimmerman), modifies provisions relating to foreclosure consultants. S.F. 1091, authored by Sen. Ray Vandeveer (R-Forest Lake), restricts weight limits on the Stillwater lift bridge.

S.F. 764, carried by Sen. Mee Moua (DFL-St. Paul), allows state agencies, boards, commissions, departments and statewide public pension plans to conduct telephone and e-meetings under specific conditions. S.F. 284, authored by Sen. Linda Higgins (DFL-Mpls.) sets forth procedures for political party caucuses for first class cities in odd numbered years.

Members also granted final passage to six bills on the Senate Calendar. S.F. 275, sponsored by Sen. Dennis Frederickson (R-New Ulm), renames the Minnesota River Basin Joint Powers Board and clarifies the duties of the board. S.F. 30, carried by Higgins, specifies the retention time for methamphetamine precursor drug logs maintained by retailers and provides that the logs are open to law enforcement inspection. S.F. 832, authored by Sen. Thomas Bakk (DFL-Cook), extends the exception to minimum contacts required for jurisdiction to ownership of property on the premises of a printer for income tax purposes.

S.F. 34, authored by Sen. Jim Vickerman (DFL-Tracy), extends the Casey Jones State Trail and creates the Des Moines River Valley Trail in Jackson, Cottonwood and Murray Counties. S.F. 1028, sponsored by Sen. Kevin Dahle (DFL-Northfield), authorizes the closure of Trunk Highway 19 in New Prague for the Dozinky Festival. S.F. 208, authored by Vandeveer, authorizes the use of freeway shoulders by transit buses and Metro Mobility buses. S.F. 99, carried by Sen. Jim Carlson (DFL-Eagan), requires booster seats or other appropriate child restraints for a child under the age of 8 and shorter than four feet nine inches while a passenger in a motor vehicle.

## Permanent Rules okayed

The Rules and Administration Committee, chaired by Sen. Lawrence Pogemiller (DFL-Mpls.), met Fri., Mar. 27, to consider the Permanent Rules of the Senate and direct two measures to the appropriate committees.

Members adopted a final amendment to the Permanent Rules altering a rule

providing for a budget resolution. Under the change, at least 15 days before the deadline for divisions of the Committee on Finance to act favorably on omnibus appropriations bills, targets for the general fund budget must be announced. In addition, the new rule specifies that an amendment to an omnibus appropriation or tax bill is out of order if it will increase net appropriations, without a corresponding increase in net revenue. The rule also provides that an amendment to an omnibus appropriation or tax bill is out of order if the amendment reduces revenue without a corresponding reduction in appropriations. Finally the rule change specifies that an amendment to an omnibus appropriation or tax bill is out of order if it changes appropriations, transfers, or revenues to an agency that was not in the bill as it was reported to the floor or creates or increases the amount of a tax expenditure by reducing appropriations to an agency that was not in the bill as it was reported to the floor.

At previous meetings members had adopted several other changes to the rules. The changes include moving the introduction and first reading of bills to the Eighth Order of Business, requiring the Senate budget to be posted on the Senate's Web site, and specifying that the requirement for members to vote on a roll call vote if members are in the Chamber applies when the Senate is acting as a Committee of the Whole. The panel also approved a change specifying that a confirmation is not withdrawn after 60 legislative days if the term has expired or the appointee is no longer serving. The final change specifies that a bill may not be considered by a committee on the day the bill was introduced unless there is a two-thirds vote of the committee to do so.

In other action, the panel adopted a motion to send S.F. 351 to the Senate



Senators Michelle Fischbach (R-Paynesville), left, and Lisa Fobbe (DFL-Zimmerman) closely examine proposed legislation during the Senate's Tues., Mar. 24, floor session.

Photo by David J. Oakes

floor. The bill, sponsored by Sen. John Marty (DFL-Roseville), prohibits former legislators, constitutional officers and agency heads from lobbying for legislative or administrative action for two years after leaving office. Members also sent S.F. 185, carried by Sen. Patricia Torres Ray (DFL-Mpls.), to the Committee on Finance. The bill extends the Legislative Coordinating Commission authority for activities relating understanding and appreciating ethnic and cultural diversity for two years.

Members also considered S.F. 117, authored by Pogemiller, modifying the definition of legislative day. Currently, a legislative day is defined as any day in which either the House of Representatives or the Senate meet in floor session. Under the bill, a legislative day is defined as a day when either body gives any bill a second or third reading or adopts a resolution. Pogemiller said the bill allows the Senate to do routine work without using one of the 120 legislative days set by the constitution as the length of a legislative session. The bill was approved and advanced to the Senate floor.

# Committee update

## Agriculture and Veterans

### Noxious weed bill gains

The Agriculture and Veterans Committee, chaired by Sen. Jim Vickerman (DFL-Tracy), met Tues., Mar. 24, to take action on two bills.

Sen. Gary Kubly (DFL-Granite Falls) carried S.F. 1410, which modifies provisions of the Minnesota Noxious Weed Law. The bill establishes a noxious weed and invasive plant species assistance fund to be used for grants to assist counties, municipalities and other weed management entities in maintaining noxious weed control programs, Kubly said. He said the bill also creates a noxious weed advisory committee. The purpose of the

bill is to protect the residents of Minnesota from the effects of noxious weeds on health, the environment, crops, livestock and other property, Kubly said.

Tim Power, past president, Minnesota Nursery and Landscape Association, spoke in favor of the bill. He said noxious weeds are an issue that needs to be addressed and the bill would be helpful for farmers and the safety of both their crops and their health.

Sen. Steve Dille (R-Dassel) offered an amendment that requires a county board to appoint a county agricultural inspector. The amendment was adopted.

The bill was approved as amended and sent to the Environment and Natural Resources Committee.

S.F. 1247, authored by Sen. Don Betzold (DFL-Fridley), classifies agriculture research, monitoring and assessment data.

Members adopted an amendment to make the bill effective immediately. The measure was approved and referred to the Committee on Judiciary.

### Railroad pesticide bill reconsidered

The Agriculture and Veterans Committee, chaired by Sen. Jim Vickerman (DFL-Tracy), met Thurs., Mar. 26, to hear three bills.

Members voted to take S.F. 691, sponsored by Sen. Sharon Erickson Ropes (DFL-Winona), off the table for further discussion. The bill regulates the ap-



Senators John Marty (DFL-Roseville) and Mary Olson (DFL-Bemidji) converse in the Senate Chamber following the Mon., Mar. 23, floor session.

Photo by David J. Oakes

plication of pesticide by railroads. Sen. Rod Skoe (DFL-Clearbrook) offered an amendment that requires the commissioner to provide annual pesticide safety outreach opportunities for railroad employees, provides that employees must not be required to work in pesticide-affected areas and requires misuse of pesticides to be reported to the commissioner. The amendment was adopted and the bill was approved and referred to the Committee on Finance.

Sen. Ray Vandeveer (R-Forest Lake) authored S.F. 775, modifying the definition of agricultural products relating to the classification of agricultural property for the commercial boarding of horses. The measure was approved and referred to the Committee on Taxes.

S.F. 1694, carried by Sen. Satveer Chaudhary (DFL-Fridley), establishes a star farms program, establishes the Star Farm Board and appropriates money from the clean water fund for grants to the Star Farm Board. The bill was laid over for possible inclusion in the omnibus bill.

## Business, Industry and Jobs

### Minimum wage regulations discussed

The Business, Industry and Jobs Committee, chaired by Sen. James Metzen (DFL-South St. Paul), gathered Mon., Mar. 23, to discuss minimum wage regulations on tipped employees and take action on a number of other measures.

Members discussed, but did not take action on, S.F. 1808, carried by Sen. Kathy Saltzman (DFL-Woodbury). The bill regulates minimum wage for tipped employees, provides that an employee must receive \$7.25 an hour if he or she does not earn enough tips so that the sum of \$6.55 an hour plus tips received is at least \$12 per hour, Saltzman said.

Chris Jacobs, Jobs Now Coalition, spoke in opposition to the bill. She said that many waiters and waitresses are receiving fewer tips in the current economic climate so a 70 cent raise is important for them.

S.F. 1513, authored by Sen. Patricia Torres Ray (DFL-Mpls.), creates a construction mitigation grant program and requires road authorities to mitigate construction impacts on local small businesses.

Linda Winsor, University Avenue Business Association, said businesses can

expect to lose 20 to 50 percent of their revenue when the street in front of the store is under construction. She said that business owners along University Avenue are preparing for light rail construction to begin in the next 18 months, and the bill will help businesses stay open and operable while construction takes place.

The measure was approved and referred to the Committee on Transportation.

Sen. Scott Dibble (DFL-Mpls.) carried S.F. 122, which requires a notice for retail sales of cocoa bean shell mulch. The mulch can be poisonous to pets, thus the purpose of the bill is for the protection of pets, Dibble said. The bill was approved and sent to the Senate floor.

Sen. Ellen Anderson (DFL-St. Paul) sponsored S.F. 1232, which provides tax incentives for businesses in green job zones.

Dan Thees, Energy Harvest Group, said, "The bill adds to the tools that small businesses can use to benefit themselves and the community."

The bill was okayed and referred to the Committee on Taxes.

S.F. 1062, carried by Sen. Julie Rosen (R-Fairmont), provides green job incentives and provides for green job opportunity building zones. Rosen said the bill would help Minnesota achieve its standard of receiving 25 percent of its energy from renewable resources by the year 2025. The bill also creates jobs to strengthen the state's economy, Rosen said. The measure was approved and referred to the Energy, Utilities, Technology and Communications Committee.

### Voluntary leave benefits bill heard

The Business, Industry and Jobs Committee, chaired by Sen. James Metzen (DFL-South St. Paul), convened Wed., Mar. 25, to take action on a variety of measures.

S.F. 1237, carried by Sen. John Marty (DFL-Roseville), bans gifts from drug or medical device manufacturers to physicians and Dept. of Human Services Formulary Committee members. The bill also requires disclosure of payments to practitioners by pharmaceutical and medical device manufacturers, Marty said.

Peter Wyckoff, prescription project, spoke in favor of the bill. He said the bill eliminates conflicts of interest between drug companies and physicians and increase public trust in physicians.

The bill was laid on the table.

S.F. 1772, sponsored by Metzen, modifies the targeted neighborhood revitalization program and appropriates \$30 million in FY 2010 from the general fund to the Dept. of Employment and Economic Development for activities under the targeted community revitalization and financing program. Metzen said the bill strengthens communities and makes them healthier by reducing the number of condemned or foreclosed homes.

The bill was approved and referred to the Committee on Finance.

S.F. 1143, authored by Sen. Steve Murphy (DFL-Red Wing), provides limited eligibility for benefits during a voluntary leave. The bill allows an individual, who chooses to be temporarily unemployed to avoid the layoff of another employee, to be eligible for benefits under leave of absence provisions, Murphy said.

Members adopted an amendment that puts a sunset date of August 1, 2012 on the bill. The bill was approved and referred to the full Senate.

S.F. 1661, authored by Sen. Thomas Bakk (DFL-Cook), requires registration of unlicensed contractors and subcontractors. The measure was approved and referred to the Committee on Finance.

Sen. Kathy Saltzman (DFL-Woodbury) authored a bill, S.F. 1454, that provides for a shared work plan. The purpose of the bill is to provide partial unemployment benefits to individuals whose normal weekly hours are reduced, with a proportional reduction in total weekly pay, Saltzman said. The bill was approved and sent to the Senate floor.

Sen. Terri Bonoff (DFL-Minnetonka) carried S.F. 347, which provides temporary health coverage to eligible unemployed workers. The bill was approved and referred to the Committee on Finance.

Sen. David Tomassoni (DFL-Chisholm) authored two measures. S.F. 1431 regulates the deduction from wages of unreimbursed expenses. The bill was recommended to pass and referred to the Senate floor. S.F. 1635 regulates plumbing practices and requires that anyone engaging in the installation, maintenance or repair of a medical gas system be licensed. The measure was approved and sent to the Committee on Finance.

### MFIP assistance bill stalls

The Business, Industry and Jobs Committee, chaired by Sen. James Metzen (DFL-South St. Paul), gathered on Fri., Mar. 27, to take action on three bills and

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discuss a measure regulating minimum wage for tipped employees.

Sen. David Tomassoni (DFL-Chisholm) sponsored S.F. 542, which extends MFIP assistance and foreclosure provisions and modifies unemployment compensation. The bill was laid on the table.

S.F. 1764, authored by Sen. Mary Olson (DFL-Bemidji), creates a business venture capital program in Minnesota to promote entrepreneurship, foster small business and create jobs. The bill was approved and referred to the Senate floor.

S.F. 1569, carried by Sen. Tarryl Clark (DFL-St. Cloud), requires the Dept. of Employment and Economic Development, the Dept. of Human Services, the Dept. of Education, the U of M and MnSCU to cooperate with collaborative local projects regarding employment, training and education programs administered by those agencies and systems. The purpose of the bill is to use collaborative projects to provide skill training and advancement for low-skilled workers, strengthen employer-employee relationships, improve access to training programs, reduce duplication of tasks and responsibilities among providers and evaluate industry training needs, Clark said. The measure was approved and referred to the Senate floor.

Members also discussed S.F. 1808, authored by Sen. Kathy Saltzman (DFL-Woodbury), which regulates minimum wage for tipped employees, but did not take any action on the bill.

## Commerce and Consumer Protection

### Credit score/insurance rate bill heard

Credit score use in the determination of an insurance rate was the main topic of the Tues., Mar. 24, meeting of the Committee on Commerce and Consumer Protection.

S.F. 263, authored by Sen. Mary Olson (DFL-Bemidji), prohibits an insurer from using information, including a credit score, to set rates to reject, cancel or not renew an automobile or homeowners' insurance policy or a health plan's accident and sickness policy. The bill specifies that the prohibition does not apply to credit information that is directly related to payment history for the type of insurance policy or health plan at issue. Olson said current law allows for insurance providers

to make an unfair correlation between an individual's credit score and likelihood that the individual will file a claim.

Olson said providers see a low credit scores as an indicator that an individual is more likely to file numerous or frivolous claims than someone with a good score. She said credit scores are often generated from sources that are outside of an individual's control and many times don't have any connection with the insurance coverage being sought. Olson said providers use credit scores to generate unfairly high rates for individuals with low scores.

Dan Johnson, insurance consumer, said that because his credit score is less than perfect due to issues completely unrelated to the insurance coverage he is seeking, his provider is refusing to give him the most favorable rate.

Bob Johnson, Insurance Federation of Minnesota, said the bill doesn't take into consideration the market impact it will have if passed and will surely change how all insurers do business in the state of Minnesota. Johnson said insurance consumers as a whole will likely end up paying higher premiums because providers need to cover the added expenses brought about by de-regulating the risk assessment process.

Dave Snyder, American Insurance Association, said credit scores do accurately assist in predicting risk for individuals seeking coverage and many consumers benefit from the credit score ranking because it provides them with a better rate than if their premium was generated without the credit information.

On a roll-call vote of 5-4, the bill failed to gain approval from the committee.

S.F. 1653, carried by Sen. Dan Sparks (DFL-Austin), regulates various licenses, forms, coverages, marketing practices and records of the Department of Commerce. Sparks said the measure is the department's annual housekeeping bill and includes a number of technical changes and modifications to current statutes.

The committee approved the bill and sent the measure to the full Senate.

S.F. 245, sponsored by Sen. Linda Berglin (DFL-Mpls.), provides equal access to a licensed acupuncture practitioner for acupuncture services covered under a regulated health plan.

Speaking in opposition to the bill, Dianne Coleman, Minnesota Council on Health Plans, said the bill would

increase the cost of health care premiums because it increases the amount of services that are required to be covered under health care plans.

The committee approved the bill and sent it to the full Senate.

### Vulnerable adult fraud prevention bill okayed

The Commerce and Consumer Protection Committee, chaired by Sen. Linda Scheid (DFL-Brooklyn Park), met for the final time before the first committee deadline Thurs., Mar. 26. The panel considered a variety of bills ranging from protecting vulnerable adults from financial fraud to regulating coverage for oral chemotherapy treatments.

S.F. 758, sponsored by Sen. Mee Moua (DFL-St. Paul), authorizes disclosure of financial records in connection with financial exploitation investigations, modifies the procedures and duties for reporting and investigating maltreatment and specifies the duties of financial institutions in cases alleging financial exploitation. The bill was approved and re-referred to the Finance Committee.

Sen. Ann Lynch (DFL-Rochester) sponsored a bill, S.F. 688, that requires health plans to cover formulary-based wound care. The measure was amended to specify that formulary-based wound care, or wound treatment and prevention technologies with FDA-approved component materials, be prescribed under bundled medical codes for an episode of care and must use Web-based software and electronic medical records to measure, monitor, report and evaluate treatment and outcomes. The bill was sent to the Health, Housing and Family Security Committee without recommendation.

S.F. 1849, sponsored by Sen. Dan Sparks (DFL-Austin), is the Dept. of Commerce financial institutions technical bill. The bill makes changes in provisions relating to consumer small loan lenders and residential mortgage originators, provides for the calculation of reserves and nonforfeiture values of preneed funeral insurance contracts, revises annual audit requirements for insurers and regulates life and health guaranty association notices. A provision allowing a township mutual company to eliminate or limit a director's personal liability to the company and its members for monetary damages for breach of fiduciary duty was eliminated from the bill under an amendment offered by Sen.

Mary Olson (DFL-Bemidji). The bill was approved and sent to the Senate floor.

S.F. 1469, carried by Sen. John Marty (DFL-Roseville), prohibits an individual health plan from refusing coverage to a woman because of a previous cesarean delivery. Marty offered, and members adopted, an amendment that prohibits charging a higher premium to a woman because of a previous cesarean delivery. The bill was approved and sent to the full Senate.

Scheid sponsored three measures. S.F. 1778 is a resolution urging Congress to oppose the creation of a federal insurance charter and any other federal legislation that threatens the power of state legislatures, governors, insurance commissioners and attorneys general to oversee, regulate and investigate the business of insurance and to protect consumers. The bill was approved and sent to the Rules and Administration Committee. S.F. 1904 conforms state law to the requirements necessary for eligible individuals who are not enrolled in continuation health insurance coverage to receive a federal premium subsidy under the American Recovery and Reinvestment Act of 2009. The bill was approved and sent to the full Senate. S.F. 1761 requires health plans to establish equal out-of-pocket requirements for oral chemotherapy medications and intravenously administered chemotherapy medications. The measure was also approved and advanced to the Senate floor.

## E-12 Education

### Bullying policy bill gains

The E-12 Education Budget and Policy Division, chaired by Sen. LeRoy Stumpf (DFL-Plummer), met Tues., Mar. 24, to discuss several measures, including a measure regarding harassment and bullying policies.

S.F. 971, authored by Sen. Scott Dibble (DFL-Mpls.), provides for harassment, bullying, intimidation and violence policies. Dibble said the bill requires school boards to adopt a policy that prohibits harassment, bullying, intimidation and violence based on race, color, creed, religion, sex, national origin, marital status, socioeconomic status, disability, sexual orientation, gender identity or expression, age and physical characteristics.

Members adopted an amendment that defines hazing and prohibits it both on and off school property and both dur-



*Minnesota Sudden Cardiac Arrest Survivor Network President Eugene Johnson provides members of the Education Committee Thurs., Mar. 26, with enthusiastic support for the expansion of CPR and automated external defibrillator instruction in health and physical education classes.*

Photo by David J. Oakes

ing and after school hours. The bill was approved as amended and referred to the Senate floor.

Dibble also carried S.F. 1076, which requires schools to notify the parent of a student who intimidates or bullies another student.

Roger Aronson, Minnesota Elementary School Principals Association, spoke in opposition to the bill. He said the bill is good intentioned but would mandate something that is already taking place. Aronson said principals and teachers should use their own discretion when informing parents of bullying.

The measure failed by a vote of 7-10.

After taking action on S.F. 971 and S.F. 1076 as the Education Policy Division, members adjourned and reconvened as the Education Budget Division to take action on four more bills.

Sen. Kenneth Kelash (DFL-Mpls.) sponsored S.F. 620. The bill allows school districts to use health and safety revenue for elevator repair costs, Kelash said. He said that a district must adopt a health and safety program to qualify for health and safety revenue. The bill was laid on the table for possible inclusion in the division's omnibus bill.

S.F. 786, authored by Sen. James Metzen (DFL-Mpls.), allows the use of health and safety revenue for school district playground safety, accessibility, safe surfacing, play and fitness equipment and maintenance. The measure was laid on the table for possible inclusion in the omnibus bill.

S.F. 1390, carried by Sen. Terri Bonoff (DFL-Minnetonka), allows school districts to retain half of the wind energy production tax deduction and allocates the other half of the wind energy production tax to the permanent school trust fund. The bill was laid on the table for possible inclusion in the omnibus bill.

Sen. Kevin Dahle (DFL-Northfield) sponsored S.F. 249, which authorizes school boards to form a business entity solely for wind energy project. The bill was recommended to pass and referred to the full Finance Committee.

### Charter school provisions gain

The Committee on Education, chaired by Sen. LeRoy Stumpf (DFL-Plummer), met Wed., Mar. 25, to take action on several bills, including a measure that modifies charter school provisions.

# Committee update

Sen. Ann Lynch (DFL-Rochester) carried a bill, S.F. 1045, which provides districts with more flexibility. The bill allows a district to transfer money from its reserved for operating capital account to its general fund and allows learning and development revenue to be used for general purposes, Lynch said. She said the bill also allows fees for nonpublic student transportation.

Morgan Brown, Dept. of Education, testified in opposition to a portion of the bill. He said the bill repeals the aid for nonpublic pupil transportation, which will cost parents of students more money and could eventually result in students transferring to public schools. Students transferring to public schools because of nonpublic pupil transportation fees would have a significant cost impact on the state, Brown said.

Sen. Amy Koch (R-Buffalo) offered an amendment to delete the allowance for nonpublic pupil transportation fees. The amendment was adopted.

The bill was approved as amended and laid on the table for possible inclusion in the omnibus bill.

S.F. 867, sponsored by Sen. Kathy Saltzman (DFL-Woodbury), modifies charter school provisions. The bill adds responsibilities to the charter school advisory council, clarifies health and safety requirements, requires charter schools to publish an annual report and modifies aid payments to charter schools, Saltzman said. The bill was approved and re-referred to the State and Local Government Operation and Oversight Committee.

S.F. 1428, authored by Sen. James Metzen (DFL-South St. Paul), permits Special School District #6, South St. Paul, to contract with the South Metro Fire Department for fire inspection services. Members adopted an amendment to make the bill effective statewide and not just in one district. The bill was approved as amended and referred to the Committee on Judiciary.

Sen. Lisa Fobbe (DFL-Zimmerman) carried a bill, S.F. 1800, that makes a number of clarifications regarding school district obligations to children with disabilities. The bill was approved and referred to the Committee on Judiciary.

Sen. Dan Skogen (DFL-Hewitt) authored S.F. 1636, which adjusts regional public library maintenance of effort provisions by allowing cities and counties to reduce their library maintenance of effort

if the city's or county's aid is reduced from the previous calendar year. The bill was laid on the table for possible inclusion in the omnibus bill.

## Office of Early Learning bill heard

The E-12 Education Budget and Policy Division, chaired by Sen. LeRoy Stumpf (DFL-Plummer), met Thurs., Mar. 26, to take action on a number of bills, including a bill establishing the Office of Early Learning.

Sen. Kathy Sheran (DFL-Mankato) authored S.F. 1189, which requires training for school district boiler operators. Sheran said the bill requires licensed custodial engineers to undergo at least eight hours of boiler operation training each year during regular working hours. The measure was approved and referred to the Senate floor.

S.F. 567, carried by Sen. Kathy Saltzman (DFL-Woodbury), requires school districts that offer cardiopulmonary resuscitation (CPR) and automated external defibrillator (AED) training to use training developed by the American Heart Association, the American Red Cross or nationally recognized evidence-based guidelines. The bill was approved and referred to the Senate floor.

S.F. 549, sponsored by Sen. Scott Dibble (DFL-Mpls.), adds greenhouse gas reduction goals to state and metropolitan programs and plans. The bill establishes goals for per capita reduction in vehicle miles traveled to reduce greenhouse gases, Dibble said. He said the bill also modifies the list of specific information that a school board must provide the commissioner of education when proposing to construct a new school.

Sen. Gen Olson (R-Minnetrista) moved to lay the sections of the bill regarding the renovation or construction of a new school on the table for possible inclusion in the omnibus bill. The motion was adopted.

The bill was recommended to pass and re-referred to the Committee on Finance.

After acting as the full Education Committee, members adjourned and reconvened as the Education Finance Division to hear one more bill.

S.F. 1649, authored by Sen. Tarryl Clark (DFL-St. Cloud), establishes an Office of Early Learning and appropriates \$6 million on FY 2010 and \$20 million in FY

2011 to the Dept. of Education for grants to prekindergarten exploratory projects.

Todd Otis, Ready 4 K, spoke in favor of the bill. He said that the creation of an Office of Learning would allow a system of accountability for early childhood learning, which is something Minnesota does not currently possess.

Mary O'Brian, Minnesota Community Education Association, said the association opposes the portion of the bill that requires school readiness programs to serve children a minimum of 16 hours per week. She said the mandate is an increase in hours from previous law and might cause schools to have to cut back on the number of children they can serve because of funding issues. O'Brian said the association recommends reducing the minimum hour requirement so that more children can be served.

Tom Pritchard, Minnesota Family Council, spoke in opposition to the bill. He said the best early childhood learning occurs in homes while spending time with family.

The measure was approved as amended and laid on the table for possible inclusion in the omnibus bill.

## Economic Development and Housing Budget Division

### Workforce development bills heard

Members of the Economic Development and Housing Budget Division, chaired by Sen. David Tomassoni (DFL-Chisholm), gathered Mon., Mar. 23, to hear four bills for possible inclusion in the omnibus economic development policy bill.

S.F. 1133, authored by Sen. Dan Skogen (DFL-Hewitt), appropriates \$250,000 each year for fiscal years 2010 and 2011 from the general fund to the commissioner of employment and economic development for a grant to Northern Connections in Perham. The bill states that the grant must be used to implement and operate a workforce program to provide one-stop supportive services to assist individuals as they transition into the workforce.

Debra Carpenture, executive director, Northern Connections, said the program helps to build a stronger workforce with increased earning power that will bring more dollars into local communities and more tax revenue into the state.

S.F. 89, sponsored by Sen. Kenneth Kelash (DFL-Mpls.), modifies a number of definitions related to unemployment compensation for individuals participating in the reemployment assistance training program.

S.F. 792, carried by Sen. James Metzen (DFL-South St. Paul), appropriates \$1.3 million from the general fund to Twin Cities RISE! to provide training to hard-to-train individuals. Metzen said the program, which is funded mainly through donations, helps roughly 1,700 low-income people each year find meaningful, skilled employment.

Cy Yusten, Twin Cities Rise!, said the program provides job training and placement to ex-offenders and individuals who have previously been in trouble with the law. Yusten said the program has a 67 percent success rate and boosts the average annual earnings of individuals participating in the program from \$4,400 to approximately \$26,000. Twin Cities RISE! is a pay-for-performance program, making it an excellent return on investment for the state, said Yusten.

S.F. 1115, authored by Sen. Richard Cohen (DFL-St. Paul), allows forgiveness on repayment of a loan to finance the St. Paul RiverCentre. The bill authorizes the city of St. Paul to issue up to \$40 million in general obligation or special revenue bonds to finance the design, acquisition, construction and equipping of a public community ice facility to be located within the block 39/arena tax increment district, also known as the event district.

Mayor Chris Coleman, city of St. Paul, said the event district is a destination environment for almost 4.5 million visitors each year and generates over \$200 million annually for the local economy. Coleman said the bill is an important "next step" in the development of the event district and will likely spur additional private investments in the area and will employ a number of new individuals to build and operate the facility. Coleman said the bill allows the city to redirect the payments being made on the loan for the RiverCentre and put them toward the construction of the new ice facility.

All bills were laid on the table for possible inclusion in the omnibus bill.

## Neighborhood revitalization bill gains

Members of the Economic Development and Housing Budget Division, chaired by Sen. David Tomassoni (DFL-

Chisholm), gathered Wed., Mar. 25, to discuss a number of bills for possible inclusion in the division's omnibus bill.

S.F. 1541 authored by Sen. Lawrence Pogemiller (DFL-Mpls.), provides for the improvement of the neighborhoods adjacent to the Minneapolis campus of the University of Minnesota. Pogemiller said the bill is meant to serve as the foundation for a long-term strategy focused on improving and enhancing the areas and neighborhoods surrounding the university campus.

President Robert Bruininks, University of Minnesota, said the bill assists a district area alliance that has the task of revitalizing the community around the university by making it a vibrant and safe place to live and work. Bruininks said the alliance will focus on preserving and expanding home ownership in the neighborhoods, improving the appearance of business districts and increasing and maintaining an adequate level of safety in the area. "The university can't be academically strong without a strong community around us," he said. Bruininks said that he hopes that the neighborhoods surrounding the university will someday contain not just students, but a large number of faculty and staff who will live close enough to be able to walk to work.

Mayor R.T. Rybak, city of Minneapolis, said the bills serve as the development mechanism for what will likely be a large scale project involving many different organizations and participants.

Sen. Kenneth Kelash (DFL-Mpls.) offered an amendment specifying which Minneapolis neighborhoods will be targeted in the project. Sen. Michelle Fischbach (R-Paynesville) offered an amendment making technical word substitutions and modifications to the bill. The committee adopted both amendments.

S.F. 1608, sponsored by Sen. Patricia Torres Ray (DFL-Mpls.) expands grants for the Youthbuild programs. Torres Ray said the program provides education and employment training to at-risk youth. She said the work projects undertaken by Youthbuild participants often include construction, rehabilitation and remodeling of public housing facilities.

S.F. 1446, authored by Sen. Kathy Saltzman (DFL-Woodbury), establishes a matching grant program to provide financial assistance for commercialization activities in the state. The bill states that funds may be used to provide research and

development matching grants to small business innovation and research and small business technology transfer award recipients to assist the spinout of technology from nonprofit research institutions. The measure appropriates \$2 million each year beginning in FY for the Office of Science and Technology, of which \$1 million is dedicated to technology matching grants.

S.F. 1320, carried by Sen. James Metzen (DFL-South St. Paul), appropriates \$250,000 in both FY 2010 and 2011 from the general fund to the Minnesota Humanities Center.

Matthew Brandt, vice president, Minnesota Humanities Center, said the appropriation will allow the humanities council to obtain matching funds from the federal government and will help with operational costs of the center. Without the state money, Brandt said the council will not have the funds needed to initiate a federal match and the humanities center, which is used by over 10,000 Minnesotans each year, would be forced to close its doors.

All bills were approved by the division and laid over for possible inclusion in the omnibus bill.

## Energy, Utilities, Communications and Technology

### Omnibus bill constructed

Members of the Energy, Utilities, Technology and Communications Committee, chaired by Sen. Yvonne Prettner Solon (DFL-Duluth), met Tues., Mar. 24, to hear a number of measures seeking inclusion in the omnibus bill.

S.F. 550, authored by Prettner Solon, allows carry forward of excess energy savings by power companies and requires a study of the conservation improvement program. Prettner Solon said the bill allows a utility or association to carry forward energy savings in excess of 1.5 percent in a year and permits the savings to be used toward the goal in the next three calendar years, provided that they may only be used once. She said the bill also directs the Legislative Energy Commission to study the conservation improvement program (CIP). The study is directed review issues related to the proper crediting of utilities and associations for conservation activity, the use of third parties to develop and implement CIP plans

# Committee update

and a mechanism for statewide utility and association investment, Prettner Solon said.

The committee approved the bill and laid it over as the vehicle for the omnibus bill.

S.F. 1675, carried by Sen. David Tomassoni (DFL-Chisholm), requires an amendment to a contract entered into under biomass mandate and allows for cost recovery of fuel expenses. Tomassoni said the bill is a fuel adjustment mechanism aimed at addressing cost overruns associated with the production of energy for a public utility under the power purchase agreement between the utility and the producer.

S.F. 1771, also authored by Prettner Solon, requires the Legislative Energy Commission to study and make recommendations concerning a low-carbon fuel standard for transportation fuels used in motor vehicles. Prettner Solon said the standard would be designed to reduce the carbon content of the transportation fuels over time in an amount the commission determines appropriate considering the full range of societal impacts caused by the reduction, including environmental and economic impacts.

S.F. 1214, sponsored by Prettner Solon, creates a mass transit zone for utility reinvestment and cost recovery.

Jody Proferl, vice president of community affairs, Xcel Energy, said the bill allows Xcel Energy to integrate the replacement of traditional utility infrastructure with forward thinking energy technologies, in conjunction with the light-rail transportation project, in an effort to advance the development and understanding of specific technologies.

The committee laid the bill over for further consideration.

S.F. 1460, carried by Sen. Julie Rosen (R-Fairmont), provides rights to low-income customers of vendors of delivered home heating fuel. The bill establishes cold weather consumer protection requirements and allows low-income customers to make payment arrangements with fuel providers when full payments cannot be made at the time of delivery, said Rosen. The bill also restricts fuel vendors from imposing excessive fees related to finance charges and fuel delivery.

Brad Box, Northern Star Coop, said the bill provides unnecessary regulation of an industry that already works diligently with its customers to make fuels and fuels delivery affordable and timely.

The committee laid the bill over for further consideration.

S.F. 1461, also carried by Rosen, requires a fuel oil or propane company receiving \$50,000 or more from the Low Income Home Energy Assistance Program (LIHEAP) for the previous heating season to report information to the Office of Energy Security regarding the total number of customers receiving LIHEAP assistance in comparison to the total number of customers served by the company.

S.F. 1330, authored by Sen. Scott Dibble (DFL-Mpls.), makes modifications to provisions relating to public utility renewable facilities cost recovery. The bill also makes renewable and high-efficiency utility rate options modifications.

Dibble authored two more bills, S.F. 1346, which modifies renewable energy standard technology options for public utilities, and S.F. 1347, which regulates incentive plans for conservation investments.

The committee laid S.F. 1347 over for further consideration.

Sen. John Doll (DFL-Burnsville) sponsored two bills, S.F. 1335, which provides solar energy generation project installations distributed energy resources modifications, and S.F. 736, which regulates approval of energy conservation improvement program plans.

All bills, except for S.F. 1214, 1347 and 1460, were amended onto S.F. 550 to form the omnibus bill.

## Omnibus bill approved

Members of the Energy, Utilities, Technology and Communications Committee, chaired by Sen. Yvonne Prettner Solon (DFL-Duluth), convened Thurs., Mar. 26, to approve the omnibus bill and hear three new measures.

The committee opened the meeting with a general overview and brief walkthrough of S.F. 550, the committee's omnibus energy policy bill.

Prettner Solon offered an amendment adding a sentence to the section of the bill addressing qualifying energy projects specifying what buildings and residences would be part of the energy projects.

Sen. John Doll (DFL-Burnsville) offered an amendment removing unnecessary language from the section regarding the central corridor utility zone cost adjustment. The committee adopted both amendments.

Sen. Amy Koch (R-Buffalo) offered an amendment to add a section to the bill

lifting the moratorium on the construction of nuclear power plants in the state. Koch later withdrew the amendment after a brief discussion.

The committee approved the bill and sent the measure to the full Senate.

Sen. Ellen Anderson (DFL-St. Paul) sponsored two similar bills, S.F. 1006, which creates a local government renewable energy grant program bond issue and appropriation, and S.F. 997, which creates the same program for school districts.

Anderson offered amendments to change the bonding request to a request for federal stimulus funding for both bills. The committee adopted the amendments, approved both bills and re-referred them to the Finance Committee.

S.F. 1062, carried by Sen. Julie Rosen (R-Fairmont), provides green job incentives and green job opportunity building zones. The bill also provides small business investment company and job growth investment tax credits and makes conservation plan qualification modifications related to biomethane energy projects.

The committee approved the bill and re-referred the measure to the Tax Committee.

## Environment and Natural Resources

### Omnibus land and waters bill heard

Members of the Committee on Environment and Natural Resources, chaired by Sen. Satveer Chaudhary (DFL-Fridley), met Mon., Mar. 23, to consider a number of measures, including the omnibus lands and waters bill.

S.F. 1123, sponsored by Sen. Dan Skogen (DFL-Hewitt), provides for the private sales of state lands to resolve trespass issues, authorizes public and private sales of surplus state land, modifies previous sales authorization and land descriptions and makes technical changes regarding boundaries at various state parks. Skogen said the bill is the annual omnibus lands and waters bill and is comprised of a number of measures approved by the Subcommittee on Lands and Waters.

The committee laid the bill over for further discussion and consideration.

S.F. 1314, carried by Sen. Paul Koering (R-Fort Ripley), authorizes the commissioner to acquire, from willing sellers, perpetual conservation easements on behalf of the state and federal government

consistent with Camp Ripley's Army compatible use buffer project. The project, as described in the bill, is geographically defined as a three-mile zone around Camp Ripley in central Minnesota. Koering said the buffer is needed due to the large amounts of noise being generated at the camp. He said the bill allows local landowners to form a partnership with the military and provides them with equity for property they will be able to retain and keep undeveloped.

The committee approved the bill and sent the measure to the full Senate

S.F. 1225, carried by Chaudhary, removes bow and gun case requirements. Chaudhary said the bill regulates the actions of ethical, law abiding hunters, by allowing them to have uncased and unloaded long guns, not handguns, and unarmed bows in a motor vehicle. He said hunting from a vehicle and poaching

will still be illegal and the bill does not in any way condone that sort of behavior.

The committee approved the bill and re-referred the measure to the Judiciary Committee.

S.F. 1486, carried by Sen. Linda Higgins (DFL-Mpls.), amends reporting requirements for manufacturers and retailers of video display devices. The bill also limits the amount of recycled electronics products that can be applied to future recycling obligations.

Higgins offered an amendment changing the effective date of the bill to July 1, 2009. The committee adopted the amendment, approved the bill and sent the measure to the full Senate.

S.F. 1564, authored by Sen. Rick Olseen (DFL-Harris), establishes the parks and trails legacy grant program to assist eligible units of local government in acquiring, developing, improving and

restoring park and trail lands of regional or statewide significance.

The committee approved the bill and re-referred the measure to the State and Local Government Operations and Oversight Committee.

S.F. 1624, sponsored by Sen. Scott Dibble (DFL-Mpls.), authorizes uses for the Hennepin county solid and hazardous waste fund. Dibble said the fund amounts to approximately \$700,000 per year.

The committee approved the bill and re-referred the measure to the Finance Committee.

S.F. 1657, authored by Sen. Mary Olson (DFL-Bemidji), calls for the reorganization, consolidation and restructuring of state environment and natural resource agencies and departments. The bill also abolishes the powers and duties of a number of the agencies and establishes the Environment and Natural Resources



Monique Sullivan of Environmental Minnesota presents her organization's recently released report on the link between air pollution from cars and light-duty trucks and respiratory disease at a Capitol press conference Tues., Mar. 24.

Photo by A.J. Olmscheid

# Committee update



Senators Linda Berglin (DFL-Mpls.) and Richard Cohen (DFL-St. Paul) consult during the Senate's Mar. 23, floor session.

Photo by A.J. Olmscheid

Structure Committee to advise the Legislature and governor on new structure.

The bill was laid over for future consideration.

## Omnibus bills heard

The Environment, Energy and Natural Resources Budget Division, chaired by Sen. Ellen Anderson (DFL-St. Paul), met Thurs., Mar. 26, to discuss a number of bills for possible inclusion in either of the division's two omnibus bills, the omnibus appropriations bill or the bill allocating the federal stimulus funds.

S.F. 1621, authored by Sen. David Senjem (R-Rochester), modifies the disposition of solid waste management tax revenue. In 2008, the solid waste management tax generated \$67 million, 30 percent of which was deposited into

the general fund and 70 percent into the environmental fund, he said. Senjem said the bill makes a slight modification to current law to allow counties to be part of the growth of the tax by allocating 30 percent of the tax money put into the environmental fund to be appropriated to the select committee on recycling and environment grants.

The division approved the bill and laid it over for possible inclusion in the omnibus environment budget bill.

S.F. 805, carried by Sen. Tom Saxhaug (DFL-Grand Rapids), authorizes a forest management lease pilot project and directs the commissioner to increase the amount of timber products sold from state lands under permits based solely on the appraiser's estimate of the timber volume described in the permit.

Bob Tomlinson, Department of Natural Resources Forestry Division, said the bill is meant to provide some assistance to the forest products industry by providing an alternative method of doing business.

The division approved the bill and sent the measure to the Finance Committee.

S.F. 996, sponsored by Anderson, appropriates money to the commissioner of finance from the federal stimulus funding received by the state, for a grant to the St. Paul Port Authority for developing and implementing a demonstration program to provide for the design, financing and installation of energy efficiency improvements in commercial and industrial facilities.

Anderson said the bill allows the port authority to use grant funds for all

costs necessary to develop and implement a commercial-industrial program to fund energy efficiency improvements. Furthermore, Anderson said the port authority will be able to use grant funds for loans, guarantees, bond financing and other financing arrangements to pay all costs necessary to the design, procurement, construction and installation of the improvements.

S.F. 1699, authored by Sen. Gary Kubly (DFL-Granite Falls), provides economic stimulus through renewable energy and energy efficiency grants.

The division approved both bills and laid the measures over for possible inclusion in the division's bill addressing federal stimulus funding.

## Environment, Energy and Natural Resources Budget Division

### River watch program bill gains

The Environment, Energy and Natural Resources Budget Division Subcommittee on Clean Water Legacy, chaired by Sen. Sandy Rummel (DFL-White Bear Lake), met Mon., Mar. 23, to consider three bills for funding from the clean water fund.

S.F. 880, carried by Sen. LeRoy Stumpf (DFL-Plummer), appropriates \$273,000 in each fiscal year for a grant to the Red River Watershed Management Board to enhance and expand existing river watch activities in the Red River of the North. Stumpf said the program, which allows students to participate in water quality studies, has been very successful and deserves to continue.

Gary Kotts, teacher, Stephen Argyle School District, said the river watch program has allowed students to participate in and become involved in scientific activities regarding water quality. He said the program is an effective partnership between local schools and communities throughout the Red River Basin.

The bill was laid over for possible inclusion in the subcommittee's omnibus water bill.

Sen. Joe Gimse (R-Willmar) authored a bill, S.F. 1249, appropriating money from the clean water fund for a water quality pilot program in Green Lake in Kandiyohi County. Gimse said the measure contains appropriations for storm water projects to reduce sediment and

nutrients, Alvig Slough Inlet correction and watershed stabilization, survey and control Eurasian water milfoil, community education outreach and tree planting for hydrologic benefit.

Advocates said the bill is appropriate for clean water amendment funding because it accomplishes a dual program of reduction of storm water sediment and nutrients and the objective of reducing Eurasian milfoil for long term water quality protection and improvement.

The bill was laid over for possible inclusion in the omnibus bill.

S.F. 1275, authored by Sen. Ellen Anderson (DFL-St. Paul), provides \$2.5 million for up to 50 percent of the costs to predesign, design and implement capital projects that use treated municipal wastewater instead of groundwater from drinking water aquifers, in order to demonstrate the beneficial use of wastewater.

The measure was also laid over for possible inclusion in the division's omnibus bill.

### Budget update heard

The Environment, Energy and Natural Resources Budget Division, chaired by Sen. Ellen Anderson (DFL-St. Paul) met Tues., Mar. 24, to hear the Department of Natural Resources (DNR) budget update and to consider four measures.

Bob Meier, DNR, briefly outlined the updated 2010-2011 budget request for the Minnesota DNR. The report also includes the DNR's mission, six agency goals, and the three driving trends that impact DNR's stewardship of natural resources, said Meier. Mr. Meier also presented the governor's revised recommendations for environment, energy and natural resources.

S.F. 353, carried by Sen. Satveer Chaudhary (DFL-Fridley), modifies provisions that dedicate funds from the sale of state land into the general fund. Chaudhary said the requirement places a greater burden on the DNR by distributing the money from land sales to other state agencies. The bill does not prohibit the sale of state land, but redirects where the money can be used, said Chaudhary. The bill was approved and referred to the Finance Committee.

S.F. 1194, sponsored by Sen. Dan Skogen (DFL-Hewitt), provides direction for federal stimulus money to a small power producer grant program. Joe Sullivan, Missouri River Energy Services, said

the grant program creates greater incentives for residents and small business owners to purchase renewable energy units. The grant covers 30 percent of the total cost of installation, he said. The bill was approved and laid on the table for possible inclusion in the omnibus budget bill.

S.F. 1329, sponsored by Sen. Dennis Frederickson (R-New Ulm), creates clean water and drinking water revolving loans and grants with federal stimulus funds. Terry Kuhlman, Public Facilities Authority, said the grant program could stimulate \$200 million in construction projects from now through May and \$200 million more through the end of the year. The bill was approved and referred to the Finance Committee.

S.F. 444, carried by Sen. Yvonne Pretter-Solon (DFL-Duluth), requires the commission of the Pollution Control Agency (MPCA) to establish a process to collect and manage greenhouse gas emissions data. Frank Dolasch, manager of Environmental Data Management, MPCA, said the bill also requires the agency to design the system to coordinate with other regional or federal greenhouse gas emissions reporting systems. The bill was approved and recommended for inclusion in the omnibus budget bill.

## Finance

### State fund misuse bill heard

Members of the Finance Committee, chaired by Sen. Richard Cohen (DFL-St. Paul), met Thurs., Mar. 26, to hear a number of measures, including a bill related to laws regarding the misuse of state funds.

S.F. 107, authored by Sen. Ann Rest (DFL-New Hope), clarifies and strengthens laws prohibiting misuse of state funds. The bill requires the Legislative Auditor to disclose when a state or employee has used money for a purpose other than the purpose for which the money was appropriated. The bill also modifies current law prohibiting public officers from misusing money to add a requirement that the misuse be intentional, with knowledge that the use is for a purpose other than the purpose for which the money was appropriated. Finally, the bill requires the commissioner of finance to develop a best practice policy for conducting misuse investigations.

Sen. Linda Berglin (DFL-Mpls.) offered an amendment removing the attorney general from the list of organiza-

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tions receiving a copy of the report from the legislative auditor on misuse of funds. The committee adopted the amendment, approved the bill and sent it to the Senate floor.

S.F. 91, also authored by Rest, requires the commissioner of finance to maintain a website with a searchable database containing information on state contracts, appropriations expenditures and tax expenditures. Rest said the bill repeals existing law requiring a searchable database for state contracts and grants.

The committee laid the bill over to further examine the fiscal issues related to the measure.

S.F. 1544, sponsored by Rest, provides for the elimination, modification or suspension of certain statutorily imposed mandates on local governments. Rest said the bill was drafted based on suggestions from counties, townships and cities regarding reasonable proposals related to mandate relief.

The committee approved the bill and re-referred the measure to the Rules and Administration Committee.

S.F. 1329, carried by Sen. Dennis Frederickson (R-New Ulm), provides that the federal money allocated under the American Recovery and Reinvestment Act of 2009 for capitalization grants for clean water and drinking water state revolving funds is appropriated to the Public Facilities Authority for deposit into the clean water revolving fund and the drinking water revolving loan fund.

The committee approved the bill and sent the measure to the full Senate.

S.F. 1106, carried by Sen. Ann Lynch (DFL-Rochester), establishes licensure and practice limitations for oral health practitioners and dental therapists.

Lynch offered an amendment making technical changes to the bill. The amendment was adopted and the bill was approved by the committee and referred to the Rules and Administration Committee.

S.F. 1197, sponsored by Sen. David Tomassoni (DFL-Chisholm), conforms Minnesota law to the requirements necessary to receive federal stimulus funds for unemployment insurance relief. Tomassoni said the state is projected to receive approximately \$130 million in federal unemployment assistance. He said the money will be deposited into the unemployment trust fund, where it will earn interest of roughly \$100,000 per week. The

federal assistance, along with the interest, will help sustain the trust fund, which is slated to go into deficit early next year without the assistance, Tomassoni said.

The committee approved the bill and sent the measure to the full Senate.

S.F. 1511, authored by Sen. Steve Murphy (DFL-Red Wing), provides for receipt and appropriation of federal economic recovery funds for transportation purposes.

The committee approved the bill and the measure to the full Senate.

S.F. 95, carried by Cohen, provides deficiency funding for the Minnesota sex offender program and for a state match tied to the Federal Emergency Management Agency.

Cohen offered an amendment increasing the appropriation to the sex offender program by \$1.06 million. The committee adopted the amendment, approved the bill and sent the measure to the full Senate.

## Health, Housing and Family Security

### Health Security Act gains

The Health, Housing and Family Security Committee met Mon., Mar. 23, to consider several measures, including the Health Security Act.

S.F. 9, sponsored by Sen. Tony Lourey (DFL-Kerrick), creates the Minnesota health security program, specifies eligibility criteria, specifies covered services and specifies administrative procedures.

Loureys said the bill provides a long term vision of providing health care for all Minnesotans, beginning with a first step of providing health insurance to children. A coalition of over 350,000 Minnesotans supporting the bill, Lourey said. He said uninsured children are more than five times likely to have unmet medical needs. Lourey said it is unacceptable in a country that spends over 16 percent of gross national product on health care to have children without health coverage.

Carole Specktor, Children's Defense Fund Minnesota, said the bill is about long-term health care for children. Under the bill, children will receive needed preventive care and immunizations that will, in turn, result in a healthier work force. Specktor said the bill would also help the ailing health care system for the middle class. She said, the Children's Defense

Fund is very aware of the state's budget problems, but the failure to act will be more expensive in the long run.

Kathryn Kmit, Minnesota Council of Health Plans, said the council supports universal coverage that is affordable for Minnesotans. However, Kmit said the bill may make health care less available for everyone else. Kmit said the council cannot support a bill that segments the population. Stacia Smith, Minnesota Chamber of Commerce, said the chamber also supports the goal of the bill, but does have concerns with the implementation. Smith said by removing children from the risk pool, premiums would rise for all adults and more individuals would be unable to obtain coverage.

Loureys said the bill provides for one streamlined system for all children, which is more efficient and effective. Lourey said the bill provides a paradigm shift by paralleling the public education system. All children have the right to public education and all children should have the right to health care, Lourey said.

Sen. Linda Higgins (DFL-Mpls.) said an economic downturn is exactly the right time to provide reform.

Sharon Erickson Ropes (DFL-Winona) said our current system locks people into systems that don't respond to people's needs. She said we currently have a rationed health care system and the bill shifts the discussion. In addition, Erickson Ropes said it is necessary to delink health care insurance from employment. However, she said the bill does not go far enough and does not address the cost savings.

The bill was approved and advanced to the Judiciary Committee.

Another bill providing for health care coverage for children, S.F. 207, was also discussed. The bill, sponsored by Sen. Linda Berglin (DFL-Mpls.), expands MinnesotaCare to cover all children. Berglin said the bill allows parents with incomes over 275 percent of the federal poverty level to get coverage under MinnesotaCare for their children. The bill also provides coverage to children in foster care or a juvenile residential correctional facility to be eligible for MinnesotaCare upon their 18th birthday and requires outreach to families that may be eligible.

The measure was approved and referred to the Committee on Finance.

S.F. 347, authored by Sen. Terri Bonoff (DFL-Minnetonka), establishes

temporary MinnesotaCare coverage for individual who have been laid off from employment. Bonoff said the coverage is paid for by deducting a portion of the individuals unemployment benefit and depositing the money in a workforce health coverage account.

Bonoff said the program is limited to five months and that there is a small surcharge on employers' unemployment insurance premiums. She said the deduction is 10 percent of the person's unemployment insurance benefit.

Sen. Ann Lynch (DFL-Rochester) offered an amendment to allow families to have an additional \$250 or less each week in part-time work while still unemployed to have MinnesotaCare benefits. Bonoff said, that while she appreciated the goal of the amendment, the amendment makes the bill a bit too heavy to go forward. Lynch withdrew the amendment.

The bill was approved and advanced to the Committee on Business, Industry and Jobs.

## Special transportation bills heard

The evening portion of the Mon., Mar. 23, Health, Housing and Family Security Committee focused primarily on special medical transportation services.

S.F. 723, sponsored by Sen. Ann Lynch (DFL-Rochester), prohibits the use of a broker for nonemergency medical transportation services. The bill also allows county social workers to be among those authorized to make level of need determination. The bill also provides reimbursement rates for access transportation services provided by common carrier or for-hire vehicles.

Mike Pinske, president, AmeriCare Mobility Van LLP, said the use of brokers adds an extra, unnecessary step to the process of arranging medical transportation. Sen. Sharon Erickson Ropes (DFL-Winona) said the bill eliminates extraneous administrative costs and gets the patient into direct contact with medical provider. Pinske said transportation providers are able to schedule and arrange trips, without going through a broker and without an increase in costs. He said eliminating the broker provides costs savings.

Alaina Macia, MTM, said the brokers and management companies have reduced costs for nonemergency medical transportation services and are more efficient. In addition, they said the trend is toward centralized management.

Lynch said the current system does not adequately serve the individuals needing the services.

Chris Reisdorf, Dept. of Human Services, said the system under the bill may make it more difficult for individuals in the Metro Area to access services.

Sen. David Hann (R-Eden Prairie) offered an amendment specifying that level of need determinations methodology be developed by the commissioner, in consultation with special transportation providers. The amendment was adopted. Hann also offered an amendment deleting the provisions prohibiting the use of brokers for managing transportation services. The amendment was not adopted.

The bill was approved and advanced to the Committee on Finance.

S.F. 224, sponsored by Sen. Kathy Sheran (DFL-Mankato), modifies medical transportation requirements and modifies reimbursement. Sheran said in the rural areas, providers are required to travel a great number of miles without reimbursement.

Under the bill, rural urban commuting area, of RUCA means an area determined to be urban, rural, or super rural by the Centers for Medicare and Medicaid Services for purposes of Medicare reimbursement of ambulance services.

Pinske said the sparse population in rural areas require providers to travel deadhead miles, because reimbursement is only for passenger miles.

Sheran said the bill also prohibits the use of a broker or coordinator for any purpose related to transportation services. The measure was approved and re-referred to the Finance Committee.

S.F. 1343, authored by Sen. Linda Berglin (DFL-Mpls.), establishes a special transportation services pilot project in Hennepin County. Under the bill, if a paramedic decides a patient's medical condition is not an emergency or does not require immediate transportation, the paramedic may request a special transportation services vehicle. Members adopted an amendment that allows for a taxi to be used to transport a patient if it is determined to be the most cost effect method of transport.

Buck McAlpin, North Memorial Ambulance, said the bill allows for some discretion in transporting patients in a lower cost manner.

The bill was re-referred to the State and Local Government Operations and Oversight Committee.

Sen. Linda Higgins (DFL-Mpls.) authored a bill, S.F. 1217, that modifies emergency medical transport provisions. The bill provides flexibility in transporting patients with compromised airways to the nearest designated trauma hospital.

At the outset, Higgins offered an amendment, which was adopted, to require the commissioner of health, in consultation with the Emergency Medical Services Regulatory Board and the emergency medical services and trauma hospitals in each region, to provide quarterly data updates on major trauma scene ground ambulance transports to each regional trauma advisory council.

Tim Held, Dept. of Health, said the bill is aimed at providing better service and obtaining better data. Held said the bill ensures that severely injured people are promptly transported to and treated at hospitals most appropriate to care for the severity of injury.

The measure was approved and advanced to the full Senate.

In other action, members, chaired by Sen. John Marty (DFL-Roseville) took action on a variety of other bills. S.F. 675, sponsored by Sen. Gary Kubly (DFL-Granite Falls), allows the variance for ambulance service to be for ambulance services that operate primarily outside the Metropolitan Area and outside the cities of Duluth, Mankato, Moorhead, Rochester and St. Cloud.

S.F. 1359, carried by Sen. Ann Rest (DFL-New Hope), establishes a human service authority. Rest said the bill is the governor's initiative to redesign the way counties deliver human services. Assistant Commissioner Tim Wilkin, Dept. of Human Services, said both counties and state agree that the current delivery system is not sustainable and change is needed. Wilkin said counties have inequities in resources, staffing expertise and services lead to gaps in services and federal programs require uniform services throughout the state.

Rest said the bill is a work in progress and that many of the local government issues are still being worked on. Several members said the bill needed to be more specific in the human services policy provisions. The panel voted to lay the bill on the table on a divided voice vote.

S.F. 1479, carried by Sen. John Doll (DFL-Burnsville), makes technical changes to the electronic prescription drug program. Members adopted an amendment clarifying the definition

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of provider for purposes of the bill and providing that the commissioner of health must enroll a licensed pharmacy or pharmacists as a program-registered provider in the pediatric vaccine administration program established under federal law. Doll said the bill calls for an update to the Minnesota standards for e-prescribing, linking Minnesota's baseline standard to those adopted at the national level. The bill was approved and advanced to the full Senate.

S.F. 1229, sponsored by Sen. Yvonne Prettner Solon (DFL-Duluth), modifies provisions relating to personal care assistance services. Prettner Solon said the bill contains recommendations from a report by the Office of the Legislative

Auditor. The measure requires that assessments for personal care assistant services be conducted by assessors who meet all the training requirements established by the commissioner and strengthens management of personal care provider organizations. Prettner Solon said the bill also makes the Dept. of Human Services responsible for investigating allegations of maltreatment by unlicensed personal care provider organizations and makes the Dept. of Health responsible for investigating child maltreatment allegations against licensed home care providers. The measure also requires a report on the training developed and delivered, financial integrity measures and results and quality assurance measures and results.

Kathryn Kmit, Minnesota Council of Health Plans, spoke in support of the measure and said that personal care assistant costs have been increasing at an unsustainable level and the bill financial integrity provisions are important to containing costs.

The measure was approved and referred to the Finance Committee.

Berglin carried two additional bills. S.F. 1504 makes a number of changes in mental health provisions. Berglin said the bill changes Medical Assistance reimbursement and eligibility and changes provider qualification and training requirements. The measure was approved and re-referred to the Finance Committee. S.F. 1566 makes several technical and policy changes in provisions governing Dept. of Human Services health care programs. The bill was approved and sent to the full Senate.

## Prescription fraud prevention bill gains

A bill aimed at preventing prescription drug abuse was one of the highlights at the Wed., Mar. 25, meeting of the Health, Housing and Family Security Committee.

S.F. 1709, sponsored by Sen. Julianne Ortman (R-Chanhassen), requires the Board of Pharmacy to establish the state-wide Minnesota prescription program to eliminate prescription drug fraud, decrease deaths due to drug overdose, decrease emergency room visits due to nonmedical use of prescription drugs, decrease crimes associated with prescription drug fraud and prevent prescription drugs from being gateways to even more dangerous drugs. The bill also requires the Board of Pharmacy to establish an official tamper-resistant prescription drug form.

Ortman said the abuse of prescription drugs is a growing epidemic, particularly among teens and young adults. Ortman said prescription pain medications such as Oxycontin, Oxycodone, Percodan and others have become the drug of choice for many and the bill is aimed at reducing the effects of abuse.

Members adopted an amendment to delete a provision requiring rule making. The bill was approved and re-referred to the Finance Committee.

S.F. 1154, sponsored by Sen. Sharon Erickson Ropes (DFL-Winona), is a housekeeping bill making changes in licensing provisions for social work and



Citing personal case studies, 2008 Minnesota School Nurse of the Year Jeanne Sedgwick, St. Paul, attempts to "put faces on the numbers" of uninsured children for members of the Health, Housing and Family Security Committee Mon., Mar. 23. The committee was debating the merits of the Minnesota Health Security Act, a bill that would provide, according to the authors, quality, affordable health care to all Minnesota children.

Photo by David J. Oakes

reducing some fees. Kate Zacher-Pate, executive director, Board of Social Work, said the bill clarifies definitions, clarifies the documentation and reporting of supervised practice, makes technical corrections and clarifies the increased standards for clinical supervised practice requirements. The bill was approved and re-referred to the Finance Committee.

Committee members also considered a bill expanding the Ombudsman for Long-Term Care volunteer program. S.F. 1022, carried by Sen. Kevin Dahle (DFL-Northfield), appropriates \$200,000 for the volunteer program to meet the increasing needs of individuals receiving long-term care services. The measure was approved and sent to the Finance Committee.

S.F. 1220, sponsored by Sen. Linda Scheid (DFL-Brooklyn Park), modifies the definition of standard reference compendia for health insurance coverage for off-label drug use to include the National Comprehensive Cancer Network's Drugs and Biologics Compendium. The bill was approved and re-referred to the Finance Committee.

S.F. 1394, carried by Sen. Rick Olseen (DFL-Harris), modifies Dept. of Human Services licensing disqualifications to allow the commissioner to set aside the disqualification or grant a variance for an individual who is disqualified based on the involuntary termination of parental rights. The bill also specifies that no set aside or variance is permitted for individuals disqualified in connection with a license to provide family child care or child foster care. The bill was approved and re-referred to the Judiciary Committee.

S.F. 1445, authored by Chair John Marty (DFL-Roseville) makes a number of housekeeping changes in health occupations provisions relating to speech language pathologists and occupational therapists, expands the definition of licensed health care professional, changes provisions for food, beverage and lodging establishments and requires the Dept. of Health to use rules and guidelines from the federal government to implement the minimum data set for resident reimbursement classification. The measure was approved and re-referred to the Finance Committee.

Sen. Kathy Sheran (DFL-Mankato) sponsored a bill, S.F. 339, that originally required plasma protein therapies and home nursing services to be covered by health insurance. However, members

adopted an amendment requiring the Board of Pharmacy to adopt rules governing pharmaceutical services for individuals needing plasma protein therapies. The bill was approved and re-referred to the State and Local Government Operations and Oversight Committee.

S.F. 1435, authored by Sen. Tony Lourey (DFL-Kerrick), changes provisions for the licensure of nutritionists by including certification as a certified nutrition specialist by the Certification Board of Nutrition Specialists to other qualifying bodies. The measure was approved sent to the Senate floor.

S.F. 441, carried by Erickson Ropes, requires that the impact of staffing levels be included in the root cause analysis conducted after an adverse health care event. In addition, the measure requires reports on hospital staff reductions resulting from state spending decisions. The measure was approved sent to the full Senate.

S.F. 1766, authored by Sen. Julie Rosen (R-Fairmont), establishes a state-county chemical health care home pilot project to redesign the structural relationship between the state and counties to promote greater accountability, productivity and results in the delivery of state chemical dependency services. The bill was approved and re-referred to the Finance Committee.

## Health and Human Services Budget Division

### Supplemental budget discussed

Members of the Health and Human Services Budget Division, chaired by Sen. Linda Berglin (DFL-Mpls.), gathered Tues., Mar. 24, to discuss the governor's supplemental budget recommendations for the Department of Human Services (DHS) and the Department of Health.

Chuck Johnson, assistant commissioner, Children and Family Services, said the governor's supplemental recommendations reflect the repricing, delaying, and revising of a number of his previous proposals combined with a handful of brand new recommendations. He said repriced changes reflect two types of modifications including changes related to the February forecast and changes related to the federal medical assistance percentage (FMAP) brought about by the federal stimulus act. Johnson said the governor is repricing

child permanency, child care assistance program reductions, Minnesota Family Investment (MFIP) reductions and MFIP consolidated fund reductions. He also said the governor is making two new recommendations which include making \$16 million in federal stimulus funds available to counties for emergency needs in FY 2010 and reducing the Community Action Grant state appropriation by \$1.964 million in both FY 2010 and 2011.

Brian Osberg, assistant commissioner, Health Care Division, said the governor is proposing repricing of basic care rateable reductions, payment methods for chemical dependency providers and long term care provider rates. Furthermore, the governor is proposing a delay in new mental health services, including adolescent assertive community treatment and specialty mental health services, as well as an ongoing reduction in adult mental health grants, he said. Osberg also said the governor is recommending restructuring General Assistance Medical Care (GAMC) by establishing an outpatient benefit for individuals meeting GAMC eligibility criteria. The proposal, which focuses on outpatient benefits, also creates a capped hospital uncompensated care pool that covers some of the emergency room and inpatient costs incurred by hospitals for GAMC enrollees, while allowing the state to claim all disproportionate share hospital payments in Medical Assistance, he said. The uncompensated care pool will be funded with \$100 million in FY2010-11 and \$115 million in FY 2012-13, said Osberg. Finally, he said the governor is proposing that changes be made to base rates for the Minnesota disability health options program to assure that home and community based expenditures under the program are budget neutral as required by current law. Osberg said the proposal will save a total of \$9.7 million over the 2010-11 biennium.

Barb Juelich, budget director, Department of Health, said the governor is recommending a general fund appropriation of \$4.0 million in FY 2010 to be deposited in the revolving loan account. The appropriation will serve as the \$1-to-\$5 match for federal funds under the Health Information Technology for Economic and Clinical Health Act portion of the federal stimulus package, she said. Juelich said Minnesota health care providers will have access to capital to assist them in purchasing and adopting electronic

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health record technology in their facilities, including the interoperable exchange of health care information and the ability to report on clinical quality measures.

Minnesota providers who become meaningful users of electronic health record technology will be in a position to receive significant incentive payment from Medicare and Medicaid to defray the costs of purchase and implementation, she said.

Juelich also said the governor is proposing allotting \$350,000 per year from the general fund for base funding for the Minnesota Department of Health to ensure that Minnesota is positioned to maximize federal stimulus funding to support rapid adoption of health information technology. Finally, Juelich said the governor is recommending an appropriation of \$128,000 in FY 2010 to serve as the \$1-to-\$1 match for additional federal funds available under the Health Resources and Services portion of the federal stimulus package. She said the proposal is meant to help Minnesota increase the number of health care providers in federally designated primary care health professional shortage areas.

Before adjourning, the committee heard S.F. 1106, authored by Sen. Ann Lynch (DFL-Rochester), which establishes licensure and practice limitations for oral health practitioners and dental therapists.

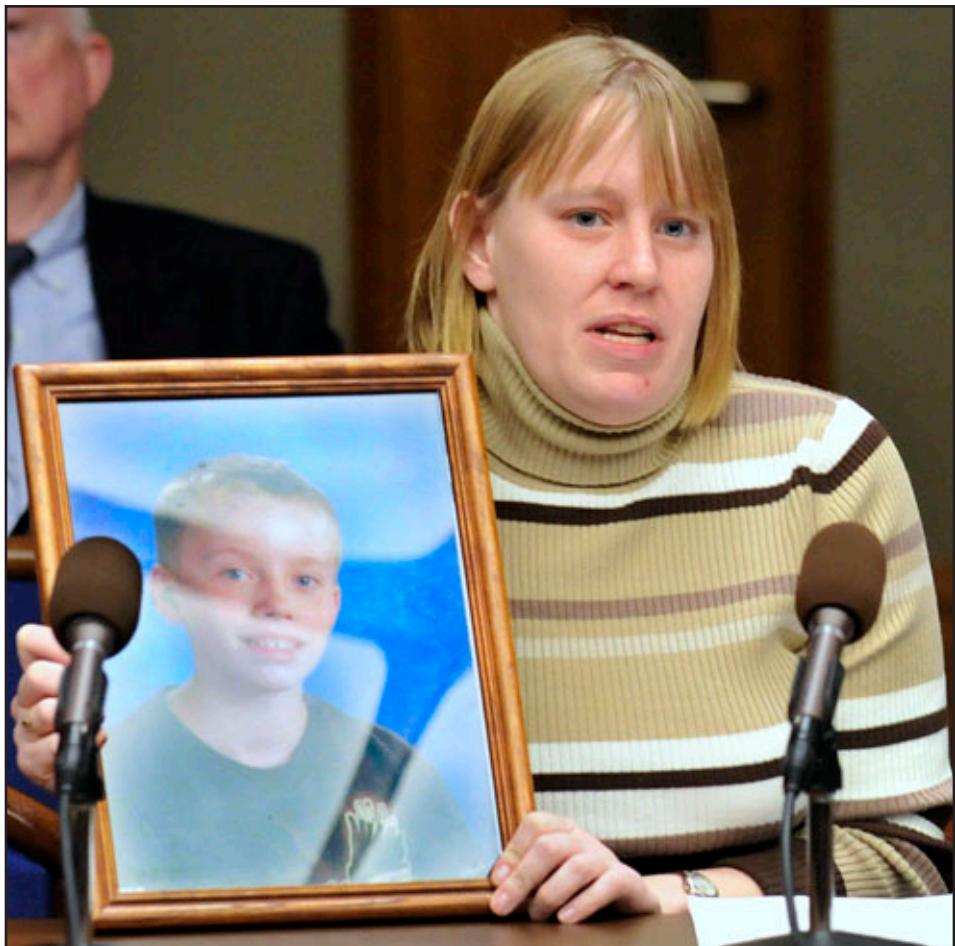
Lynch offered an amendment clarifying the appropriation to the Board of Dentistry for the licensing process and establishes a sunset date for the evaluation and survey activity carried out by the board.

The division approved the bill and referred the measure to the full Finance Committee.

## Funding bills heard

Members of the Health and Human Services Budget Division, chaired by Sen. Linda Berglin (DFL-Mpls.), convened Wed., Mar. 25, to consider a number of bills for possible inclusion in the omnibus bill.

S.F. 1522, carried by Sen. Patricia Torres Ray (DFL-Mpls.), appropriates money to food shelves and for food stamp outreach. The bill appropriates \$500,000 in both FY 2010 and 2011 from the general fund to the commissioner of human services for food shelf programs. The bill also appropriates the same amount for food stamp outreach grants to food shelves for outreach training, equipment and increased staff to work with clients.



*With a photo of her 12-year-old son Brandon in hand, Kim Schlagel, Mahtomedi, tells members of the Health and Human Services Budget Division Wed., Mar. 25, about the difficult experiences she has had obtaining mental health services to address her son's bi-polar disorder. The division was considering a bill that would expand the health professional education loan forgiveness program for child mental health professionals.*

Photo by A.J. Olmscheid

Berglin offered an amendment making both appropriations one time as opposed to being part of the base appropriation.

S.F. 92, authored by Sen. Ray Vandeven (R-Forest Lake), expands the health professional education loan forgiveness program for child mental health professionals. The bill also makes provides for an appropriation from the general fund to the commissioner of health for the expansion of the loan forgiveness program.

S.F. 128, sponsored by Sen. Kathy Sheran (DFL-Mankato), requests the commissioner of human services to resubmit for federal approval the legislation that was passed in 2007 that eliminated the add-back of depreciation for farm self-employed farmers to determine income eligibility under MinnesotaCare.

Sheran said the requested change was submitted to the centers for Medicare and Medicaid Services as part of the state's renewal package for the 1115 waiver. She said the approval was denied by CMS based on the claim that the request treated farmers differently than other self-employed individuals. Sheran said the request will benefit farmers who may be seen as asset-rich, but are actually cash-poor. She said a number of other states have received the waiver and there is no reason why Minnesota should not get the same privileges.

S.F. 695, carried by Berglin, requires the commissioner to apply for federal funds available through the federal stimulus bill for state expenditures made on behalf of family stabilization services participants voluntarily engaged in food stamp

employment, training and activities. Berglin said federal funds would come in the form of a state match appropriation, which total roughly \$7 million.

The division approved all four bills and laid them over for possible inclusion in the omnibus bill.

S.F. 666, sponsored by Sen. John Marty (DFL-Roseville), modifies provisions related to children aging out of foster care. The bill requires the local agency, upon request, to help the individual develop a specific plan related to the individual's vocational, educational, social, or matrational needs and ensure that any foster care, housing, or counseling benefits are tied to the plan.

The division approved the bill and referred the measure to the full Finance Committee.

S.F. 1755, sponsored by Sen. David Hann (R-Eden Prairie), clarifies hearing aid dispenser fees and limits the fees to the cost of administering the program. Because the bill lacked a fiscal note, the division laid the bill over for further consideration.

S.F. 366, sponsored by Sheran, establishes grants for a demonstration project to provide colorectal cancer screenings to the uninsured and underinsured. The bill also provides Medical Assistance coverage for the necessary treatment if colorectal cancer is diagnosed. The division laid the bill over for further consideration.

## Higher Education

### Athletic scholarship bill stalls

The Higher Education Committee, chaired by Sen. Sandra Pappas (DFL-St. Paul), met Tues., Mar. 24, to consider a number of policy measures.

Sen. Ray Vandeveer (R-Forest Lake) sponsored two bills. S.F. 1324 sets conditions on athletic scholarships. Vandeveer said because money is so tight, athletic scholarships should be targeted at Minnesota residents. Members adopted an amendment providing that if a student is a resident for tuition purposes or from a state with tuition reciprocity, the student is eligible for an athletic scholarship.

St. Cloud State Athletic Director, Morris Kurtz, said that of the \$1.29 million available for athletic scholarships at St. Cloud, only about \$90,000 is state money. He said most of the state funds are used to recruit for diversity or Title IX sports. Kurtz said that MnSCU is con-

cerned about the message being sent by limiting athletic scholarships. Members laid the bill over.

Vandeveer's second bill, S.F. 1388, encourages the Minnesota State Colleges and Universities to develop a system to streamline the human resources system to facilitate transfers between institutions. The bill was approved and laid over for inclusion in the omnibus policy bill.

S.F. 1315, authored by Sen. David Tomassoni (DFL-Chisholm), provides a refundable income tax credit for payment of principal and interest on student loans. Tomassoni said higher education costs are becoming prohibitive and the bill is aimed at helping students manage their debt load after graduation. The measure was laid over.

Two measures relating to retirement were also discussed. S.F. 1267, carried by Sen. Mary Olson (DFL-Bemidji), allows tenured faculty to switch to the Teacher Retirement Association plan. The bill was approved and re-referred to the State and Local Government Operations and Oversight. S.F. 1266, carried by Pappas, authorizes the MnSCU system to offer targeted early separation incentive for employees. The measure was also approved and sent to the State and Local Government Operations and Oversight.

Pappas sponsored several additional bills. S.F. 274 eliminates the need for the Joint Legislative Committee that nominates candidates for the University of Minnesota Board of Regents to meet twice. S.F. 1222 regulates the term of members of the Regent Candidate Advisory Council by limiting the number of terms to two six-year terms. Both measures were approved for inclusion in the committee's omnibus policy bill.

S.F. 661 expands the requirements for postsecondary institutions to report resident student information to the secretary of state for voter registration purposes. In addition, the bill specifies that financial, business, proprietary data or business data of the University is classified as nonpublic data. However, the bill also provides that the name of the entity the University has invested in, the amount, portfolio performance, current market value and return on total investment portfolio are public data.

Pappas moved to delete the provisions relating to University investment and lay the provisions over for possible inclusion in the omnibus bill. The mo-

tion was adopted. The balance of the bill, allowing for online voter registration if the Web site maintained by the secretary of state provides a process for it, was approved and advanced to the Senate floor.

The final bill, S.F. 819, allow a postsecondary institution to advertise or otherwise recruit or solicit the participation of secondary pupils to enroll in its programs. The bill was approved and re-referred to the Education Committee. Pappas also requested the language be included in the omnibus bill.

### Textbook bill heard

The Higher Education Budget Division, chaired by Sen. Sandy Pappas (DFL-St. Paul), to hear two measures dealing with post secondary enrollment options and to discuss a measure relating to liquor sales at the new University of Minnesota stadium.

S.F. 1540, carried by Sen. Claire Robling (DFL-Jordan), requires the Office of Higher Education, in consultation with textbook publishers, the Student Advisory council, the Minnesota State Colleges and Universities, the University of Minnesota and the Private College Council, to report on the implementation of textbook information requirements. Further, the bill requires the report to include a template that publishers may use to provide the required information in a consistent format to all Minnesota campuses and to make recommendations of methods to disseminate pricing information to support students and faculty in making well informed decisions about course materials. In addition, the bill provides a process to appeal nonresident status. Finally, the bill provides for an additional award of up to \$150, to be used in conjunction with the base award, to students completing at least one online course. However, Robling offered an amendment to delete the portion of the bill providing for the \$150 award. The bill was laid over for inclusion in the division's omnibus bill.

S.F. 1315, authored by Sen. David Tomassoni (DFL-Chisholm), provides a refundable tax credit for payment of principal and interest on student loans. Tomassoni said the bill provides relief for new graduates paying off their student loans. However, Pappas said, given the current budget crisis, it is irresponsible to forward an open ended tax bill to the Taxes Committee. The bill was laid over for further work.

# Committee update



Senator Linda Higgins (DFL-Mpls.), right, receives a certificate of appreciation in the Capitol Rotunda from Alpha Kappa Alpha Sorority President Lorraine Griffin Johnson Thurs., Mar. 26. Higgins was being recognized for her contributions to the organization's eighth annual day at the Capitol.

Photo by A.J. Olmscheid

Members also discussed a bill, S.F. 1506, requiring that on-sale liquor license for the new University of Minnesota stadium allows for the sale of liquor throughout the stadium and does not limit the sale of intoxicating liquor to premium seating areas or seats. The bill's author, Tomassoni, said the original plan to limit liquor to just premium seats and areas creates an unfair economic stratification at stadium events. The measure is included in the omnibus liquor bill, so no action was taken.

## Judiciary

### Homesteader-lender mediation gains

The Judiciary Committee, chaired by Sen. Mee Moua (DFL-St. Paul), held a rare Saturday hearing Mar. 21 to consider a variety of bills before the first committee deadline Fri., Mar. 27. In addition, Moua said a proposal containing a variety of judiciary and public safety provisions has been developed and made available on the

Senate's Web site. Moua said the proposal is being made available to allow the public and interested parties time to review the measure and weigh in on the provisions. The proposal may be found at: <http://www. senate.mn/Departments/SCR/BILLDRAFT/sc6935.pdf>

The panel began by considering a bill making changes to reverse mortgages. S.F. 489, authored by Sen. Tarryl Clark (DFL-St. Cloud), requires lenders to refer a borrower to an approved independent housing counseling agency, regulates lender default, defines suitability and provides for a right of rescission. Clark said the changes are designed to offer the same protections as federal law. She said there have been instances of fraud, particularly of seniors, and the bill is aimed at offering more protection for borrowers. The bill was approved and advanced to the Senate floor.

S.F. 340, authored by Sen. Linda Scheid (DFL-Brooklyn Park), requires homeowner-lender mediation prior to foreclosure. Scheid said the bill is mod-

eled on the farmer-lender mediation of the 1980s enacted during the farm crisis. Scheid offered two amendments. The first requires an affidavit that the residence is the homestead be filed with the attorney general. The second amendment changes the redemption period from six to five months for individuals who have gone through the mediation process, but have not come to agreement and provides for the timing of the foreclosure proceedings. The amendments were adopted.

Sen. Warren Limmer (R-Maple Grove) offered an amendment providing that mediation, at the discretion of the mediator, may be held by interactive telephonic or other electronic means. The amendment was adopted.

Sen. Julianne Ortman (R-Chanhassen) offered an amendment allowing homeowners to reinstate their mortgages at any time before the redemption period ends. Ortman said there are not very many remedies available to homeowners to allow them to stay in their homes. She said the first wave of foreclosures has passed, but with rising unemployment another wave is coming. Ortman said the amendment helps homeowners become more invested in their homes and communities.

Kevin Dunlevy, Minnesota Bar Association, said the bill destroys the foreclosure process. He said the proposal mixes two different processes, reinstatement and redemption. In addition, he said the amendment causes both tax and title problems for properties. Ortman said the bill is workable and that courts have developed case law for redemption and will do the same for reinstatement.

The amendment was adopted. The bill was approved and re-referred to the Committee on Finance.

Scheid also sponsored a bill, S.F. 1310, that makes changes in the no-fault automobile insurance provisions. The bill increases first-party medical expense benefits, regulates arbitration awards, prohibits balance billing by health care providers and clarifies civil liability with respect to recovery of medical and health care expenses. Scheid said the bill is targeted at the medical expense portions of the no-fault law. Scheid said the reform is small in scope and targeted at reducing costs.

Scheid moved to remove language prohibiting an arbitrator to award medical expense benefits to the claimant if the reparation obligor offers credible evidence of fraud. The amendment was adopted.

Nick Frentz, attorney, spoke in opposition to the measure. He said the changes in the bill may actually result in some individuals not having medical expenses paid, because the requirement that medical expenses be the actual cost, rather than the amount billed, may not meet the minimum threshold of \$4,000. In addition, he said a provision prohibiting the commissioner of transportation to furnish an electronic copy of accident records to private agencies may pose a constitutional problem.

Members adopted an amendment removing language referring to actually paid expenses before approving the bill and re-referring the measure to the full Senate.

S.F. 1196, authored by Sen. Leo Foley (DFL-Coon Rapids), provides that misdemeanor violations bureaus in the 4th Judicial District must be established in locations designated by a majority of the judges of the court. The bill was approved and sent to the Senate floor.

Sen. Don Betzold (DFL-Fridley) sponsored several measures. S.F. 214 makes numerous changes in provisions relating to notaries public. The bill increases the fee for notary public services from \$1 to \$5, requires Legislators to use an official stamp, clarifies that the official stamp may be used rather than the seal of office, requires the notary public name to be the same as the person's name, raises the fee for a the application for notary commission, provides for a background investigation and provides that the notarial stamp may be affixed electronically.

Members adopted an amendment to remove the provisions for a background investigation. The bill was approved and advanced to the Finance Committee.

S.F. 1224 regulates various business filings and fees in the Office of the Secretary of State. Betzold said the office is in the midst of a project to computerize almost all business fillings and the bill provides for consistency with current state law. The bill was approved and re-referred to the Finance Committee.

S.F. 798 removes a dollar limitation on attorney or agent fees contained in the Minnesota Equal Access to Justice Law. Betzold said the \$125 per hour cap is far below today's market rates for legal practitioners.

S.F. 251, clarifies that the definition of motor vehicle is the definition as it was in one chapter of law, which was repealed, but ties the definition to the no-fault

insurance definition. The definition in the bill clarifies that the driver is deemed to be the agent of the owner in case of accident. The bill was approved and sent to the Senate floor.

S.F. 963, authored by Ortman, modifies the duties and responsibilities of the Forensic Laboratory Advisory Board, clarifies the availability of investigation reports to the public, defines forensic laboratory and provides an appropriation. Ortman said the public has an expectation that forensic evidence be objective and professional. Ortman said the measure the rapid increase in the use of technology means the board must have more authority. Under the bill, laboratories that conduct forensic analyses to become accredited by the American Society of Crime Laboratory Directors, Laboratory Accreditation Board or other appropriate accrediting body. In addition, the bill authorizes the board to investigate, in a timely manner, any allegation of professional negligence or misconduct that would substantially affect the integrity of the results of a forensic analysis conducted by a laboratory. The measure also requires staff to receive complaints.

Frank Dolejsi, chair, Forensic Lab Advisory Board, said the board was established, but that it needs enforcement authority. He said, if an appropriation cannot be made, he will pursue funding through grants.

Members discussed a provision relating to data practices that specifies investigation reports are available to the public only if there is a finding of negligence or misconduct.

The panel decided to take the language in the bill relating to data practices and have the Data Practices Subcommittee review the language.

S.F. 1147, sponsored by Sen. Linda Higgins (DFL-Mpls.), establishes a duty to protect vacant foreclosed property and provides for the imposition of fines for failure to maintain property. Higgins said the bill is aimed at dealing with problem properties that have been abandoned because of failure to pay the mortgage. The bill had been laid over at a previous hearing to allow time to draft amendments to address concerns raised in testimony on the measure.

Higgins offered an amendment altering the notice requirements in the bill and specifying the actions that may be taken to protect the premises. In addition,

members adopted an amendment clarifying the notice given to tenants under differing types of foreclosure actions. The bill was approved and sent to the Senate floor.

Higgins also sponsored several additional bills. S.F. 1118 requires the reports of criminal justice agencies to the Legislature be transmitted electronically, except for one printed version for the Legislative Reference Library. Higgins said the agencies agree that electronic transmission will provide a cost savings and more efficiency. In addition, the bill reinstates a requirement for a report on felony DWIs. The bill also directs the agencies to review reports for consolidation to achieve administrative convenience or fiscal savings. The bill was approved and re-referred to the State and Local Government Operations and Oversight.

S.F. 1332, sponsored by Higgins, expands the challenge incarceration program. Higgins said the challenge incarceration program, or boot camp, reduces recidivism and has saved about \$18.3 million from fiscal 1993 to fiscal 2003. Higgins said not all of the available beds are being used, and now is the time for the program to be used more efficiently and effectively.

The bill requires the commissioner of corrections to offer a bed in the challenge incarceration program to an offender, unless the offender is ineligible for the program.

John Stewart, chief public defender, said he was initially skeptical of the challenge incarceration program, but upon visiting the facility he saw offenders being taught work skills, being offered educational opportunities and being offered help with drug and addiction. He said with the exclusion of violent offenders and the concentration of re-entry skills, the program should be fully utilized.

David Crist, Dept. of Corrections, said the department agrees with the intent of the bill. However, Crist said the department needs the ability to discriminate maintain the integrity of the program while ensuring public safety. He said the department needs the ability to determine that offenders are physically and psychologically suitable for the program.

The bill was approved and re-referred to the Finance Committee.

Moua sponsored two measures. S.F. 994 defines felony domestic assault and domestic by strangulation as crimes of violence for purposes of prohibiting firearms

# Committee update

ownership. The bill was approved and re-referred to the Finance Committee.

S.F. 1026 includes factors that are not elements of the crime of conviction when determining aggravated sentencing departures. Moua said the bill allows a judge to consider particularly cruel acts that were not charged or behavior occurring during the same course of conduct in the same prosecution.

Scott Hersey, assistant Dakota County attorney, said the bill provides clarification for aggravated sentencing departures in cases of particular cruelty. However, Stewart said there can still be aggravated sentencing departures if the behavior is proved to a jury.

After substantial discussion, Moua suggested laying the bill on the table. Moua and others said the Minnesota Supreme Court has several cases pending and the committee may revisit the issue next year.

## Policy reform bill discussed

The Judiciary Committee, chaired by Sen. Mee Moua (DFL-St. Paul), devoted the afternoon portion of the Tues., Mar. 24, hearing to discussion of a proposal containing public safety and judiciary policy reforms with budget implications.

Moua said the proposal, which was made available over the weekend, is the basis for a continuing discussion on policy changes as those changes affect the budget.

Counsel Kenneth Backhus outlined the details of the bill. The measure increases a variety of court fees and criminal and traffic offender surcharges. The bill also makes changes in criminal penalties, increases the penalties for petty misdemeanor violations from \$300 to \$500, prohibits administrative penalties and suspends the operation of the harassment restraining order law for two years. The bill also repeals specific mandatory sentencing provisions, makes changes to the felony DWI law and makes changes in supervised release changes.

Robert Johnson, Anoka County Attorney, said the fee increases are appropriate to provide funding for the courts and public defenders. Johnson said the criminal penalty changes, which include converting some misdemeanor penalties into petty misdemeanors. In addition, Johnson said he also supports a provision that allows referees to preside over conciliation courts throughout the state.

Finally, Johnson said he supports repealing some mandatory sentencing provisions.

Richard Frase, professor of criminal law, University of Minnesota, said he supported several provisions in the bill. Frase said the bill builds on the sentencing structure already in place in the state. Frase said Minnesota was the pioneer in developing sentencing guidelines to provide uniformity across the state and to provide the ability to manage corrections resources. In addition, Frase said the bill increases the flexibility of the courts, but increased flexibility may lead to more disparity. He said mandatory minimums do encourage the severity of the sentence. Frase said increasing the supervised release portion of sentences from 33 percent to 40 percent does not diminish crime deterrence.

Sue Dosal, state court administrator, spoke in support of the provisions in the bill raising revenue for the courts and public defenders. In addition, Dosal said the provisions changing misdemeanors to petty misdemeanors is also a positive proposal. Dosal said the proposed cuts are so severe, the measure reduces some of the stress on an already over-stressed court system.

Mike Freeman, Hennepin County Attorney, said provisions relating to increasing the time of supervised release from 33 percent to 40 percent may require all sentences to be reviewed. In addition, Freeman said some of sentencing reductions in the bill undo the work achieved over the years.

John Choi, city attorney, St. Paul, said the same budget pressures being experienced by the state are being experienced by cities. Choi said the ultimate goal is justice. He said city and county attorneys do no support reducing misdemeanors to petty misdemeanors because it is necessary to continue prosecuting livability crimes. Tom Wedes, County Attorney's Association, echoed many of Choi's comments.

Lynne Goughler, MADD, said the organization has serious concerns about changes to felony DWI provisions. Goughler said the use of technology such as ignition interlock, DWI courts and treatment programs are needed, but the changes reduce the number of individuals sent to prison.

Jim Franklin, Sheriff's Association, identified three areas in which the state could realize costs savings. Franklin said using ITV technology rather than driving

offenders to various parts of the state, allowing an offender to go to court in the county in which the offender was apprehended, rather than the county issuing the warrant, and using administrative fines could all resort in cost savings.

## Paint recycling pilot program gains

After a short break, Judiciary Committee members, chaired by Sen. Mee Moua (DFL-St. Paul), began the evening portion of the Tues., Mar. 24, hearing by hearing a variety of bills.

S.F. 477, sponsored by Sen. John Doll (DFL-Burnsville), requires a pilot program to be implemented by paint manufacturers to recycle paint. The measure requires a uniform assessment for all paint sold in the state to fund the program, Doll said. He said the purpose of the bill is to allow paint manufacturers to establish an environmentally sound and cost-effective paint recycling program. Members adopted an amendment to delete a purpose state in the bill. The bill was approved and sent to the full Senate.

Sen. Rick Olseen (DFL-Harris) sponsored two bills. S.F. 1288 makes a number of changes in secretary of state filings, forms, submissions, motions, orders, dissolutions, electronic signatures and liens. Members adopted an amendment that provides that the secretary of state automatically file a name reservation to hold the name on behalf of a dissolved or terminated entity for one year. In addition, the amendment makes a number changes providing for an immediate effective date for several provisions. The measure was approved and sent to the Senate floor. S.F. 1104 authorizes the University of Minnesota to enact ordinances and provides for criminal penalty. The measure was laid on the table.

S.F. 838, sponsored by Sen. Sandra Pappas (DFL-St. Paul), authorizes courts to include pets and companion animals in protective orders. Pappas said that often in domestic abuse situations threats to pets or companion animals are used as a way of controlling the victim. The bill was approved and advanced to the full Senate.

Sen. Scott Dibble (DFL-Mpls.) sponsored a bill, S.F. 1208, modifying provisions governing Medical Assistance claims and liens. Dibble said that when an individual received state assistance, the state may place a lien on the residence to recover some of the costs. However,

Dibble said if the spouse is still living the surviving spouse may continue living in the house. He said the bill provides that domestic partners have the same right to continue living in the home, if the surviving partner is a joint owner of the residence. Dibble said the bill applies to both same sex couples and opposite sex couples. Dibble offered an amendment providing for a hardship waiver for persons who have an ownership of the residence. Dibble said the amendment, which was brought forward by the department, brings the statute into conformity with current practice. The amendment was adopted. The bill was approved and advanced to the Finance Committee.

S.F. 660, sponsored by Sen. John Marty (DFL-Roseville), requires public officials to provide additional data to the secretary of state for use in maintaining the voter registration system and provides for automatic voter registration of ap-

plicants for a driver's license, instruction permit or identification card. Marty said the bill was before the committee because of data provisions in the measure. The measure was approved and re-referred to the Finance Committee.

S.F. 556, carried by Sen. Tony Lourey (DFL-Kerrick), prohibits a variety of activities at highway rest areas. Lourey said the measure prohibits dumping of household or commercial trash and rubbish, draining or dumping refuse or waste from any trailer or consume alcoholic beverages. Lourey said the measure specifies a petty misdemeanor penalty for the alcoholic beverage violations. The bill was approved and sent to the full Senate.

S.F. 26, sponsored by Sen. Michael Jungbauer (R-East Bethel), clarifies the law on failure to exercise due care and provides for enhanced criminal penalties for traffic violations that result in personal injury or property damage. The measure

also requires drivers' education materials to contain information on a drivers duty to exercise due care. The bill was laid on the table.

S.F. 1539, carried by Sen. Chris Gerlach (R-Apple Valley), regulates viatical—or life insurance—settlements. Gerlach said the bill enacts and modifies the Viatical Settlements Model Act of the National Association of Insurance Commissioners. Members approved the bill and advanced the measure to the full Senate.

Sen. May Olson (DFL-Bemidji) authored a bill, S.F. 271, that provides additional whistleblower protection for state employees. The bill was approved and sent to the Senate floor.

### Criminal justice policy bill gains

The Judiciary Committee, chaired by Sen. Mee Moua (DFL-St. Paul), devoted much of the Thurs., Mar. 26, meeting to



Senators Ray Vandevere (R-Forest Lake) and Debbie Johnson (R-Ham Lake) consult during the Senate's Thurs., Mar. 26, floor session.

Photo by David J. Oakes

# Committee update



**City Academy High School Junior Samantha Koumarn, St. Paul, testifies in support of the youth and community development program Youthbuild during a meeting of Economic Development and Housing Budget Division Wed., Mar. 25. The committee was discussing legislation to appropriate funding for the expansion of the program.**

Photo by David J. Oakes

discussion of a proposal making numerous policy changes that affecting budgets in the areas of public safety and the judicial system. Moua said the bill makes numerous changes to policy aimed at assisting the budget divisions as they develop their omnibus budget bills. Moua said the Public Safety Budget Division has been given a target of reducing appropriations by \$66 million and the Judiciary Budget Division has been given a target of reducing appropriations by \$53 million.

Sue Dosal, state court administrator, and John Stuart, state public defender, spoke on the effects of a proposed ten percent or five percent reduction in appropriations to the judicial system. Dosal said a ten percent reduction would lead to

a reduction of 500 positions in the court system. Stuart said the reduction would lead to a reduction of 100 positions in public defenders.

Moua said the proposal is to be introduced as a committee bill. She said the proposal provides guidance to the budget chairs about the policy priorities of the committee. In addition, Moua said the process also allowed the public to weigh in on priorities that the budget divisions should consider in the process.

The measure increases a variety of court fees, increases the surcharge on criminal and traffic offenders, provides for a public defender fee on licensed attorneys and provides that the fees be deposited in a court and public defender account.

The measure also increases the maximum fine for a petty misdemeanor from \$300 to \$500 and requires the criminal and traffic offender surcharge be assessed on a person who completes a diversion program. The proposal also places a misdemeanor cap on ordinance violations for two years.

A major feature of the proposal is the reduction of misdemeanor offenses to petty misdemeanors for first time offenders. The provision does not apply to controlled substance, DWI, domestic abuse, contempt or criminal codes and the provision expires in two years. The proposal also suspends the operation of the harassment restraining order law for two years. The proposal repeals some mandatory minimum sentencing provisions, changes the DWI felony law to specify it applies to the fifth DWI violation within 10 years rather than the fourth. The measure also requires offenders serve a minimum of 60 percent of their executed sentences rather than the two-thirds of their sentences required under current law. Finally, the proposal places a 90 cap on the amount of time a first-time supervised release violator may be incarcerated following a revocation of supervised release.

Members considered a number of amendments. Sen. Mary Olson (DFL-Bemidji) offered an amendment providing for the use of restorative justice programs for juvenile and adult offenders. Olson said the amendment contains language from a bill she introduced relating to juvenile restorative justice and language from a bill introduced by Sen. Gary Kubly (DFL-Granite Falls) providing for an adult offender restorative justice program.

The amendment specifies the restorative justice programs are for first-time juvenile offenders, nonviolent delinquent juvenile offenders and adult nonfelony offenders. Olson said restorative justice programs are not lower penalties or higher penalties, but more effective programs. Restorative justice programs force the offender to confront the victim or victims of the offenders, Olson said. She said restorative justice programs reduce recidivism by up to 80 percent. Jennifer McDonald, Restorative Justice Community Action Program, said the restorative justice program results in considerable savings by reducing court costs.

Members adopted an amendment to the amendment, offered by Sen. Linda Higgins (DFL-Mpls.), changing a provision requiring each District Court to maintain a list of approved restorative

justice programs to require the list of programs be maintained by prosecutors. In addition, the amendment to the amendment deleted a requirement for the Supreme Court to adopt rules. The amendment to the amendment was adopted. Sen. Julianne Ortman (R-Chanhassen) offered an amendment to make prosecutor determinations of whether or not a restorative justice program is appropriate for an offender permissive, rather than mandatory. The amendment to the amendment was adopted. The amendment was adopted.

Olson offered a second amendment providing for pretrial special masters for cases under Rule 113 and other civil matters. Members adopted an amendment to the amendment making the use of pretrial special masters permissive, rather than mandatory. The amendment was adopted. Olson also offered an amendment deleting provisions suspending the suspension of harassment restraining orders. The amendment was adopted.

Higgins offered an amendment specifying that theft and precious metals and scrap metal dealer offenses are misdemeanors, rather than petty misdemeanors as provided in the proposal. The amendment was adopted.

Ortman also offered a series of amendments. The first amendment reinstates the current law to provide that a fourth DWI within 10 years is a felony DWI. She said allowing a fifth DWI is untenable and that current law needs to be maintained. Members adopted the amendment. The second Ortman amendment increases the conciliation court civil claim limit to \$15,000 or to \$7,500 if the claim involves a consumer credit transaction. The amendment was adopted.

Ortman's third amendment contains the language of a bill establishing the crime of growing and possessing marijuana plants. The amendment was defeated, but was later reconsidered and adopted. Higgins offered an amendment, which was adopted, adjusting the threshold amounts for controlled substances crimes, expanding the stay of adjudication for low-level controlled substance offenders and repealing the mandatory minimum sentence for repeat fifth-degree controlled substance offenders.

Moua said the proposal, to be introduced as a committee bill, demonstrated that the panel is willing to take on the hard choices and tough decisions brought about by the state's budget situation.

Sen. Warren Limmer (R-Maple Grove) said he could not support the proposal because adequately funding the judiciary and public safety is a core function of government guaranteed by the constitution. Ortman said she could not support the proposal because it based on a premise contained in Senate leadership's budget proposal, but not the governor's budget. She said the governor's budget reductions are not as draconian as the Senate's budget. However, Sen. Don Betzold (DFL-Fridley), countered that although the proposal does not provide all the resources the courts and public defenders need, it does provide some relief. Moua said, it is not being honest to think that somehow at the end of the budget process there will not be sizable cuts made in the judiciary and public safety budgets.

In other action, the panel advanced four additional bills. S.F. 1130, authored by Sen. Thomas Bakk (DFL-Cook), provides a time limit for appealing decisions of a governing body or board of adjustment to district court and requires the posting of a bond for an appeal to the Court of Appeals for rezoning, conditional use permit, variance, planned unit development, preliminary or final plat, site plan or similar zoning or subdivision-type cases. The bill was approved and advanced to the full Senate.

S.F. 1662, authored by Sen. Claire Robling (R-Jordan), creates a Fire Protection and First Responder Services Advisory Task Force. Robling said, under the bill, the task force is directed to study and make recommendations on best management practices and options for reducing service delivery costs related to fire protection and first responder services. The bill was approved and re-referred to the Committee on Rules and Administration.

S.F. 1110, authored by Sen. Satveer Chaudhary (DFL-Fridley), is an omnibus environment and natural resources policy bill. Chaudhary said the measure was before the committee because of various penalty provisions. Members adopted an amendment incorporating the language of a bill providing for the seizure and forfeiture of off-highway vehicles and modifies operating restrictions for all-terrain vehicles. The amendment also specifies criminal penalties for violations of all-terrain vehicle provisions. The bill was approved and re-referred to the Finance Committee.

S.F. 1627, carried by Sen. Leo Foley (DFL-Coon Rapids), is the judicial branch

policy bill. Dosal said the bill automates the process of handling the approximately 1.2 million citations and parking tickets processed by the courts, provides better enforcement of judicial sanctions and improves the court collection program. The panel adopted an amendment removing references to mandatory minimum sentences for controlled substance crimes. The bill was approved and advanced to the Committee on Finance.

## Data practices bill gains

The Judiciary Committee, chaired by Sen. Mee Moua (DFL-St. Paul), met Fri., Mar. 27, to hear bills remaining in the committee before the first committee deadline. The panel took action on several measures, including this year's omnibus data practices bill.

S.F. 863, carried by Sen. Mary Olson (DFL-Bemidji), classifies government data, modifies provisions governing temporary classifications and personnel data, extends the effective date of the law governing business screening services and rewrites the informed consent requirements for insurance purposes. Members adopted an amendment classifying data relating to reports and complaints of the Forensic Laboratory Board. The bill was approved and advanced to the full Senate.

S.F. 1525, sponsored by Sen. Tony Lourey (DFL-Kerrick), provides that the Minnesota sex offender program must have access to private data contained in the statewide supervision system as necessary for the administration and management of current Minnesota sex offender clients for purposes of admissions, treatment, security and supervision. The bill was approved and sent to the Senate floor.

S.F. 203, carried by Sen. Gary Kubly (DFL-Granite Falls), establishes oversight for rural health cooperative arrangements. The bill was approved and advanced to the Committee on Finance. S.F. 1464, sponsored by Sen. Ann Rest (DFL-New Hope), authorizes the use of state space for employee fitness and wellness activities. Members approved the bill and advanced the measure to the full Senate.

S.F. 565, authored by Moua, classifies and regulates access to private equity investment data of the University of Minnesota. The bill specifies that financial, business, or proprietary data and business data collected, created, received or maintained by the University of Minnesota in connection with investments are non-

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public data. However, the bill provides that the name of the general partners and the legal entity in which the University of Minnesota has invested, the amount of the University's initial commitments and the portfolio performance of University investments overall are public. In addition, the measure requires Minnesota State Colleges and Universities to prepare a list of students enrolled for the secretary of state to use in election day registrations. The bill was approved and sent to the Higher Education Committee.

## Property Tax Division

### Property tax bills heard

Members of the Taxes Property Tax Subdivision, chaired by Sen. Rod Skoe (DFL-Clearbrook), met Wed., Mar. 25, to consider a variety of bills relating to property taxes. All of the measures were laid over for possible inclusion in the subdivision's property tax article in the omnibus tax bill.

S.F. 27, sponsored by Sen. Kenneth Kelash (DFL-Mpls.), extends the property tax exemption for apprenticeship training facilities to the land on which the building is located. S.F. 130, carried by Sen. Mary Olson (DFL-Bemidji), makes non-commercial seasonal recreational residential property subject to school referendum levies and removes seasonal residential property from the state general levy tax base.

Sen. Steve Murphy (DFL-Red Wing) sponsored two measures. The first, S.F. 463, exempts electric generation pollution control equipment from the property tax only if the installation is completed and in service by Dec. 31, 2009 or an application is filed by June 30, 2010. The second measure, S.F. 1420, makes changes to public utility property classification. The bill specifies that property that is part of an electric generation system have a class rate of 2.8 percent and property that is part of a pipeline or part of a transmission and distribution system have a class rate of 2.25 percent.

S.F. 751, authored by Sen. Tarryl Clark (DFL-St. Cloud), provides clarification for institutions of public charity eligibility for a property tax exemption.

Two measures were sponsored by Sen. Ann Rest (DFL-New Hope). S.F. 828 eliminates the one-year lag in determining fiscal disparities contribution net tax capacities and distribution levies. S.F. 1047

creates additional special levy authority equal to any certified aids or credits or credits payable reductions enacted by the Legislature this year or next year. In addition, the bill implements a zero percent floor for the implicit price deflator component of the levy limit base adjustment calculation.

S.F. 980, carried by Sen. Debbie Johnson (R-Ham Lake), authorizes a special levy for the first year of maintaining and operating a public safety facility. S.F. 497, sponsored by Sen. Sharon Erickson Ropes (DFL-Winona), adds small inns to the class 4c commercial seasonal recreational residential property.

## Public Safety Budget Division

### Revised budget recommendations discussed

The Public Safety Budget Division met Mon., Mar. 23, to consider the revised budget recommendations for the Dept. of Corrections and the Dept. of Public Safety. Division Chair Linda Higgins (DFL-Mpls.) said the division has been given a target of reducing appropriations for the Dept. of Corrections and the Dept. of Public Safety by seven percent. She said for the Dept. of Corrections the seven percent equals about \$66 million.

Commissioner Joan Fabian said there is no way to implement cuts of the magnitude needed without endangering staff at corrections facilities or endangering public safety.

Fabian reviewed several scenarios, such as the early release of offenders by 90 days or 180 days or limiting the stay for first time release violators to 90 days. Fabian also provided information on correctional facility programming, pass-through funding for the counties and analysis of financial staff and technical staff.

Mary Ellison, deputy commissioner, Dept. of Public Safety, said only 29 percent of the agency's budget comes from the general fund. She said a seven percent cut for emergency management is a reduction of \$176,000, for the Bureau of Criminal Apprehension is a reduction of \$2.934 million, for alcohol and gambling enforcement is a reduction of \$117,950 and for Office of Justice programs is a reduction of \$2.603 million.

Members discussed several options for budget reductions and whether or not other funding may be affected.

## State and Local Government Operations and Oversight

### E-16 education bill gains

Members of the State and Local Government Operations and Oversight Committee, chaired by Sen. Ann Rest (DFL-New Hope), gathered Friday, Mar. 20, to hear seven bills.

S.F. 954, authored by Sen. Charles Wiger (DFL-Maplewood), provides for E-16 education reforms to improve and expand opportunities for all students to attain educational success. The bill also establishes E-16 advisory subcommittees for prekindergarten through third grade, fourth through eighth grade, ninth through twelfth and postsecondary education.

S.F. 21, also authored by Wiger, establishes a P-20 Education Partnership. Wiger said the P-20 Education Partnership creates a seamless system of education that maximizes achievements of all students, from early childhood through elementary, secondary and postsecondary education, while promoting the efficient use of financial and human resource. Wiger said the focus of the bill is to create a fluid movement for students to progress from one level of education to the next.

The committee approved both bills and re-referred them to the Finance Committee.

S.F. 1052, sponsored by Sen. Kathy Saltzman (DFL-Woodbury), requires a study by the commissioner of finance on the inclusion of school district employees in the state employees group insurance plan. Saltzman said the results of the study would give school districts vital information for determining the benefit of alternative insurance options.

Saltzman offered an amendment including other public employee insurance plans in the study. The amendment was adopted by the committee, which approved the bill and sent the measure to the Finance Committee.

S.F. 1113, carried by Sen. Sandy Rummel (DFL-White Bear Lake), creates a Legislative and Citizen Commission on the Future of Public Education, which will provide a ten-year plan on the future of public education.

S.F. 1109, also carried by Rummel, establishes the Center for Legislative Education Analysis, Research and Navigation in the Next Generation to provide the Legislature with research, analysis and



*Senators Julianne Ortman (R-Chanhassen) and Ken Kelash (DFL-Minneapolis) consult on proposed legislation during a Senate floor session Thurs., Mar. 26.*

Photo by David J. Oakes

policy guidance in the area of prekindergarten through grade 12 education.

Rummel offered an amendment to combine the contents of S.F. 1109 into S.F. 1113. The committee adopted the amendment. She said the bill is meant to be the first step in answering questions related to the future direction of education in Minnesota.

Sen. Chris Gerlach (R-Apple Valley) offered an amendment to remove the word "public" from the bill in an effort to incorporate private schools in the commission. Rest offered an amendment changing the number of members on the commission. The committee adopted both amendments, approved the bill and sent the measure to the Finance Committee.

S.F. 551, authored by Sen. Rick Olseen (DFL-Harris), expands the use of mail balloting by allowing municipalities having fewer than 1,000 registered voters with no polling place other than the office of the auditor or clerk to use the system.

The committee approved the bill and sent the measure to the full Senate.

S.F. 659, also authored by Olseen, clarifies the restrictions on election judges' service and modifies the method of creating election judge appointment lists. The bill specifies that individuals who are related to each other may serve as election judges in the same precinct, provided that they serve on separate shifts. The bill also limits requirements for use of lists of election judges prepared by major political parties.

Olseen offered an amendment eliminating the requirement for election judges to initial election ballots. The committee adopted the amendment, approved the bill and sent it to the Senate floor.

### Election provision bills gain

The State and Local Government Operations and Oversight Committee, chaired by Sen. Ann Rest (DFL-New Hope), convened Mon., Mar. 23, to take action on a number of bills.

Sen. Katie Sieben (DFL-Newport) carried three bills, all of which were approved and referred to the Senate floor. S.F. 658 imposes additional requirements on polling place challengers by requiring them to be registered voters and to both read and sign an election law compliance statement prior to admittance into the polling place. The bill also requires a challenger to obey orders from an election judge to leave a polling place if the challenger fails to abide by the law, Sieben said. She said the measure also prohibits challengers from interfering with an election judge who is performing official duties and from using electronic communication devices in the polling place. S.F. 801 is a housekeeping bill that makes a number of technical modifications to certain ballot and voting system requirements. S.F. 853 authorizes any eligible voter to vote absentee without needing an excuse for being unable to vote at the polling place on election day. Sieben said many individuals may be out of their town on election day.

# Committee update



Senators Ann Lynch (DFL-Rochester) and Tony Lourey (DFL-Kerrick) look over the details of a bill during a Health, Housing and Family Security Committee hearing Wed., Mar. 25.

Photo by David J. Oakes

or unable to vote at the polling place for a number of reasons, and the bill corrects that problem.

Rest carried S.F. 745, which changes provisions regarding vacancies in nomination. In the case of a death or catastrophic illness of a candidate who was nominated at a primary, a special election on the second Tuesday in December will take place to determine the replacement candidate, Rest said. The bill was amended onto S.F. 278. The bill was also referred to the Senate floor as a separate measure from S.F. 278.

S.F. 278, also sponsored by Rest, modifies the procedure for filling a vacancy in the Office of United States Senator or Representative in Congress. The bill requires the governor to issue a writ providing for a special election within five days after the vacancy occurs and requires that the special election take place on a Tuesday between 80 and 100 days after the writ is issued, Rest said. The measure

was approved as amended and referred to the Committee on Finance.

S.F. 1230, authored by Sen. Tarryl Clark (DFL-St. Cloud), provides for an independent Office of Strategic and Long-Range Planning as an independent state government agency.

Sen. Don Betzold (DFL-Fridley) proposed an amendment to change the date by which the director must submit a report to the governor and legislature from the first week in December to January 15. The amendment was adopted.

The measure was approved and referred to the Rules Committee.

Sen. Terri Bonoff (DFL-Minnetonka) authored S.F. 1459, which requires cities, counties and towns to use state cooperative purchasing if it is cost-effective. Cities, counties and towns must contract to purchase supplies, materials or equipment by using contracts available through the purchasing venture, Bonoff said.

Betzold offered an amendment to clarify that the governing entity in cities, counties and townships must determine if using the cooperative purchasing venture is cost-effective. The amendment was adopted. The measure was approved and referred to the Rules Committee.

Sen. David Tomassoni (DFL-Chisholm) carried a bill, S.F. 79, that authorizes the Central Iron Range Sanitary Sewer District. The sewer district is established for the purpose of planning a regional wastewater treatment plant in the area it covers, Tomassoni said. The bill was recommended to pass and referred to the full Senate.

## Early primary bill okayed

A bill, S.F. 260, moving the state primary from September to June was one of the highlights of the Wed., Mar. 25, meeting of the State and Local Government Operations and Oversight Committee.

The bill, authored by Sen. Terri Bonoff (DFL-Minnetonka), also makes a number of conforming amendments relating to public subsidies, deadlines for filing and other election related deadlines. The measure switches the primary from the first Tuesday after the second Monday in September to the second Tuesday in June in each even-numbered year. Bonoff said the bill received extensive discussion in the Subcommittee on Elections. Bonoff said the measure allows the public more time to be engaged in the elections process. Sen. Claire Robling (R-Jordan), however, said the public is fatigued by the end of the election process under the current system. The bill was approved and sent to the full Senate.

The committee, chaired by Sen. Ann Rest (DFL-New Hope), heard a variety of other bills that had been referred to the committee.

S.F. 1004, carried by Sen. Linda Scheid (DFL-Brooklyn Park), modifies construction codes and licensing, expands the Plumbing Board's authority by allowing the board to prescribe uniform standards for all new plumbing installations performed anywhere in the state. Scheid said the bill is a clean-up of provisions relating to the construction code enacted last year. The committee adopted an amendment allowing municipalities to adopt an official control that requires exterior work authorized by a building permit issued under the state building code be completed within a specified number of days following issuance of the building permit. The bill was also approved and advanced to the Senate floor.

Sen. Richard Cohen (DFL-St. Paul) sponsored a bill, S.F. 2, that makes changes to process used to develop state budget recommendations. The measure requires disclosure of the status of fiscal note requests, requires a forecast of cash flow for the general fund, specifies the format for detailed budget estimates of expenditures, imposes a deadline for notice of deficiency requests, provides additional whistleblower protection to state employees and establishes a budget working group. Cohen said the bill is designed to smooth out the process for developing the state budget. The bill was approved and re-referred to the Committee on Finance.

S.F. 562, authored by Sen. Mee Moua (DFL-St. Paul), limits the admission of criminal history evidence in actions against private employers and modifies licensure disqualifications for par-mutual

horse racing to allow applicants who would otherwise be disqualified to be hired for an operation that does not involve gaming, security, or the handling of revenues. Members adopted an amendment deleting the provisions in the bill relating to horse racing and sent the bill to the Senate floor.

S.F. 1036, carried by Sen. James Metzen (DFL-South St. Paul), ratifies the labor contracts with the Minnesota State University Association of Administrative and Service Faculty, the Commissioners' plan, the Managerial plan, the Teachers Retirement Association, the Minnesota State Retirement System, the Public Employees Retirement Association, the State Board of Investment, the Minnesota Nurses Association and the Office of the Legislative Auditor. The bill was approved and sent to the Committee on Finance.

S.F. 1662, authored by Robling, creates an advisory task force to study fire protection and first responder services. The bill is aimed at reducing service delivery costs and providing recommendations on best management practices. The measure was approved and re-referred to the Judiciary Committee.

Committee members also heard extensive testimony on a bill, S.F. 913, relating to land use planning. The bill, sponsored by Sen. Thomas Bakk (DFL-Cook), outlines land use planning in order to reduce greenhouse gas emissions and limits densities in unincorporated areas with no more than one residential unit per 40 acres and prohibits increasing densities in unincorporated areas with more than one residential unit per 40 acres. The measure also prohibits new municipal incorporations, modifies tax increment financing standards and prohibits the use of minimum acreage standards for new school siting. Members adopted an amendment providing for cluster development, under specific circumstances in unincorporated areas. The bill was approved and re-referred to the Finance Committee.

Rest sponsored a bill directs the Office of Enterprise Technology to adopt rules establishing technology access standards that will apply to state government information technology services and equipment. Rest said nearly 10 percent of all Minnesotans don't have access to state government because they are deaf, deaf blind, blind or hard of hearing.

In an unusual departure from Senate tradition, Rep. Torrey Westrom (R-Elbow Lake), spoke in support of the

bill. Westrom, who lost his sight in a 1987 car accident, said accessibility standards are long overdue. He said he is often reluctant to upgrade his computer systems because of the incompatibility of special software he needs for reading. He said establishing standards brings the state into the 21st century.

Rest said the bill also establishes an Advisory Committee for Technology Standards for Accessibility and Usability. Under the bill, the advisory committee is required to review and evaluate the accessibility and usability of state-purchased or created information technology and telecommunications systems and to convene customer groups composed of individuals with disabilities to assist in implementation of accessibility standards.

Members approved the measure and re-referred the measure to the Committee on Finance.

S.F. 446, also carried by Rest, enacts the Agreement Among the States to Elect the President by National Popular Vote. Under the bill, Minnesota would enter into an agreement with other states, which would take effect when enough states with a majority of the electoral votes enter into the agreement. The agreement requires participating states to determine a national popular vote total and to designate a slate of electors associated with the candidate with the highest national popular vote total. The measure was approved and sent to the Senate floor.

S.F. 1464, sponsored by Rest, authorizes the use of state space for employee fitness and wellness activities. The measure was approved and re-referred to the Judiciary Committee.

## State Government Budget Division

### MMB name change gains

The State Government Budget Division, chaired by Sen. Don Betzold (DFL-Fridley), met Mon., Mar. 23, to consider a variety of bills.

S.F. 1298, sponsored by Sen. Joe Gimse (R-Willmar), changes the name of the Dept. of Finance, which was combined with the Department of Employee Relations, to the Minnesota Management and Budget Department. Members approved the measure and advanced the measure to the full Finance Committee.

S.F. 1016, carried by Sen. Steve Murphy (DFL-Red Wing), authorizes the sale

# Committee update

of Minnesota First bonds to encourage individuals to invest in state general obligation bonds. Murphy said the bill allows the public to invest in the state. Under the bill, minimum denominations of \$500 are to be made available for direct sale to the public. Members adopted an amendment specifying that up to 10 percent of the state general obligation bonds sold per year may be sold under the program. The panel laid the bill over for possible inclusion in the division's omnibus bill.

S.F. 713, authored by Sen. Claire Robling (R-Jordan), establishes a state employee suggestion system for making state government less costly or more efficient. Robling said the program is modeled on one in the private sector that rewards employees for cost savings ideas. Robling said the maximum award in the bill is the lesser of ten percent of the documented saving or \$2,500. The bill specifies that the money is to be appropriated from the fund in which the savings occurred. The measure was approved and advanced to the full Finance Committee.

Members also heard a bill providing additional sick leave for state employees who are veterans with service related disabilities. S.F. 334, sponsored by Sen. Yvonne Prettner Solon (DFL-Duluth), said the bill authorizes up to 40 additional hours of sick leave. The measure was laid over for possible inclusion in the division's omnibus bill.

Betzold authored a bill, S.F. 1192, appropriating funds to the Minnesota Campaign Finance and Public Disclosure Board for its operating. Members adopted an amendment clarifying how the appropriation is distributed. The bill was laid over for possible inclusion in the division's omnibus bill.

## Redistricting commission bill heard

The State Government Budget Division, chaired by Sen. Don Betzold (DFL-Fridley), met Wed., Mar. 25, to consider a bill setting forth principles for districting state and congressional plans. S.F. 182, sponsored by Sen. Lawrence Pogemiller (DFL-Mpls.), also provides for the appointment of a commission to recommend the boundaries of legislative and congressional districts.

The bill specifies that a representative district may not be divided in the formation of a Senate district, requires legislative districts to be roughly equal

in population, requires the districts be convenient, contiguous territory, prohibits diluting the voting strength of racial or language minority populations, requires preserving political subdivision, requires preserving communities of interest, requires political competitiveness and prohibits favoring incumbents. The bill also provides for a Redistricting Commission to develop redistricting plans and specifies a series of deadlines for the adoption of the plans. Members adopted an amendment, offered by Sen. Ann Rest (DFL-New Hope), further refining the deadlines for commission and Legislative action on the plans. The bill was approved and advanced to the full Finance Committee.

Rest sponsored two measures. S.F. 1354 appropriates \$3 million from bond proceeds for Capitol Building restoration. Rest said funds are also in the capital investment bill, but additional funds are needed for planning, including a predesign study and schematic design, for restoration of the building in order to preserve Minnesota's history and cultural heritage. Members approved the bill and advanced the measure to the full Finance Committee. S.F. 530 eliminates a requirement that the Dept. of Finance report on revenue relative to the share personal income collected in taxes to pay for state and local government services. Rest said the report is no longer helpful and is an unnecessary requirement for the department. The bill was approved and advanced to the full Finance Committee.

The division also discussed a proposal in the governor's budget transferring the duties and responsibilities of the Environmental Quality Board to the Pollution Control Agency.

## Taxes

### Revised budget summary heard

The Taxes Committee, chaired by Sen. Thomas Bakk (DFL-Cook) met briefly Tues., Mar. 24, to hear a revised budget summary.

Commissioner Ward Einess, Dept. of Revenue, reviewed the governor's revised biennial budget issued after the February forecast. Einess said the forecast shows a \$1.165 billion drop in non-dedicated revenue. Einess said the forecast shows tax revenues declining by \$1.114 billion. He said federal conformity will lower revenue by \$28.3 million and Section 179 Business Expensing will result in \$23 million less

revenue. Einess said property tax aids and credits need to be reduced by \$80 million for structural balance.

## Tax bills heard

The Taxes Committee, chaired by Sen. Thomas Bakk (DFL-Cook), met Thurs., Mar. 26, to consider two bills relating to tax increment financing and two bills modifying other tax provisions.

S.F. 1427, carried by Sen. Charles Wiger (DFL-Maplewood), extends the authorization for a tax increment financing in North St. Paul. S.F. 1164, sponsored by Bakk, authorizes the creation of a tax increment financing district by the Duluth Seaway Port Authority.

S.F. 1550, authored by Sen. John Doll (DFL-Burnsville), protects credit reimbursements for cities that net contributors to fiscal disparities from unallotment and aid cuts. S.F. 331, sponsored by Sen. Ann Rest (DFL-New Hope), modifies the permitted time to file specific claims for tax refunds.

All four measures were laid over for possible inclusion in the committee's omnibus bill.

## Transportation

### Appropriations bills gain

The Committee on Transportation gathered Tues., Mar. 24, to discuss two appropriations bills.

Committee Chair Sen. Steve Murphy (DFL-Red Wing) authored both measures. S.F. 1511 appropriates the federal economic recovery funds. The funds are appropriated for assistance for highways and bridges, transit, aeronautics and railroads, Murphy said.

Murphy offered an amendment to provide compensation for owners of manufactured homes that are relocated due to projects funded by the federal stimulus. The amendment provides compensation for the cost of relocating to a manufactured home park within seven miles of the eminent domain location, Murphy said. He withdrew the amendment.

Sen. Scott Dibble (DFL-Mpls.) offered an amendment providing that the commissioner must comply with accessibility requirements of the American with Disabilities Act in all applicable projects funded by the economic recovery funds. The amendment was adopted.

S.F. 1276 appropriates money for transportation, the Metropolitan Council

and several public safety activities and programs.

Murphy offered an amendment modifying total appropriation funds. Total transportation fund appropriations are \$2.073 billion in FY 2010 and \$2.212 billion in FY 2011, he said. The amendment was approved.

Sen. Julianne Ortman (R-Chanhassen) offered an amendment that maintains the current transit taxing district law. She said expanding the transit taxing district is unfair for individuals living in outer suburbs who don't have as much access to transit as individuals living in or closer to the cities.

Several members expressed concern over the amendment, saying that individuals who commute into the taxing district in a vehicle and take public transit from park and ride should have to pay tax on the transit system, even though they don't reside in the taxing district.

The amendment was approved by a vote of 12-8.

Ortman also proposed an amendment providing that after July 1, 2011, 60 percent of motor vehicle lease sales tax revenue must be deposited in the highway user tax distribution fund, 36 percent in the Metropolitan Area transit account and four percent in the Greater Minnesota transit account. The amendment failed on a roll call vote of 10-10.

Dibble offered an amendment requiring the Metropolitan Council to establish a pilot program to sell transit fares at a 50 percent discount to eligible charitable organizations for use by homeless individuals. The amendment was adopted.

Sen. Mee Moua (DFL-St. Paul) proposed an amendment to allow the commissioner to expend up to half of one percent of the federal highway aid as grants for job training programs related to highway construction. The amendment was adopted.

Both bills were approved as amended and re-referred to the Committee on Finance.

## Omnibus policy bill approved

The Committee on Transportation, chaired by Sen. Steve Murphy (DFL-Red Wing), gathered Thurs., Mar. 26, to hear a number of bills, including the transportation omnibus policy bill.

S.F. 1455, carried by Murphy, prohibits a person from using wireless communication devices while operating a Met-

ropolitan Council public transportation vehicle. Murphy offered an amendment to incorporate nine other bills into the measure to create the omnibus transportation policy bill. Measures incorporated into the omnibus bill include S.F. 93, which removes the single occurrence liability cap for state tort claims; S.F. 285, which eliminates cumulative drivers license suspensions; S.F. 345, which creates enhanced drivers licenses and identification cards; and S.F. 462, which expands the DWI ignition interlock device pilot program. Other bills include S.F. 599 requiring a study on motor vehicle lighting display, S.F. 973 removing the expiration date for corporate deputy registrars appointments, S.F. 1484 requiring the trunk highway bridge improvement program to accommodate bicycle, pedestrian, transit and disabilities access, S.F. 1667 providing the commissioner with passenger rail service duties and S.F. 1674 directing the commissioner to apply for railroad safety technology grants. Members adopted the amendment.

Members adopted an amendment to delete the provisions relating to the liability cap for tort claims arising from a single incidence.

Sen. Katie Sieben (DFL-Newport) sponsored a bill, S.F. 1903, that authorizes the use of design-build for the St. Paul to Chicago high-speed rail project. Sieben offered an amendment that requires the commissioner of transportation to work with the state of Wisconsin to apply for grant funds from the economic stimulus plan for use on the rail project. The amendment was adopted. The bill was approved as amended and referred to the Senate floor.

S.F. 1513, authored by Sen. Patricia Torres Ray (DFL-Mpls.), creates a construction mitigation grant program and requires road authorities to mitigate construction impacts on local small businesses. The bill was approved and sent to the Committee on Finance.

Sen. Ray Vandever (R-Forest Lake) carried S.F. 1914, which directs the commissioner of transportation to construct paved aprons at certain intersections. The bill requires each apron to extend a minimum of 20 feet from the edge of the highway along the local road, Vandever said. The bill was laid on the table.

S.F. 624, sponsored by Sen. Jim Vickerman (DFL-Tracy), forgives approximately \$2.851 million in state loans made

to Rock and Nobles Counties for rail line rehabilitation. Sen. Scott Dibble (DFL-Mpls.) expressed concern that passing the bill would set a precedent for loan forgiveness. However, the bill was approved and re-referred to the Committee on Finance.

S.F. 1467, carried by Sen. Lisa Fobbe (DFL-Zimmerman), amends provisions relating to speed limits. The bill clarifies that the speed limit must be 35 miles per hour in a rural residential district. The measure was approved and referred to the Senate floor.

Sen. Amy Koch (R-Buffalo) sponsored a bill, S.F. 1172, that extends the exemption from state alcohol and controlled substances testing if an individual is tested in accordance with federal law. The bill was recommended to pass and sent to the Senate floor.

Sen. Jim Carlson (DFL-Eagan) carried S.F. 1876. The bill updates and changes provisions relating to motor carriers, highways and the Dept. of Transportation. The bill makes a number of technical changes to statute, Carlson said. The bill was approved and referred to the Senate floor.

Dibble authored a bill, S.F. 1667, that prescribes duties for the commissioner of transportation regarding passenger rail planning and responsibilities and requires the commissioner to report to the Legislature by February 1, 2010, on the status of the passenger rail in Minnesota. The bill was approved and referred to the Committee on Finance.

Sen. Terri Bonoff (DFL-Minnetonka) offered an amendment to include S.F. 933, which is a bill requiring a feasibility study of the Little Crow transit way, in the omnibus bill. The amendment was adopted.

Sieben proposed an amendment to include S.F. 1903, which authorizes design-build contracting in the St. Paul to Chicago high-speed rail project, in the omnibus bill. The motion was adopted.

The omnibus bill was approved and sent to the Finance Committee.

## MyBills system available

The MyBills personalized bill tracking system is now available. Users can add House and Senate bills to their lists by bill number, subject or author, and view the status of their bills. Users can modify their lists at any time. The MyBills system is available from the Legislative website at: <http://www.house.mn/leg/billsublogin.asp>

# Senate Briefly

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Libby Rupp and her 7-year-old daughter Isabella, St. Paul, listen to a presentation in the Capitol Rotunda during Autism Awareness Day at the Capitol Thurs., April 2.  
Photo by David J. Oakes



April 3, 2009

# Highlights

## Nuclear ban lifted

The Thurs., Apr. 2, floor session was devoted to considering bills on General Orders. Bills on General Orders have been approved by one or more committees and are acted upon by the Senate acting as one large Committee of the Whole. If a bill on General Orders is acted upon favorably, it is placed on the Senate Calendar for final passage.

S.F. 550, sponsored by Sen. Yvonne Prettner Solon (DFL-Duluth), is the omnibus energy policy bill. Prettner Solon said the bill helps Minnesota reach its renewable energy goals, moves the solar energy industry forward and provides incentives for energy conservation.

Discussion on the bill, though, centered on an amendment to lift the moratorium on nuclear plant construction.

Sen. Steve Dille (R-Dassel), offered an amendment repealing the prohibition on the construction of new nuclear power facilities in Minnesota. Dille said, "We need to provide more clean, affordable, energy to consumers and it is clear to me we need to have the option on the table." Prettner Solon opposed the amendment and said several bills have been introduced to repeal the moratorium and the discussion has begun. She said the issue needs further discussion, but there are concerns about waste storage. Sen. Amy Koch (R-Buffalo) urged members to support the bill and said it was time to have an open discussion on the possibilities of nuclear power. Koch said it is time to balance our energy portfolio. Sen. Ellen Anderson (DFL-St. Paul) countered that the waste issue is even further away from

being solved and that funds are better spent on renewables. Sen. Steve Murphy (DFL-Red Wing) said it is possible to travel on a dual track—exploring the possibilities of nuclear power and developing renewables. Murphy said it is time to start the discussion. The amendment was adopted on a 42-24 roll call vote.

Sen. Julie Rosen (R-Fairmont) offered an amendment providing for a report by a fuel oil or propane and specifying the contents of the report. Rosen said the report will provide information on how federal funds are being used. The amendment was adopted.

The bill was granted preliminary approval.

S.F. 643, sponsored by Sen. Kathy Sheran (DFL-Mankato), provides eligibility for unemployment benefits for workers undergoing training programs. Sheran said the bill allows workers, who would otherwise be laid off, to continue working part time while receiving training.

Sen. Ellen Anderson (DFL-St. Paul) said S.F. 1012 is the Legislative-Citizen Commission on Natural Resources allocation of funds for environment and natural resources projects. Anderson said the bill allocates about \$26 million for projects in both the Metro Area and throughout the state. Members adopted an amendment allowing for extra time for some projects that had received funds in the past.

S.F. 1904, authored by Sen. Linda Scheid (DFL-Brooklyn Park), regulates the continuation of health insurance coverage. The bill conforms state law to the requirements of the American Recovery and Reinvestment Act, which provides a federal premium subsidy of up to 65 percent for small business employees who were involuntarily laid off and originally turned down COBRA coverage.

S.F. 1454, sponsored by Sen. Kathy Saltzman (DFL-Woodbury), provides a shared work plan to provide partial unemployment benefits to employees whose normal weekly hours of work are reduced, with a proportional reduction in total weekly pay, in order to prevent layoffs because of lack of work.

S.F. 10, authored by Sen. Terri Bonoff (DFL-Minnetonka), requires school districts to use shared services and make purchases through the cooperative purchasing venture and requires the Dept. of Education to hire a consultant to work with districts to share services. Bonoff offered an amendment providing the shared services already in effect may continue,

but must be reported to the department. The amendment was adopted.

All of the measures were granted preliminary approval.

## Fed update bill repassed

The Wed., Apr. 1, floor session was devoted to granting final passage to several bills on the Senate Calendar and to the adoption and repassage of the conference committee on H.F. 392.

H.F. 392, carried by Sen. Thomas Bakk (DFL-Cook), is the federal update bill that also contains a reworking of Green Acres provisions. Bakk said the conference committee report contains more federal update language because more revenue from the federal government has become available. The measure was granted final passage on a 59-5 roll call vote.

H.F. 865, authored by Sen. Ann Lynch (DFL-Rochester), establishes a Great River Ridge trail segment. S.F. 764, sponsored by Sen. Mee Moua (DFL-St. Paul), allows state agencies to conduct meetings electronically. S.F. 811, carried by Sen. Steve Dille (R-Dassel), authorizes school district #2887 to issue general obligation bonds for its reorganization operating debt. All three bills were granted final passage by unanimous roll call votes.

## Permanent Rules adopted

Senators devoted much of the Mon., Mar. 31, floor session to discussion and adoption of the Permanent Rules of the Senate. Members had adopted Temporary Rules at the beginning of the Legislative Session and those rules served as the basis for the Permanent Rules. Changes to the Senate Rules were adopted by the Committee on Rules and Administration Fri., Mar. 26.

Majority Leader Lawrence Pogemiller (DFL-Mpls.) outlined the changes. The first change removes the language of Rule 7, relating to setting budget resolutions, which has proven unworkable and replaces it with language that provides transparency and flexibility, Pogemiller said. The proposal also provides for the disposition of appointments when the appointee is no longer serving or the term expires. The measure also moves the introduction and first reading of Senate bills from the twelfth order of business to the eighth order of business and prohibits committees from taking action on a bill the day the bill is introduced, unless two-thirds of the committee vote to do so. The

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**Editor/Writer:**  
Karen L. Clark

**Writers:**  
Amanda Lillie  
Justin Thiessen  
Sydne Westorff

**Photographers:**  
David J. Oakes  
A.J. Olmscheid



Senators Dan Sparks (DFL-Austin), left, and David Tomassoni (DFL-Chisholm) scrutinize a laptop computer screen during the Senate's Wed., Apr. 1, floor session.

Photo by David J. Oakes

proposal also clarifies that members in the chamber are to vote on bills, including bills on General Orders.

Pogemiller said the changes to Rule 7 were made because the previous language requiring a budget resolution has not worked. The new language specifies that at least 15 days before the deadline for divisions of the Committee on Finance to act favorable on omnibus appropriations bills, targets for the general fund budget must be publicly announced. Pogemiller said the proposal also specifies that amendments to omnibus appropriation or tax bills are out of order if the amendments increases an appropriation without out a corresponding decrease in the same measure. In addition, the proposal also specifies that amendments are out of order if the amendment decreases revenue without a corresponding increase in the same measure.

Pogemiller said the changes allow for more transparency and efficiency in the budget setting process. Sen. David Senjem (R-Rochester) offered an amendment specifying that within 14 days after the last state general fund revenue and expen-

diture forecast for the next fiscal biennium becomes available during the regular session in the odd-numbered year, the Senate must adopt a resolution setting the targets for omnibus appropriation bills. Senjem said the amendment allows the numbers to be out earlier, and thus allows everyone an opportunity to weigh in on the budget process. Pogemiller said the targets were set earlier than they would have been under the amendment. The amendment failed on a 21-43 roll call vote. A second amendment, offered by Senjem, deletes the provision in the bill specifying the conditions for offering amendments to the appropriations bills. The amendment failed on a 21-42 roll call vote.

Sen. Warren Limmer (R-Maple Grove) offered an amendment requiring committee notices to be posted three days in advance of the hearing except in the last 14 days of the session. Currently, the rule requires three days notice to the extent practicable. Pogemiller said flexibility in scheduling is needed, particularly in the days leading to committee deadlines. The amendment failed on a 21-41 roll call vote.

Sen. Ray Vandeveer (R-Forest Lake) offered an amendment prohibiting the payment of per diem during the interim, unless a Senator is attending a committee, commission or task force meeting. The amendment failed on a 28-35 roll call vote. A second amendment, offered by Vandeveer, requires any resolutions relating to compensation to be sent to the Senate floor for discussion. The measure failed on a 21-40 roll call vote.

Vandeveer offered a third amendment reducing per diem to \$66 for members of the Senate. The amendment failed on a 10-52 roll call vote.

Sen. Chris Gerlach (R-Apple Valley) offered an amendment requiring every conference amendment to have at least one member selected by the leader of the minority group. Pogemiller opposed the amendment and said, "We should stand by Senate tradition and have a committee make the appointments to conference committees." The amendment failed on a 23-41 roll call vote. A second amendment, offered by Gerlach, requiring at least one member of a conference committee be a member of the minority.

# Committee update

Pogemiller said most of the time there are minority members on conference committees, unless no member of the minority voted for the bill. The amendment failed on a 24-37 roll call vote.

An amendment, offered by Sen. David Hann (R-Eden Prairie), specifies that the total amount of the Senate's operating budget be divided between the majority and minority proportionately, with each group providing a portion of its allocation to meet the expense of conducting the nonpartisan operation of the Senate. Pogemiller opposed the amendment and said the amendment could lead to even more partisanship. The amendment failed on a 22-42 roll call vote. Hann offered a second amendment specifying that eligibility for, or the amount of, any payment to a member for any purpose, including compensation, per diem, or expense reimbursements, may not depend upon or vary because of the member's vote on any issue in the Senate or a Senate committee. The amendment failed on a 25-38 roll call vote.

Sen. Bill Ingebrigtsen (R-Alexandria) offered an amendment requiring the Rules and Administration Subcommittee on Ethical Conduct to act upon a complaint within seven days, rather than the 30 days in the current rules. The amendment failed. Sen. Geoff Michel (R-Edina) offered an amendment specifying that if a budget is not enacted by the final day of session, no per diem may be paid to Senators in a Special Session called to complete work on the budget. The amendment failed on a 23-38 roll call vote.

The Permanent Rules of the Senate were adopted on a 44-20 roll call vote.

Members suspended the rules in order to give S.F. 1511, sponsored by Sen. Steve Murphy (DFL-Red Wing), final passage. The bill provides for the receipt and appropriation for federal economic recovery funds. Murphy said the bill needs to be expedited because the first contracts will be let by the end of the week. He said the federal funds amount to about \$500 million and the Dept. of Transportation has a number of projects ready to go.

In other action, members granted concurrence and repassage to S.F. 1143. The bill, sponsored by Murphy, designates June 13 as Welcome home Vietnam Veterans Day.

Two measures were granted final passage on Special Orders. S.F. 1329, carried by Sen. Dennis Frederickson (R-

New Ulm), provides for the use of federal stimulus funds for clean water revolving fund loans. Frederickson said half of the funds must be used by June 16 and the balance must be used within one year of the passage of the federal bill.

S.F. 1197, carried by Sen. David Tomassoni (DFL-Chisholm), conforms state law with requirements for the use of federal stimulus funds for unemployment insurance. Tomassoni said the federal stimulus funds amount to about \$130 million and will stave off the depletion of state funds.

A number of measures were granted final passage on the Senate Calendar. S.F. 33, carried by Sen. Rick Olseen (DFL-Harris), modifies qualifications for type III school bus drivers. S.F. 708, sponsored by Sen. Lisa Fobbe (DFL-Zimmerman) modifies provisions relating to foreclosure consultants. S.F. 284, authored by Sen. Linda Higgins (DFL-Mpls.), sets forth procedures for political party caucuses for first class cities in odd numbered years. S.F. 164, sponsored by Sen. Ann Rest (DFL-New Hope), provides a procedure for an adopted person to obtain medical and social history information and provides for the birth parent to furnish nonidentifying medical history.

One bill on the Consent Calendar was granted final passage. S.F. 675, sponsored by Sen. Gary Kubly (DFL-Granite Falls), makes technical changes in emergency medical services provisions.

One measure was given preliminary passage on General Orders. S.F. 811, sponsored by Sen. Steve Dille (R-Dassel), authorizes ISD #2887, McLeod West, to issue general obligation bonds for its reorganization operation debt.

## Brief session held

Members met briefly Fri., Apr. 3, in order to process committee reports to facilitate the movements of bills between committees prior to the second committee deadline. Members recessed for most of the day and reconvened in order to process additional committee reports.

## Education omnibus bill gains

The Committee on Finance, chaired by Sen. Richard Cohen (DFL-St. Paul), met Fri., Apr. 3, to take action on the education omnibus bill.

S.F. 1328, authored by Sen. LeRoy Stumpf, appropriates \$13.441 billion for E-12 education. The measure contains a

general fund reduction of seven percent or about \$972.6 million, but state stabilization funds from the federal government add \$519.6 million to the general fund. The reduction, then, amounts to 3.3 percent or \$452.9 million. The bill also provides policy for early childhood, family, adult and prekindergarten through grade 12 education, provides for special programs, facilities and technology and education excellence, creates a consolidated levy, reduces mandates and modifies charter school provisions.

Sen. James Metzen (DFL-South St. Paul) offered an amendment that allows Special School District #6, South St. Paul, to contract with the South Metro Fire Department to conduct inspections. The amendment was adopted.

Sen. Steve Murphy (DFL-Red Wing) proposed an amendment to change the statewide average daily membership aid adjustment to a statewide aid adjustment based on each district and charter school's proportionate share of the statewide total basic revenue instead of on each school's proportionate share of the statewide total adjusted average daily membership for that year. Sen. Dick Day (R-Owatonna) said the amendment because it would help schools in Greater Minnesota. The amendment failed on a vote of 7-9.

The education omnibus bill was approved as amended and forwarded to the Committee on Taxes.

## Heritage appropriation bill gains

The Environment, Energy and Natural Resources Budget Division Subcommittee on Natural Resources met Fri., Apr. 3, to consider a bill making appropriations suggested by the Lessard Outdoor Heritage Council.

S.F. 1927, authored by Chair Tom Saxhaug (DFL-Grand Rapids), appropriates \$69.522 million for natural resource projects throughout the state.

Tom Kilgore, chair, Lessard Outdoor Heritage Council, said the bill provides \$65 million for 18 projects and \$4 million for statutorily mandates conservation partners small grant program. Kilgore said the appropriation protects 210,000 acres, restores or enhances 22,000 acres, and protects more than 300 miles of shoreline. Kilgore said the projects are geographically dispersed throughout the state and are located in 77 counties, including all Metro Area counties.

Members approved the measure and advanced the bill to the full division.

## Agriculture and Veterans

### Postdeployment health bill okayed

The Agriculture and Veterans Committee met Tues., Mar. 31, to approve several measures.

Committee Chair Sen. Jim Vickerman (DFL-Tracy) carried S.F. 1972, which is a bill requiring the commissioner of agriculture to submit legislative reports on the use of federal money for state biomass-related activities. The bill was approved and referred to the Committee on Finance.

S.F. 1794, sponsored by Sen. Tarryl Clark (DFL-St. Cloud), clarifies the circumstances under which pay differential applies for deployed National Guard and reserve members who are teachers. The measure was approved and referred to the Senate floor.

After taking action on two measures, members adjourned and reconvened as the Agriculture and Veterans Budget and Policy Division to take action on three more bills.

Clark also sponsored S.F. 1014, which requires an application for drivers' licenses and Minnesota identification cards to contain a space where an applicant may request a veteran designation on the license or identification card. The measure was approved and sent to the Committee on Finance.

Sen. David Tomassoni (DFL-Chisholm) authored a bill, S.F. 1987, that appropriates money for postdeployment health assessments. The bill was laid over for possible inclusion in the division's omnibus bill.

S.F. 448, carried by Sen. LeRoy Stumpf (DFL-Plummer), appropriates money for native plant, forage and turf

seed research. The bill appropriates \$50,000 in FY 2010 and \$50,000 in FY 2011 for grants to the Minnesota Turf Seed Council, Stumpf said. The bill was laid over for possible inclusion in the omnibus bill.

## Business, Industry and Jobs

### Bisphenol-A bill advances

The Committee on Business, Industry and Jobs, chaired by Sen. James Metzen (DFL-South St. Paul), convened Wed., Apr. 1, to take action on several bills, including a bill banning bisphenol-A in children's products.

S.F. 247, sponsored by Sen. Sandy Rummel (DFL-White Bear Lake), prohibits bisphenol-A in products used for food or liquid, such as sippy-cups and bottles, that are designed and intended to be used by a child.



*Senators Jim Vickerman (DFL-Tracy), left, and Joe Gimse (R-Willmar) discuss proposed legislation during the Wed., Apr. 1, Senate floor session.*

Photo by A.J. Olmscheid

# Committee update

Dr. Steve Hentges, American Chemistry Council, spoke in opposition to the bill. He said bisphenol-A does not pose a risk to an individual's health. Hentges said that if the legislature wants to ban certain products containing bisphenol-A for unnecessary health concerns, then there should be a ban on any product containing the chemical.

Rummel added that bisphenol-A has been shown to be an endocrine disrupter in very small concentrations and can be harmful for babies and small children when they come in contact with it.

The bill was approved and referred to the Senate floor.

Sen. David Senjem (R-Rochester) authored S.F. 1932, which requires accountability measures and reports as a condition for receiving state funds. The bill was approved and referred to the Senate floor.

Sen. Ellen Anderson (DFL-St. Paul) carried a bill, S.F. 1919, that creates the Minnesota Green Enterprise Authority. The purpose of the authority is to promote green business and create a network between green businesses, Anderson said. The bill was approved and referred to the Committee on Finance.

S.F. 1368, authored by Sen. Scott Dibble, regulates the distribution and calculation of the state unemployment rate. The bill was approved and sent to the Senate floor.

## Commerce and Consumer Protection

### Several bills earn approval

The Committee on Commerce and Consumer Protection, chaired by Sen. Linda Scheid (DFL-Brooklyn Park), gathered Tues., Mar. 31, to hear a number of measures, including a bill regarding the recovery of damages in the case of a broken insurance policy.

Sen. Sandra Pappas (DFL-St. Paul) authored a bill, S.F. 518, that regulates debt management and debt settlement services and makes several technical changes. The bill requires all debt settlers to be registered with the Minnesota Dept. of Commerce to prevent customer abuse, Pappas said. The bill was laid over to be discussed again at a later date.

Sen. Thomas Bakk (DFL-Cook) carried S.F. 528, which provides for recovery of damages and attorney fees for breach of an insurance policy.

A number of people testified about the bill. Liz Porter, St. Jude Medical, spoke in favor of the measure, saying that it puts all sizes of companies in Minnesota on equal insurance footing. Bev Turner, Travelers, said the bill is bad policy because it increases costs to Travelers' insurance policy holders. Dale Thornsjo, Minnesota Defense Lawyers Association, spoke against the measure, saying the unintended consequence of the bill is that it will encourage litigation as a first resort as opposed to a last resort.

Scheid offered an amendment that changes the annual interest on monetary amounts due under the insurance policy from 12 percent to seven percent or the one-year Constant Maturity Treasury rate plus three percent. The amendment was approved by a roll call vote of 5-4.

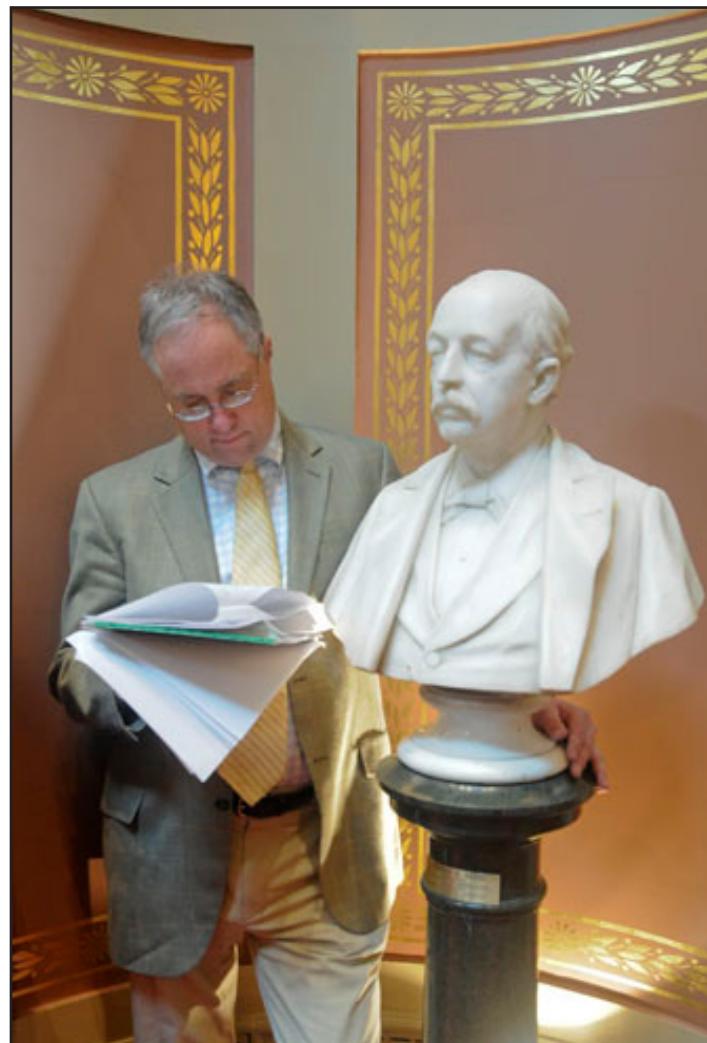
The bill was approved as amended and re-referred to the Committee on Judiciary.

S.F. 1611, carried by Sen. Dan Sparks (DFL-Austin), authorizes the Nonprofit Insurance Trust to self-insure against certain liabilities. The measure was referred to the Senate floor.

S.F. 852, sponsored by Sen. Mary Olson (DFL-Bemidji), prohibits automobile insurers from holding any ownership interest in an automobile repair facility. The bill was recommended to pass and referred to the Senate floor.

### Autism coverage bill gains

The Committee on Commerce and Consumer Protection, chaired by Sen. Linda Scheid (DFL-Brooklyn Park), met



Senate Counsel Staff John Fuller looks over his notes during floor debate in the Senate Chamber Thurs., Apr. 2.

Photo by A.J. Olmscheid

Thurs., Apr. 2, to take action on several bills.

Sen. Sandra Pappas (DFL-St. Paul) carried S.F. 518, which regulates debt management and debt settlement services. Members adopted an amendment that raises the nonrefundable origination fee maximum from \$50 to \$500 and allows for monthly fees and settlement fees instead of service fees. The measure was approved as amended and referred to the Committee on Judiciary.

Scheid authored three bills on which the committee took action. S.F. 312 requires health insurance coverage for autism spectrum disorders, she said.

Stacia Smith, Minnesota Chamber of Commerce, spoke in opposition to the bill. She said the bill is a mandate that falls on the shoulders of the small insurance market and will contribute to the

rising cost in premiums. Smith said an increase in the cost of premiums hurts not only the insurance market, but also consumers, especially during the economic crisis.

Idil Abdull, parent and Somali Community Advocate, said the benefits of the bill outweigh the cost of the insurance coverage because more autistic children will be able to receive preventative care. Preventative care allows autistic children to do better in school and function well in social situations, she said.

S.F. 1905 creates a uniform health coverage application form that would be required for use in applying for health coverage in Minnesota, Scheid said. S.F. 1743 prohibits specific claims processing practices by third-party administrators of health coverage plans and allows a deceased professional's surviving spouse to retain ownership of a professional firm that was exclusively owned by the decedent for up to one year after the death, Scheid said.

All three bills were approved and referred to the Health, Housing and Family Security Committee.

Finally, members voted to reconsider S.F. 806, which is authored by Sen. Kevin Dahle (DFL-Northfield). The bill regulates pay day lending and provides penalties for violation. The bill was approved and referred to the Judiciary Committee.

## Economic Development and Housing Budget Division

### Funding bills heard

Members of the Economic Development and Housing Budget Division, chaired by Sen. David Tomassoni (DFL-Chisholm), met Mon., Mar. 30, to hear three measures for possible inclusion in the omnibus bill.

S.F. 698, authored by Tomassoni, expands eligibility for the small business growth acceleration program and appropriates \$3 million for the 2010-2011 biennium for a grant to Enterprise Minnesota, INC. for the expanded program. Tomassoni said the bill expands the requirements for a company seeking assistance under the program by allowing a manufacturing company with 250 or fewer full-time equivalent employees to be eligible for the assistance. Tomassoni said current law only allows companies with 100 or fewer employees to be eligible to receive the assistance.

S.F. 1127, carried by Sen. Linda Scheid (DFL-Brooklyn Park), appropriates \$250,000 in both FY 2010 and 2011 for a grant to the Southeast Asian Collaborative for an intensive intervention transitional employment training project to move refugees and immigrant welfare recipients into unsubsidized employment. Scheid said the primary effort of the program focuses on intensive employment skills training, including workplace English, overcoming cultural barriers, and on specialized training in fields of work which involve a credit-based curriculum.

S.F. 1244, sponsored by Sen. Sharon Erickson-Ropes (DFL-Winona), transfers a 2005 appropriation to the city of Rushford for a nanotechnology facility to be used for a community center project.

Mayor Les Ladewig, city of Rushford, said the appropriation better serves the citizens of Rushford as a means to fund a new community center as opposed to constructing a nanotechnology facility. Ladewig said severe flooding in 2007 destroyed many structures in Rushford, including the old community center, and the appropriation would be extremely helpful in the reconstruction of a new community center.

All three bills were laid over for possible inclusion in the omnibus bill.

### Public broadcasting bills heard

Public broadcasting grants and film production funding bills dominated the Economic Development and Housing Budget Division's agenda for their Wed., Apr. 1, meeting.

S.F. 1548, carried by Sen. Toney Lourey (DFL-Kerrick), appropriates \$850,000 during the 2010-11 biennium from the general fund to the commissioner of administration for equipment grants to Minnesota Public Radio, Inc.

S.F. 2015, sponsored by Sen. Amy Koch (R-Buffalo), appropriates \$4.5 million from the arts and cultural heritage fund and \$553,000 from the general fund to the director of Explore Minnesota Tourism for purposes of the film production jobs program.

Lucinda Winter, executive director, Minnesota Film and TV Board, said Minnesota is competing for production dollars with 32 other states, almost all of which are currently offering better incentives for production companies to shoot and produce films in their states. Winter said an additional \$5 million in funding from

the state will result in \$28 to \$38 million being spent in Minnesota and 600 to 800 full-time equivalent jobs being created. Furthermore, she said more funding means more high-wage jobs, more economic activity in local communities and a greater ability to compete with other states. Winter said the state needs to make every effort to ensure that stories written by Minnesotans that are set in Minnesota will be made in Minnesota.

S.F. 1970, authored by Sen. Richard Cohen (DFL-St. Paul), authorizes an unspecified appropriation in FY 2010 and 2011 from the general fund to the Minnesota Film and TV Board to make film production investment grants. The bill allows the board to make grants to film productions that have obtained at least \$100,000 in qualified investments. The bill specifies that the grant amount equals 25 percent of qualified investment, up to a maximum of \$100,000, with a \$1 million cap on all grants awarded in a fiscal year.

Cohen offered an amendment to increase the maximum grant amount a production company can receive from \$100,000 to \$250,000. The division adopted the amendment.

S.F. 1688, carried by Chair David Tomassoni (DFL-Chisholm), appropriates \$525,000 from the general fund to the commissioner of administration for the fiscal year beginning July 1, 2009, to be used for grants to Minnesota Public Radio, Inc. to assist with the conversion to a digital broadcast signal.

S.F. 810, also carried by Tomassoni, modifies grant timing and reporting requirements for public television and noncommercial radio stations.

The division approved all bills and laid them over for possible inclusion in the omnibus bill.

## E-12 Education Budget and Policy Division

### Omnibus bill heard

Members of the E-12 Education Budget and Policy Division gathered Wed., Apr. 1, to discuss the education omnibus bill.

Division Chair Sen. LeRoy Stumpf (DFL-Plummer) authored S.F. 1328, which provides several early childhood education and family, kindergarten through grade 12 and adult education provisions, changes and appropriations. The bill appropriates \$5.161 billion in FY 2010

# Committee update



*Senators put the finishing touches on an omnibus E-12 education bill during an E-12 Education Budget and Policy Division meeting Thurs., April 2.*

Photo by David J. Oakes

and \$5.137 billion in FY 2011 from the general fund to the Dept. of Education, Fiscal Analyst Eric Nauman said. Nauman said the bill also appropriates \$2.175 million in both FY 2010 and FY 2011 for the compensatory revenue pilot project and \$16.599 million in FY 2010 and \$17.151 million in FY 2011 for nonpublic pupil education aid. He said the bill limits the equity levy and aid to FY 2009-10, limits transition levy and aid to FY 2009-10 and limits alternative teacher compensation program levy and aid to FY 2009-10 only.

Nauman said the bill changes the number of days required in a school year to the number of hours required in a school year, requires the commissioner to reduce general education aid by the average daily membership aid adjustment for FY 2010 through FY 2014, aligns state academic standards with federal requirements, requires prekindergarten and elementary instructors to pass a comprehensive reading assessment and provides

the formula to calculate a district's basic alternative teacher compensation aid. The bill also increases the membership on the Charter School Advisory Council, requires a sponsor to file affidavits for each school it intends to charter, clarifies several requirements for charter schools, establishes a Minnesota Reading Corps program and establishes a quality rating and improvement system for early childhood education, Nauman said.

After hearing the contents of the bill, members laid the bill over for further discussion at a later date.

## Omnibus bill advances

The E-12 Education Budget and Policy Division convened Thurs., Apr. 2, to continue discussion on the omnibus bill. Members discussed and took action on several amendments.

Sen. Dan Skogen (DFL-Hewitt) proposed an amendment to maintain current law and require five school lock-down

drills, five fire drills and one tornado drill during the school year, as opposed to the two lock-downs, two fire drills and one tornado proposed in the bill. The motion did not prevail.

Sen. Kevin Dahle (DFL-Northfield) offered an amendment to delete the section of the bill regarding the alternative teacher preparation program and resident teacher licensing for qualified nontraditional candidates. The amendment failed.

Members adopted an amendment requiring schools to place a student's highest assessment score for certain assessments on the student's high school transcript. Under the bill, schools are already required to place assessment scores on a student's transcripts, and the amendment places additional assessment scores on transcripts.

Sen. Tarryl Clark (DFL-St. Cloud) proposed an amendment to establish the Office of Early Learning and appropriate five percent of the annual prekindergarten

finance allowances for the Office of Early Learning. The amendment was approved.

Clark offered another amendment that transfers all positions in the Dept. of Education relating to early childhood to the Office of Early Learning. The motion was adopted.

Members of the division also adopted an amendment, proposed by Sen. Claire Robling (R-Jordan), that allows a local school board to retain the authority to determine the minimum acreage needed to accommodate a newly proposed school and related facilities. Also, the amendment provides that if a school board proposes to renovate an existing school, the local school board retains the authority to decide whether to renovate the school or build a new one, Robling said.

Sen. Kathy Saltzman (DFL-Woodbury) offered an amendment that prohibits a charter school from organizing the nonprofit building corporation until the sponsor files a supplementary affidavit with the commissioner and receives approval. Saltzman said the amendment also allows a charter school that has been approved and has operated for at least eight consecutive years and is not in statutory operating debt may form a separate affiliated nonprofit building corporation for the purpose of constructing or purchasing a school facility. Members adopted the amendment.

Sen. Tom Saxhaug (DFL-Grand Rapids) proposed an amendment that allows a child to be excused from school with a note from a physician or a licensed mental health professional. The amendment was approved.

Sen. Lisa Fobbe (DFL-Zimmerman) offered an amendment stating that when a child with a disability has been suspended for five consecutive school days or 10 cumulative school days in the same year, members of the child's individualized education program team may meet and determine the child's services needs in order to continue participating in the education curriculum. The motion was adopted.

Members approved an amendment, offered by Dahle, that deletes the portion of the bill reserving two percent of the basic revenue for in-service education for staff development.

Sen. Amy Koch (R-Buffalo) proposed an amendment that changes the statewide general education aid adjustment for FY 2010 from \$484.194 million to \$544.003 million, \$484.194 million to \$424.385

million in FY 2011, \$300 million to \$271 million in FY 2012, \$161.322 million to \$190.322 million in FY 2013 and \$80 million to \$100,000 million in 2014. She said the aid adjustment for FY 2015 and later is zero dollars. Koch said the amendment decreases the disparity across school districts in the state. After some discussion about the amendment, Koch withdrew the proposal.

The bill was approved as amended and forwarded to the Committee on Finance.

## Energy, Utilities, Communications and Technology

### Solar cities bill heard

The Energy, Utilities, Technology and Communications Committee, chaired by Sen. Yvonne Prettner Solon (DFL-Duluth), convened Tues., Mar. 31, to hear three un-related bills.

S.F. 1922, sponsored by Sen. Ellen Anderson (DFL-St. Paul), establishes the Solar Cities Working Group and appropriates \$7 million from state energy stimulus funds to the commissioner of commerce for grants to increase the installation of solar energy projects in Minnesota. The bill requires that at least half of the appropriation be used for projects located in the proposed light rail central corridor with the remainder of the funding to be used for solar projects statewide. Anderson said the goal of the working group is to develop strategies to accelerate the rate of solar thermal and electric energy installations in all building types.

Anderson offered an amendment to delete the establishment of the working group from the bill. Anderson said the bill was put together too late to get the working group approved by the appropriate committees, so she proposed removing the group from the bill and focusing on the appropriation mentioned in the second half of the measure.

The committee adopted the amendment, approved the bill and re-referred the measure to the Finance Committee.

S.F. 926, carried by Sen. Dan Sparks (DFL-Austin), modifies provisions relating to reduced rate regulation and promotion activities. Sparks said the bill removes outdated and unnecessary regulations currently governing competitive areas and promotional activities of telephone companies.

The committee approved the bill and sent the measure to the full Senate.

S.F. 1760, authored by Sen. Scott Dibble (DFL-Mpls.), extends the period during which renewable energy payment incentives may be paid and directs payments to other projects from projects whose eligibility to receive payments expires. Dibble said the modifications made in the bill benefit a hydroelectric facility located along the St. Anthony Falls area in Minneapolis.

The committee approved the bill and re-referred it to the Finance Committee.

## Environment and Natural Resources

### Heritage council bill gains

Members of the Committee on Environment and Natural Resources, chaired by Sen. Satveer Chaudhary (DFL-Fridley), met Fri., Mar. 27, to consider a number of measures, including the Lessard Outdoor Heritage Council (LOHC) appropriations bill.

Sen. Tom Saxhaug (DFL-Grand Rapids), sponsored S.F. 1927, which appropriates money for outdoor heritage. The Lessard Outdoor Heritage Council's mission is to restore, protect, and enhance wetlands, prairies, forests, and habitat for fish, game, and wildlife," said Michael Kilgore, chair, LOHC. He said the council's recommendations total approximately \$69.5 million dollars for 18 programs and projects. The council focused on strategic statewide conservation plans, resource, habitat, and species plans, as well as "shovel-ready" conservation projects, he said.

Former Sen. Bob Lessard said this is just the first of the 25 years the people of Minnesota voted to appropriate money to conserve state lands. The committee amended the bill to give the council the authority to set up its own staff. The bill, as amended, was approved by the committee and re-referred to the Committee on Finance.

S.F. 1892, sponsored by Chaudhary, modifies regulation of storm water discharges. Julie Westerlund, Minnehaha Creek Watershed District, said the modifications in discharge would come from implementation of minimum impact design standards. These standards are met through a menu of techniques, calculated methodology, and specific performance standards, she said. The bill was approved

# Committee update



**91-year-old Irene Long, Isle, testifies in front of the Environment and Natural Resources Committee Mon., Mar. 30, in favor of providing free fishing licenses to Minnesota residents age 90 and up.**

Photo by David J. Oakes

and re-referred to the Committee on Finance.

S.F. 1123, carried by Sen. Dan Skogen (DFL-Hewitt), provides for private sales of state land to resolve trespass issues, adds to and deletes from state parks, and authorizes public and private sales of surplus state land. An amendment to delete a provision allowing for the public sale of surplus state land in Anoka County was adopted by the committee. A second amendment to delete a provision allowing the public sale of surplus state land in Cass County was also adopted by the committee. The bill, as amended, was approved and referred to the Finance Committee.

S.F. 74, carried by Sen. Michael Jungbauer (R-East Bethel), provides standards for use of recycled water. The bill is modeled after the California code of regulations, which have some of the toughest standards on recycled water in the country, said Jungbauer. Under the

bill, the Pollution Control Agency will be overseeing the program, he said. The bill was approved and re-referred to the Committee on Finance.

S.F. 1629, sponsored by Chaudhary, makes wellhead protection areas eligible for the reinvest in Minnesota (RIM) reserve program. The bill was approved and re-referred to the Finance Committee.

S.F. 1836, also sponsored by Chaudhary, appropriates money from the clean water fund for clean water legacy and drinking water protection activities. The measure was re-referred to the Finance Committee without recommendation.

## Deer hunting bill laid over

Members of the Environment and Natural Resources Committee, chaired by Sen. Satveer Chaudhary, met Mon., Mar. 30, to discuss four bills.

Sen. Lisa Fobbe (DFL-Zimmerman) carried a bill, S.F. 1433, that provides for

free angling licenses for residents who are 90 years of age and older. Irene Long, citizen, said the bill would be helpful for residents who are still able to go fishing over the age of 90 but may be suffering financially. She said the bill rewards individuals who are healthy enough to fish at that age.

S.F. 220, authored by Sen. Tom Saxhaug (DFL-Grand Rapids), authorizes spear fishing by nonresidents from dark houses.

S.F. 1528, sponsored by Sen. Thomas Bakk (DFL-Cook), provides free licenses to net ciscoes and whitefish to residents under the age of 16. He said that under current law, residents under the age of 16 may legally fish for free, thus the purpose of the bill is to provide consistency and allow those same individuals to net for free, too. Members adopted an amendment allowing duck decoys to be set out more than one hour before hunting as long as

the hunter is in constant attendance.

All three bills were laid over for possible inclusion in the omnibus policy bill.

Finally, Sen. Sharon Erickson Ropes (DFL-Winona) carried S.F. 1156, which extends the deer hunting season in certain areas of the state. The measure allows a nine-day early A season in Zone 3 beginning the Saturday nearest November 6 and a nine-day late B season in Zone 3 beginning the Saturday nearest November 20, Erickson Ropes said. After hearing considerable testimony on the measure, the bill was laid over for further consideration.

### Night bow fishing bill heard

The Committee on Environment and Natural Resources, chaired by Sen. Satveer Chaudhary (DFL-Fridley), met Wed., April 1, to hear six measures for possible inclusion in the committee's omnibus policy bill.

S.F. 1116, sponsored by Chaudhary, modifies game and fish and aquaculture provision. The bill includes fees for aquatic farms, modifications for protected animals, angling qualifications, and hunting provisions, said Ed Boggess, Department of Natural Resources. The bill was laid on the table as the vehicle for the omnibus policy bill.

S.F. 1656, carried by Sen. Lisa Fobbe (DFL-Zimmerman), allows up to 20 percent of minnows imported for aquatic farms to be sold as bait. The minnows currently imported are for sale outside the state. The bill helps small business owners by allowing some of the minnows to be used for sale as bait, said Fobbe. A representative from the DNR, raised concern about opening Minnesota lakes to invasive or diseased species. However, the measure specifies that any minnows sold as bait must not be on the official list of viral hemorrhagic septicemia susceptible species. The bill was laid over for further consideration.

S.F. 1502, sponsored by Sen. David Senjem (R-Rochester), modifies restrictions on the use of artificial lights (shining) to take wild animals with or without implements, provides exceptions for shining without implements and makes conforming changes to penalties. Executive Director Gary Botzek, Minnesota Conservation Federation, said the federation is supportive of the legislation. The bill was laid over.

S.F. 1798, sponsored by Chaudhary, modifies restrictions on bow fishing to

take rough fish. The bill allows bow fishing at night to take rough fish. Chaudhary said the measure helps control invasive species. Members heard extensive testimony from members of the Land of Lakes Bowfishing Association in support of the measure. The measure was laid over.

Chaudhary also carried a bill, S.F. 1968, that modifies the requirements and fees for fishing contest permits. The measure provides that a person may conduct a fishing contest without a permit from the commissioner if there are 25 boats or less for open water contests and 150 participants or less for ice fishing contests, the entry fee is \$25 per person or less, the total prize value is \$25,000 or less, the contest is not limited to trout species only, all the participants are age 18 or under, the contest is limited to rough fish. The bill also requires the commissioner to develop a best practices certification program for fishing contest organizers to ensure the proper handling and release of fish and requires the commissioner to develop an online Web-based fishing contest permit application process. The bill also reduces the fees by 50 percent for a variety of fishing contests. The measure was laid

S.F. 1828, sponsored by Sen. Michael Jungbauer (R-East Bethel), establishes a lifetime spearing license and lifetime angling and spearing license. The measure was laid over for possible inclusion in the omnibus bill.

## Environment, Energy and Natural Resources Budget Division

### Stimulus energy bills heard

The Environment, Energy and Natural Resources Budget Division, chaired by Sen. Ellen Anderson (DFL-St. Paul), met Tues., Mar. 31, to discuss a number of energy-related bills eligible for federal stimulus funding.

Janet Streff, Office of Energy Security, said Minnesota is estimated to receive \$196.8 million in federal stimulus funding from the United States Department of Energy to fund energy-efficiency and renewable energy based projects. Breaking the totals down, Streff said \$131.9 million will be devoted to the weatherization assistance program, \$54.2 million to state energy programs and \$10.7 million for energy efficiency and conservation block grants.

S.F. 657, authored by Anderson, provides direction for the use of federal stimulus funding for energy programs. The bill outlines strategies for projects related to weatherization, state and local government and school district building renovations, energy-efficient appliance replacement, workforce training for application of energy projects and conservation improvement and competitive energy grants. Anderson said the bill will be the vehicle for an omnibus energy bill addressing the federal stimulus funding appropriation.

Anderson also sponsored two similar bills, S.F. 1006, which creates a local government renewable energy grant program to finance the purchase and installation of renewable energy systems, and S.F. 997, which creates the same program for school districts.

S.F. 1405, carried by Sen. Yvonne Prettner Solon (DFL-Duluth), provides funding for a residential energy conservation program using federal stimulus funding. Prettner Solon said, under the bill, the residential energy program consists of four elements including performance-based community air sealing and weatherization, an environmental awareness and carbon footprint campaign, a beyond-the basics conservation component including deep energy retrofits and appliance upgrades and a plan to recycle program funds to keep the program sustainable over time.

S.F. 961, sponsored by Sen. LeRoy Stumpf (DFL-Plummer), authorizes state agencies to develop a plan for using federal stimulus funds dedicated to energy projects to install energy-efficient windows in government buildings owned by the state, counties, local units of government and school districts. The bill also authorizes the weatherization and installation of energy-efficient windows in certain residential buildings and allocates funding for the training of energy auditors and insulation installers.

S.F. 1640, authored by Sen. Kathy Sheran (DFL-Mankato), appropriates \$1.5 million from the general fund in FY 2010 to Minnesota State University, Mankato for a grant to the International Renewable Energy Technology Institute (IRETI). Sheran said the bill forms a public and private partnership that will meet the educational and applied research needs of the broader renewable energy industry. She said IRETI will house a laboratory that will participate in emissions test-

# Committee update

ing and combustible biomass technology advancements related to heat producing equipment.

S.F. 1647, carried by Sen. Sandy Rummel (DFL-White Bear Lake), appropriates \$3 million from federal stimulus funds received by the Office of Energy Security to the commissioner of commerce for a grant to the Initiative for Renewable Energy and the Environment at the University of Minnesota-Morris to develop a solar rating and certification laboratory to test, rate and certify the performance of equipment and devices that use solar energy for heating and cooling air and water and for generating electricity.

S.F. 1942, also carried by Rummel, appropriates \$2 million from federal stimulus funds to the commissioner for a grant to a solar panel manufacturing facility that makes thermal disposition sources and designs photovoltaic material delivery equipment to produce low-cost solar panels in mass production.

The division laid all bills on the table for possible inclusion in the stimulus bill.

S.F. 1922, authored by Anderson, appropriates \$7 million from state energy stimulus funds to the commissioner of commerce for grants to increase the installation of solar energy projects in Minnesota. The bill states that at least half of the appropriation be used for projects located in the proposed light rail central corridor in designated solar cities with the remainder of the funding to be used for solar projects statewide.

The division took no formal action on the bill, which was heard in the meeting for informational purposes only.

## Stimulus bills heard

Members of the Environment, Energy and Natural Resources Budget Division, chaired by Sen. Ellen Anderson (DFL-St. Paul), met Thurs., Apr. 2, to hear a variety of bills.

S.F. 1587, carried by Sen. Thomas Bakk (DFL-Cook), appropriates \$4.5 million from state energy program funds received by the Office of Energy Security under the federal stimulus act to the commissioner of commerce for a grant to the recipient of a loan approved by the Iron Range Resources and Rehabilitation Board for construction of a facility that produces biomass fuels for use in industrial furnaces and boilers.

Bob Johnson, Bois Forte Indian Reservation, said the bill is a result of a

detailed feasibility study of the technical and economic viability of developing a renewable energy biofuel demonstration facility on Bois Forte Reservation land in northeastern Minnesota. Johnson said the study, which was funded in large part from a grant from the state, showed that local sources were adequate to support a sustainable biomass facility. He said creation of the facility will create more than 100 short-term construction jobs and 35 long-term jobs, classified as medium to high skilled labor. Johnson said the facility will likely yield an excellent return on investment, especially as the cost of crude oil rises and the cost of producing biofuels remains relatively even.

S.F. 1865, authored by Sen. Dan Skogen (DFL-Hewitt), appropriates \$15,000 to the commissioner of commerce for a grant to the city of Deer Creek for the purpose of acquiring and installing energy-efficient windows in its community center.

S.F. 1624, sponsored by Sen. Scott Dibble (DFL-Mpls.), amends current Hennepin county statute to permit the use of the solid and hazardous waste fund for program expenses within the Hennepin County Environment Services Department.

Rosemary Lavin, assistant director, Hennepin County Environmental Services, said the bill allows the county to have extra flexibility with the solid and hazardous waste, giving the county the authority to use the funds for other environmental programs that protect air, water and land resources.

All three bills were laid over for possible inclusion in the division's omnibus bill addressing federal stimulus funding.

S.F. 1410, authored by Sen. Gary Kubly (DFL-Granite Falls), changes provisions of the Minnesota noxious weed law. The bill also establishes a noxious weed and invasive plant species assistance fund and a grant program to assist counties and municipalities and other weed management entities in the cost of implementing and maintaining noxious weed control programs. Finally, the bill also creates a noxious weed advisory committee to advise the commissioner concerning responsibilities under the noxious weed control program.

Kubly offered an amendment reinstating previously stricken language regarding county agricultural inspectors. The committee adopted the amendment, approved the bill and re-referred the measure to the Finance Committee.

S.F. 121, carried by Sen. Tom Saxhaug (DFL-Grand Rapids), specifies that money received from certain utility permits be deposited in the permanent school fund. The bill also allows exchanges of riparian lands administered by the commissioner of natural resources for other lands administered by the commissioner without certain restrictions.

The division approved the bill and laid the measure over for possible inclusion in the division's omnibus finance bill.

## Metro parks bill gains

The Environment, Energy and Natural Resources Budget Division Parks and Trails Legacy Subcommittee, chaired by Sen. Patricia Torres Ray (DFL-Mpls.), gathered Fri., Apr. 3, to take action on three bills.

Sen. Rick Olseen (DFL-Harris) authored S.F. 1564, which establishes a parks and trails legacy grant program and establishes the Parks and Trails Advisory Task Force. Parks and trails grants may be used in acquiring, developing, improving and restoring park and trail lands of regional or statewide significance, Olseen said.

Torres Ray sponsored S.F. 2043, which appropriates money for metropolitan regional parks. The bill appropriates \$27.76 million from the parks and trails fund to the Metropolitan Council for distribution to the necessary agencies, Torres Ray said.

S.F. 1729, authored by Sen. Thomas Bakk (DFL-Cook), appropriates money for state parks and trails and requires planning and a report on the expenditure and use of the funds. The bill requires the commissioner of natural resources to establish the grant program and use the grant money to develop, improve and restore regional and state parks, Bakk said.

All measures were laid over for possible inclusion in the subcommittee's omnibus bill.

## Finance

### Budget reform bill gains

The Finance Committee, chaired by Sen. Richard Cohen (DFL-St. Paul), met Thurs., Apr. 2, to advance several bills and to hear a presentation on the state's cash flow.

Charles Bieleck, Minnesota Management and Budget, detailed the flow of funds through the state budget over the course of the year.



*Annakodby Murucess, Eden Prairie, participates in a Capitol Rotunda peace rally Wed., Apr. 1, to bring awareness of genocide occurring in her native country of Sri Lanka.*

Members also heard a bill, S.F. 2, making several changes in the state budget formation process. The measure, sponsored by Cohen, specifies the development of budget recommendations and requires state agencies to provide information. In addition, the measure requires disclosure of the status of fiscal note requests, requires a forecast of cash flow for the general fund, specifies the format for detailed budget estimates of expenditures, imposes a deadline for notice of deficiency requests, provides additional whistleblower protections to state employees and requires a budget working group.

The bill also requires a report on the Minnesota milestones performance measures, requires a searchable database

of state expenditures, requires a map of money used to support children, reduces the number of deputy commissioner and eliminates assistant commissioner positions in the unclassified service.

The committee adopted two amendments. One amendment provides for a drivers license reinstatement diversion pilot program. The second amendment provides for state employee suggestion system.

The bill was approved and re-referred to the Rules and Administration Committee.

S.F. 182, authored by Sen. Lawrence Pogemiller (DFL-Mpls.), establishes districting principles for legislative and congressional plans and provides for the

appointment of a commission to recommend the boundaries of legislative and congressional districts. The measure was approved and advanced to the Rules and Administration Committee.

Several bills were approved and sent to the Senate floor.

S.F. 666, carried by Sen. John Marty (DFL-Roseville), requires local agency to develop, upon request of an individual aging out of foster care, a specific plan related to that person's vocational, educational, social, or maturation needs and ensure that housing and counseling benefits are tied to the plan.

S.F. 713, carried by Sen. Claire Robling (R-Jordan), establishes a state employee suggestion system for making

Photo by A.J. Olmscheid

# Committee update

state government less costly or more efficient and provides for an award. S.F. 97, authored by Sen. Steve Murphy (DFL-Red Wing), provides for the medical use of marijuana and provides civil and criminal penalties. S.F. 694, sponsored by Sen. Linda Berglin (DFL-Mpls.), corrects an error and restores an appropriation for an existing prenatal alcohol or drug use prevention program. S.F. 1938, carried by Cohen, appropriates funds for the Minnesota Management and Budget Department and the state auditor to monitor federal stimulus money and to provide oversight on the use of federal stimulus funds.

## Health, Housing and Family Security

### Housing bills gain

The Health, Housing and Human Services met Fri., Mar. 27, to clear bills from the agenda before the first committee deadline. The committee, chaired by Sen. John Marty (DFL-Roseville), considered several bills relating to affordable housing.

S.F. 1132, authored by Sen. Richard Cohen (DFL-St. Paul), provides for rental housing assistance. Cohen said the bill establishes a housing account for leverage opportunity to provide grants for affordable housing for low-income Minnesotans. The bill also adjusts the deed tax percentage and specifies the revenue be placed in the housing trust fund. Cohen said funding for housing has been in decline, yet there is increasing need.

Bill Keatts, retired vice-president Lawson Software, said the bill represents a steady revenue stream to programs that have not seen an increase in quite some time. However, Christine Berger, Minnesota Association of Realtors, said the measure relies on revenue from a regressive tax. Berger said homes sale are already at a low point and increasing the deed tax further discourages home buyers.

The bill was approved and re-referred to the Finance Committee on a 6-4 roll call vote.

S.F. 969, carried by Sen. Scott Dibble (DFL-Mpls.), provides \$4 million in each year of the biennium for the Runaway and Homeless Youth Act.

S.F. 1166, authored by Sen. Kenneth Kelash (DFL-Mpls.), changes eligibility for group residential housing. Under the bill, individuals do not lose housing eligibility due to employment for 12 months or until the time the individual is not

income-eligible, whichever is sooner. The bill was approved and re-referred to the Finance Committee.

S.F. 1552, also carried by Kelash, provides for the rehabilitation of housing that is vacant and abandoned as a result of the foreclosure crisis. The measure was approved and re-referred to the Judiciary Committee.

In addition to housing issues, the committee also took action on a wide variety of other bills. Sen. Mary Olson (DFL-Bemidji) sponsored a bill, S.F. 1559, that promotes preventive health care by requiring high deductible health plans used with a health saving account to cover preventive care with no deductible. Olson said preventive care is important to reducing health care costs and the bill encourages preventive care.

Dave Renner, Minnesota Medical Association, said the bill does not do away with high deductible plans, but provides incentives for people to get the care needed to avoid later costly treatments. David Arons, American Cancer Society, said preventive screenings not only save money, but also save lives. He said early detection and treatment for cancer is much cheaper than later treatments and result in better outcomes.

Stacia Smith, Minnesota Chamber of Commerce, said the bill takes one option off the table for employers. Smith said the measure takes away the tax advantage for the consumer.

The measure was approved and sent to the full Senate.

S.F. 1761, authored by Sen. Linda Scheid (DFL-Brooklyn Park), requires health plans to establish equal out-of-pocket requirements for oral chemotherapy medications and intravenously administered chemotherapy medications. The bill was approved and sent to the Senate floor.

Sen. Linda Berglin (DFL-Mpls.) sponsored several bills before the committee. S.F. 1344 requires the commissioner of human services to begin developing community-based services for patients committed to the Anoka Regional Treatment Center. Berglin said approximately 75 percent of the patients at the Anoka facility do not need the current level of service. She said the plan is to restructure the facility to better serve the patients at a lower cost. In addition, Berglin said the restructuring will leverage federal dollars. The measure was approved and re-referred to the Finance Committee.

S.F. 1401 provides for a demonstration project that incorporates e-prescribing applications with a clinical information database in order to increase patient safety and efficiencies and reduce medication errors, duplication of therapies, and eliminate waste. In addition, the bill requires the establishment of a utilization review program for attention deficit/hyperactivity disorder and attention deficit disorder medication and psychotropic medication prescribed for children covered by state programs. The bill was approved and re-referred to the Finance Committee.

S.F. 1442 establishes an alternative basic health plan for families with children eligible for Medical Assistance (MA). Berglin said the bill is modeled after an Idaho program for healthy children and adults. S.F. 1444 eliminates MA coverage for clinical preventive services that the United States Preventive Services Task Force has recommended against providing to an asymptomatic patient or has been graded by the task forces as a "d." S.F. 1474 requires state health care program enrollees who have a complex or chronic condition to select a primary care clinic with clinicians who have been certified as health care homes, if there are two or more primary care clinics with clinicians who have been certified as health care homes available to the enrollee. All three measures were approved and re-referred to the Finance Committee.

Sen. John Doll (DFL-Burnsville) sponsored a bill, S.F. 1884, that modifies licensing requirements related to child care centers. The bill clarifies that a child care provider is no longer required to post a maltreatment memorandum if the subject was granted a set-aside or the center was granted a variance. In addition, the bill specifies that child care centers provide written notification to parents of children who are current attending the center with whom the employee who is the subject of a set-aside or variance may have contact. The bill was approved and advanced to the full Senate.

S.F. 1797, authored by Sen. Patricia Torres Ray (DFL-Mpls.), requires the State Advisory Council on Early Childhood Education and Care to create an inventory of early childhood services. The measure was approved and sent to the Senate floor.

S.F. 1911, authored by Sen. Yvonne Prettner Solon (DFL-Duluth) and presented by Marty, provides for licensure of



**Senators Lawrence Pogemiller (DFL-Minneapolis) and Tarryl Clark (DFL-St. Cloud) consult during the Senate's Mon., Mar. 30, floor session.**

Photo by David J. Oakes

dental assistants and modifies a variety of fees relating to dental services. The bill was approved and re-referred to the Committee on Finance.

Sen. Ann Lynch (DFL-Rochester) sponsored a bill, S.F. 688, requiring health plans to cover formulary-based wound care. Under the bill, formulary-based wound care means a process that uses wound treatment and prevention technologies with FDA-approved component materials, including pulsed electromagnetic field therapy and prescription drugs for the treatment of wounds. The measure was laid over.

S.F. 894, sponsored by Sen. Dan Skogen (DFL-Hewitt), defines vacation rental home for purposes of Dept. of Health licensing. Sen. Linda Higgins (DFL-Mpls.) offered an amendment exempting rental units or timeshare located on resort property from having to be licensed. The amendment failed to be adopted. However, members did adopt a portion of the amendment exempting a privately owned home, cabin, or condominium located in a recreational area in which the owners have donated the use of the home cabin or condominium to a nonprofit organi-

zation for fund-raising purposes if the donated use is limited to once a year and the donated stay is limited to a week each year. The bill was laid over.

#### **Technical bills heard**

The Health, Housing and Family Security Committee devoted the Mon., Mar. 30, meeting to hearing bills relating to Department of Human Services technical provisions.

S.F. 1503, carried by Sen. Patricia Torres Ray (DFL-Mpls.), makes a number of technical child welfare modifications. The measure was approved and re-referred to the Judiciary Committee. S.F. 1509, also carried by Torres Ray, makes technical changes to child care programs, provides for program integrity, makes changes to adult supports provisions and makes changes to the Minnesota family investment program. The bill was approved and re-referred to the Finance Committee.

Sen. Claire Robling (R-Jordan) sponsored a bill, S.F. 1413, that requires the state to perform family child care background checks. Robling said the bill also sets a fee that is sufficient to cover the costs to the department. The bill was

approved and re-referred to the Judiciary Committee.

Sen. Tony Lourey (DFL-Kerrick) sponsored two bills. S.F. 1436 modifies provisions relating to the Minnesota sex offender program, creates additional oversight for the program, creates a client grievance process, allows access to the statewide supervisions system and makes changes to the vocational work program. S.F. 1447 makes changes to licensing provisions, makes changes in data practices, provides for licensing disqualifications and makes changes in background study requirements. Sen. John Doll (DFL-Burnsville) offered an amendment specifying that child care centers provide written notification to parents of children who are current attending the center with whom the employee who is the subject of a set-aside or variance may have contact. Both bills were approved and advanced to the Judiciary Committee.

S.F. 1887, authored by Chair John Marty (DFL-Roseville), provides for the release of information to health care agents and provides for access to health care agents. The measure was also approved and sent to the full Senate.

Members also heard a brief presentation on the Canadian healthcare system by Sen. Sharon Erickson Ropers (DFL-Winona) and Sen. Mary Olson (DFL-Bemidji).

#### **Alzheimer's group, newborn screening okayed**

The Health, Housing and Family Security Committee, chaired by Sen. John Marty (DFL-Roseville), tackled a lengthy agenda at the Wed., Apr. 1, meeting in order to advance bills to other committees.

S.F. 1799 establishes an Alzheimer's Disease Working Group. The bill, sponsored by Sen. Patricia Torres Ray (DFL-Mpls.), sets forth the membership and requires the group to examine the array of needs of individuals diagnosed with Alzheimer's disease, the services available to meet the needs and the capacity of the state and current providers to meet the needs.

Mary J. Birchard, executive director, Alzheimer's Association, said by the middle of the century, there will be 14 million individuals diagnosed with Alzheimer's. She said the aging baby boom generation will triple the number of persons with Alzheimer's in the next few years. Birchard said Alzheimer's is the sixth leading cause

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Senators Dennis Frederickson (R-New Ulm), left, and Tom Saxhaug (DFL-Grand Rapids) discuss proposed legislation during the Senate's Thurs., Apr. 2, floor session.

Photo by A.J. Olmscheid

of death in the nation.

Members adopted an amendment, offered by Sen. Yvonne Prettner Solon (DFL-Duluth), to include a psychologist with expertise in Alzheimer's disease in the membership of the working group. The bill was approved and advanced to the State and Local Government Operations and Oversight Committee.

Sen. Tony Lourey (DFL-Kerrick) moved to reconsider the vote whereby S.F. 1478 failed to be approved. The bill, sponsored by Sen. Linda Scheid (DFL-Brooklyn Park), relating to the newborn screening program had been heard by the panel on Mon., Mar. 16. The motion to reconsider was adopted. Sen. Ann Lynch (DFL-Rochester) offered an amendment containing the language of the conference committee report on S.F. 3138 adopted last year. Lynch said the amendment

provides three opportunities for parents to opt out of the screening program and the retention of samples by the Dept. of Health. In addition, Lynch said the original language in S.F. 1478 specifies that samples could not be retained for more than two years, whereas the amendment does not limit the time for retaining the samples. Members adopted the amendment. The measure was approved and advanced to the Judiciary Committee.

Sen. Linda Berglin (DFL-Mpls.) sponsored two measures. S.F. 1924 requires the commissioner of human services to collect and report information on managed care plan and county-based purchasing plan provider reimbursement rates. The bill was approved and sent to the Finance Committee. S.F. 923 changes the expiration date for contact lens prescriptions from two years to one year. The

measure was approved and sent to the full Senate.

S.F. 1369, sponsored by Sen. Steve Murphy (DFL-Red Wing), provides for the consolidation and relocation of nursing facility beds to a new site in Goodhue County. The bill was approved and re-referred to the Committee on Finance.

Sen. Sharon Erickson Ropes (DFL-Winona) changes the capacity for adult foster care homes and requires the commissioner of human services to request all federal approvals and waiver amendments to the disability home and community-based waivers to allow properly licensed adult foster care homes to provide services up to five individuals. Erickson Ropes said the bill is a proactive approach to dealing with coming budget cuts. S.F. 1512 requires the commissioner of health to contract with a nonprofit organization to provide support and assistance to families with children who are deaf or have a hearing loss. The measure requires the family support to include direct parent-to-parent assistance and information on communication, educational, and medical options.

In addition, the bill provides for a \$4 increase in testing fees.

Both measures were approved and advanced to the Finance Committee.

Lynch also sponsored a bill, S.F. 501, that expands the definition of condition, to include fetal alcohol spectrum disorder, for purposes of obtaining Medical Assistance for disabled children's services. The measure was approved and sent to the Senate floor.

S.F. 1890, carried by Lourey, provides requirements for the use of federal funding for health information technology and infrastructure. The bill also requires legislative approval of the plan for the use of federal funds for health information technology. The bill was approved and sent to the Judiciary Committee.

S.F. 431, authored by Sen. Don Betzold (DFL-Fridley), provides that when a

court stays an order of commitment, the court must issue an order that includes a condition that the patient is prohibited from giving consent to a clinical drug trial while the court order is in effect. The measure was approved and advanced to the Judiciary Committee.

## Health and Human Services Budget Division

### Special transportation bills heard

Members of the Health and Human Services Budget Division, chaired by Sen. Linda Berglin (DFL-Mpls.), met Tues., Mar. 31, to discuss a number of measures, including two bills aimed at modifying nonemergency medical transportation services.

Both S.F. 224, sponsored by Sen. Kathy Sheran (DFL-Mankato), and S.F. 723, authored by Sen. Ann Lynch (DFL-Rochester), propose similar modifications to nonemergency medical transportation procedures. The bills propose modifying the methodology for reimbursement for special transportation services and prohibit the use of a broker or coordinator for any purpose related to nonemergency transportation. S.F. 723 also creates special appeal right for service recipients and requires counties to conduct level of need determinations.

Buck McAlpin, president, Minnesota Ambulance Association, said the bill addresses the reimbursement problem currently being faced by companies providing transportation services in rural areas. McAlpin said many companies providing rural services drive great distances without proper reimbursement for the total number of miles driven. He said the bill develops a new formula for calculating reimbursed miles that is much more fair than the current system being used for reimbursement determination.

Both bills, which are likely to be combined at a later date, were laid over by the division to give the authors time to revise the fiscal notes associated with the measures.

S.F. 734, authored by Sen. Yvonne Prettner Solon (DFL-Duluth), establishes a grant program for nursing education demonstration projects. The bill also appropriates \$1.5 million in 2010 from the state government special revenue fund to the commissioner of health for grants to the College of St. Catherine and the College of St. Scholastica for the demonstra-

tion projects. Through the demonstration projects, each school will be required to redesign its nursing education curricula to include a greater use of technology in teaching and learning, purchase educational software and hardware and provide faculty training and leadership to ensure the effective use of teaching technology in the classroom, said Prettner Solon.

Dr. Margaret McLaughlin, College of St. Catherine, said the bill is intended to increase the number of nursing graduates while reducing the burden on health care providers for post-graduation, entry-level nursing training.

The division laid the bill over for further consideration.

S.F. 1154, carried by Sen. Sharon Erickson Ropes (DFL-Winona), makes technical changes to licensing provisions for social workers.

The division approved the bill and re-referred the measure to the Finance Committee.

### Unemployment health coverage bill heard

Members of the Health and Human Services Budget Division, chaired by Sen. Linda Berglin (DFL-Mpls.), met Wed., Apr. 1, to consider a number of measures, including a bill providing temporary health insurance to unemployed Minnesotans.

S.F. 347, carried by Sen. Terri Bonoff (DFL-Minnetonka), establishes temporary MinnesotaCare coverage for individuals who have been laid off from employment. The bill deducts 10 percent from the unemployment benefits received by the individual and deposits the amount in a workforce health coverage account, which covers the cost of the temporary coverage.

The division laid the bill aside to give Bonoff the opportunity to fine tune the fiscal note.

S.F. 704, sponsored by Sen. Kevin Dahle (DFL-Northfield), requires the commissioner of health, in consultation with the Minnesota Administrative Uniformity Committee, the commissioner of commerce and the commissioner of human services to study and make recommendations on the feasibility and barriers to simplifying health care administrative transactions through electronic data interchange.

Berglin offered an amendment to remove the commissioner of commerce from the language in the bill. The divi-

sion adopted the amendment, approved the bill and sent the measure to the full Finance Committee.

S.F. 758, authored by Sen. Mee Moua (DFL-St. Paul), authorizes disclosure of financial records in connection with financial exploitation investigations of vulnerable adults, modifies the procedures and duties for reporting and investigating maltreatment and specifies the duties of financial institutions in cases alleging financial exploitation,

enacts the vulnerable adult financial exploitation, investigation, protection and cause of action establishment.

Moua offered an amendment to remove all sections of the bill related to expenses outlined in the fiscal note. The division adopted the amendment, approved the bill and re-referred the measure to the Finance Committee.

S.F. 854, sponsored by Tony Lourey (DFL-Kerrick), modifies program and licensure provisions for services to persons with disabilities.

Loureys offered an amendment removing nearly all sections of the bill with fiscal implications. The division adopted the amendment, approved the bill and laid it over for possible inclusion in the omnibus bill.

S.F. 1053, also sponsored by Lourey, appropriates \$550,000 in the 2010-11 biennium from the lottery prize fund to the commissioner of human services for a grant to the state affiliate recognized by the National Council on Problem Gambling for services to increase public awareness of problem gambling, education and training for individuals and organizations providing effective treatment services to problem gamblers and their families and research relating to problem gambling.

Loureys offered an amendment changing the recipient of the appropriation from the commissioner of human services to the Gambling Control Board. The division adopted the amendment, approved the bill and re-referred the measure to the Finance Committee.

S.F. 1911, carried by Sen. Yvonne Prettner Solon (DFL-Duluth), changes dental assistant registration to licensure. The bill establishes several new fees for the credentialing review for applicants who have graduated from accredited dental college and for a limited general license and increases the fees for anesthesia and sedation certification. The bill also specifies that dispensing a tooth whitening agent is included in the practice of

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Senators Gary Kubly (DFL-Granite Falls) and Yvonne Prettner Solon (DFL-Duluth) consult about legislation during the Wed., Apr. 1, floor session.

Photo by David J. Oakes

dentistry.

Berglin offered an amendment to remove sections from the bill containing fee changes and lay them on the table for possible inclusion in the omnibus bill while letting the policy sections move forward to the next committee. The division adopted the amendment, approved the bill and sent the policy sections of the bill to the Finance Committee.

S.F. 525, also carried by Prettner Solon, establishes a regulatory system for technicians who perform body art procedures and for body art establishments.

The division approved the bill and laid it over for possible inclusion in the omnibus bill.

S.F. 1766, authored by Sen. Julie Rosen (R-Fairmont), establishes a framework for pilot projects to evaluate

the effectiveness of delivering chemical dependency health services in an alternative manner.

The division set the bill aside to give Rosen an opportunity to do further work on the bill.

S.F. 825, authored by Berglin, requires the commissioner of health or local county human services agency to assign one individual as the coordinator of an application for MinnesotaCare. The bill specifies that the coordinator be responsible for all communications with the applicant throughout the application process and upon renewal. Berglin said the bill is a result of numerous requests made by applicants who want to keep in contact with one representative regarding their application instead of continually switching representatives.

The division approved the bill and laid it over for possible inclusion in the omnibus bill.

S.F. 1474, also authored by Berglin, requires that certain enrollees select a primary care clinic with clinicians who are certified as health care homes and requires the commissioner of human services to seek a federal waiver to implement the change.

The division approved the bill and laid it over for possible inclusion in the omnibus bill.

## School readiness bill heard

The Health and Human Services Budget Division, chaired by Sen. Linda Berglin (DFL-Mpls.), met Thurs., Apr. 2, to discuss a number of bills for possible inclusion in the omnibus bill.

S.F. 1926, sponsored by Sen. Tarryl Clark (DFL-St. Cloud), modifies reimbursement rates and eligibility requirements for child care assistance in counties accessing the child care fund. The bill also appropriates money from the federal stimulus act to the child care development fund for school readiness programs, service agreements, prekindergarten exploratory projects and quality rating system planning and training.

S.F. 1547, authored by Berglin, reduces physician payment rates for state health care programs. Berglin said the bill offers an alternative option for making ratable reductions to physicians in a manner that doesn't have as dramatic of an affect on the primary care system as the governor's proposal does.

The division laid both bills over for possible inclusion in the omnibus bill.

S.F. 1504, also authored by Berglin, amends mental health provisions and changes Medical Assistance reimbursement and eligibility. The bill also changes provider qualification and training requirements and amends mental health behavioral aide services provisions.

Berglin offered an amendment clarifying language related to maintenance of effort for counties providing and regulating mental health services. The division adopted the amendment, approved the bill and referred the measure to the Finance Committee.

S.F. 915, authored by Sen. Scott Dibble (DFL-Mpls.), requires school districts to obtain employee health coverage through the public employees insurance program. Dibble said the bill is an effort to bring affordable, high quality health care to school employees in the state.

Lee Johansson, Education Minnesota, said the organization supports the bill because it offers his members a more affordable option to the health plan currently being used, which typically has high deductibles.

Dibble said that even though the bill isn't perfect and doesn't have complete support from all educators in the state, the plan is a step in the right direction and offers some good health care alternatives for educators looking for something more affordable.

The division approved the bill and referred the measure to the Finance Committee..

S.F. 1208, also authored by Dibble, modifies provisions governing Medical

Assistance claims and liens. Dibble said the bill attempts to remedy a potential problem for individuals who outlive significant others that are receiving Medical Assistance and have a lien against their residence. The bill allows a surviving spouse to maintain residence in the home if the spouse is a joint owner in the property. Dibble said the bills applies to both same sex and opposite sex couples as well as domestic partnerships.

The division approved the bill and re-referred the measure to the full Senate.

### **MFIP bill heard**

Members of the Health and Human Services Budget Division, chaired by Sen. Linda Berglin (DFL-Mpls.), met for a brief morning meeting Fri., Apr. 3, to hear a number of bills.

S.F. 1509, carried by Sen. Patricia Torres Ray (DFL-Mpls.), makes technical changes to child care programs and provides for program integrity. The bill also makes changes to adult supports provisions and implements modifications to the Minnesota family investment program.

The division approved the bill and re-referred the measure to the full Finance Committee.

S.F. 969, authored by Sen. Scott Dibble (DFL-Mpls.), modifies the runaway and homeless youth section of law by striking language that allows four percent of the appropriated funds to be used for monitoring and evaluating runaway and homeless youth programs. The bill also appropriates \$4 million per year for the biennium for the Runaway and Homeless Youth Act.

The division laid the bill over for possible inclusion the omnibus bill.

S.F. 1445, sponsored by Sen. John Marty (DFL-Roseville), makes a number of technical changes in health occupation programs including speech-language pathology, audiology, and occupational therapy. The bill also makes changes to the food, beverage and lodging establishment licensure provisions and modifies licensure requirements for applicants for occupational therapist licensure.

S.F. 711, also sponsored by Marty, modifies parental fees paid for services provided to developmentally disabled children.

Both bills were approved by the division and referred to the Finance Committee.

S.F. 1313, authored by Berglin, requires capital and operating assets of a trade or business to be considered earned income to the household if the capital and operating assets are used for personal expenses. The bill also requires the specified assets to be disclosed to the local agency at the time of application and at the time of eligibility redetermination and verified upon request of the agency. Finally, the bill requires applicants and enrollees to indicate on a form developed by the commissioner whether they satisfy the asset requirements for the MinnesotaCare program.

S.F. 780, also authored by Berglin, establishes a licensure system for birthing centers. The bill also designates licensed birthing centers as essential community providers and establishes a Medical Assistance reimbursement rate for uncomplicated vaginal births.

Berglin offered an amendment appropriating money from the general fund to the commissioner of health for rulemaking activities of licensure for birthing centers. The division adopted the amendment.

The division laid both bills over for possible inclusion in the omnibus bill.

## **Higher Education Budget and Policy**

### **State grant bills heard**

Bills providing for state higher education grants provided the center piece for the Tues., Mar. 31, meeting of the Higher Education Budget and Policy Division.

S.F. 1493, authored by Sen. Rod Skoe (DFL-Clearbrook), modifies the formula for state grant stipends. The measure reduces the student share from 46 percent to 44 percent. In addition, the measure specifies that the cost of attendance is equal to the University of Minnesota average amount of undergraduate tuition and fees. Skoe said the federal government has increased the funds for Pell grants and, as a result, the state grant program will have about \$65 to \$70 million available for the student assistance.

David Laird, president, Minnesota Private College Council, said about 80,000 students, or 25 percent, use state grants. He said two groups need additional assistance, the first is middle income families on the cusp of eligibility, and the second is the lowest income families. He said the lowest income families number

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will increase this year because of current economic conditions. The measure was laid over for possible inclusion in the omnibus bill.

S.F. 1563, carried by Sen. Tarryl Clark (DFL-St. Cloud), sets the living and miscellaneous expense allowance for the state grant program. Under the bill, Clark said, the allowance is set at \$7,100 per year, which is an increase of \$900 per year.

The division, chaired by Sen. Sandra Pappas (DFL-St. Paul), also heard an overview of the governor's higher education budget proposal. S.F. 1933, carried by Sen. Claire Robling (R-Jordan), appropriates \$3.122.696 billion for higher education. Robling said the revised proposal includes \$392 million in federal stimulus funds for higher education. Robling said the addition of federal dollars offset some of the cuts in an earlier governor's proposal. She said that some programs were cut by five or even ten percent, but that funds for student grants were actually increased. The measure laid the bill over.

Members also heard a bill providing an appropriation for the Minnesota Campus Compact. S.F. 570, carried by Sen. Kevin Dahle (DFL-Northfield), appropriates \$240,000 in each year of the biennium to increase campus-community collaboration and service learning statewide. In addition, the bill specifies that at least half the grants be made for projects that promote economic recovery and requires for every \$1 in state funding, grant recipients contribute \$2 in campus or community-based support.

Judith Ramaley, president, Winona State, said campus compacts provide a culture of civic responsibility and engage both students and faculty in civil endeavors. Tom O'Connell, Metro State University, said campus compacts are an important ally in engaging faculty.

The bill was laid over for possible inclusion in the omnibus bill.

One measure was heard for informational purposes only. S.F. 734, authored by Sen. Yvonne Prettner Solon (DFL-Duluth), establishes a grant program for nursing education demonstration projects. Prettner Solon said the bill has two purposes—solving the nursing shortage and reducing the burden on health care providers in providing clinical time for nursing students.

S.F. 549, carried by Sen. Scott Dibble (DFL-Mpls.), adds greenhouse gas reduction goals and strategies to state and

metropolitan programs and plans. The measure was being heard by the division because of provisions relating to the University of Minnesota Center for Transportation Studies. The bill was approved and re-referred to Transportation Budget and Policy Division.

## Midwest Higher Ed Compact discussed

The Higher Education Budget and Policy Division met Thurs., Apr. 2, to hear two presentations and take action on two bills.

S.F. 155, sponsored by Division Chair Sandra Pappas (DFL-St. Paul), appropriates \$95,000 in each year of the biennium to the Midwest Higher Education Compact. Pappas said the appropriation covers the dues the state pays to the compact. The measure was laid over for possible inclusion in the omnibus bill.

Larry Issak, president, Midwest Higher Education Compact, said the purpose of the compact is to advance Midwestern higher education through interstate cooperation and resource sharing. He said the compact is focused on cost savings, student access and policy research.

Issak said cost savings last year amounted to \$31 million through technology, property insurance programs and contracts. Issak said two new initiatives are targeted at energy cost savings and health benefits cost savings. Issak said the compact also provides for reduced tuition for students in eight participating states and although Minnesota tends to have more students coming to the state, the compact has saved Minnesota students \$4.8 in reduced tuition for other states.

Finally, Issak said the compact conducts and disseminates research on post-secondary education policy and organizes summits and forums for policymakers.

Members also heard from Jennifer Godinez, associate director, Minnesota Minority Education Partnership, Inc., on the activities of the partnership. Godinez said the partnership has produced innovative initiatives for college access and youth of color. She said the partnership has built a community of advocates and practitioners committed to increasing college readiness and closing the achievement gap in Minnesota.

Finally, the panel considered S.F. 1640. The bill, carried by Sen. Kathy Sheran (DFL-Mankato), provides an appropriation for a grant to Minnesota State

University-Mankato for the International Renewable Energy Technical Institute. The measure was laid over for possible inclusion in the division's omnibus bill.

## Judiciary

### Variety of bills heard

The Judiciary Committee, chaired by Sen. Mee Moua (DFL-St. Paul), met Tues., Mar. 31, to hear a variety of bills ranging from domestic abuse to criminal penalties for discharging a laser at an aircraft.

S.F. 707, sponsored by Sen. Tom Saxhaug (DFL-Grand Rapids), authorizes 911 operators to make referrals to mental health crisis teams. Saxhaug said any time a mental health crisis team, rather than law enforcement, can react to a mental health crisis there are better outcomes and more efficient use of resources. The bill was approved and advanced to the floor.

Sen. Linda Higgins (DFL-Mpls.) carried two measures. S.F. 1079 expands the time frame in which an officer can arrest a person who has committed domestic abuse from 12 hours to 24 hours. S.F. 872 designates the Statewide Radio Board as Minnesota's State Interoperability Executive Committee for purposes of developing a statewide communications system and promoting coordination and cooperation among public safety agencies. Both measures were approved and advanced to the full Senate.

S.F. 1462, carried by Sen. Yvonne Prettner Solon (DFL-Duluth), modifies isolation and quarantine provisions and modifies provisions for mass dispensing of medications. Prettner Solon said the bill removes the sunset date for a number emergency preparedness provisions. The bill updates the emergency preparedness law to provide flexibility in calling upon the Minnesota Responds Medical Reserve Corps volunteers, authorizes the commissioner to store medications, extends liability protections for businesses helping with mass dispensing and continues the peace officers enforcement role in quarantine situations.

Members adopted an amendment clarifying language relating to the payment of attorney's fees in appeals. Sen. Julianne Ortman (R-Chanhassen) offered an amendment deleting a provision authorizing deadly force in carrying out quarantine or isolation procedures. Ortman said that unless a court order is

issued, deadly force should not be used. After considerable discussion, Ortman withdrew the amendment. Sen. Mary Olson (DFL-Bemidji) said law enforcement may need to use deadly force in carrying out an emergency plan. Sen. Don Betzold (DFL-Fridley) offered an amendment to allow peace officers to apprehend, hold, transport, quarantine or isolate a person, without referencing deadly force. The amendment was adopted. Ortman offered an amendment providing that a peace officer may assist a public health official to apprehend, hold, transport, quarantine, or isolate a person subject to the commissioner's directive. The amendment was adopted. The bill was approved and advanced to the full Senate.

Prettner Solon also sponsored a bill, 341, adds domestic partner to the list of persons who have the responsibility for the disposition of a person's remains. The bill defines domestic partners as persons who are the same sex, are adults, have as-

sumed responsibility for each other's basic common welfare, financial obligations and well beings, share a common domicile, have a committed interdependent relationship with each other and are not related by blood or adoption. The bill also provides that a domestic partner may enter into a wrongful death suit. The bill was approved and advanced to the full Senate.

Sen. James Metzen (DFL-South St. Paul) sponsored two bills. S.F. 1494 prohibits a number of specific activities in preparation for radiologic technology examination and establishes civil liability for examination subversion practices. The prohibited activities include paying another to take the exam, buying or selling an exam and removing an exam from the examination room. Ortman offered an amendment deleting language allowing the court to award costs and disbursements to a prevailing party. The amendment was adopted. Members adopted an amendment broadening the bill to include

all licensing or certification examinations. The amendment was adopted. The bill was approved and sent to the Senate floor.

S.F. 1408 makes it a felony to discharge a laser into the cockpit of an aircraft. Metzen said lasers are a serious risk to pilots and passengers. The bill was approved and sent to the Committee on Finance.

S.F. 17, sponsored by Sen. Warren Limmer (R-Maple Grove), authorizes a continuation of the domestic fatality review team and permits all judicial districts to create domestic fatality review teams. The measure was approved and advanced to the Senate floor.

S.F. 1810, carried by Sen. Linda Scheid (DFL-Brooklyn Park), enacts the Uniform Disclaimer of Property Interests Act. Scheid said the measure comes from the Uniform Laws Commission and has been adopted in 14 states. Scott Nelson, Minnesota Bar Association, said the measure simplifies and clarifies language relat-



*Senators Geoff Michel (R-Edina) and Michelle Fischbach (R-Paynesville) converse at the Thurs., April 2 Senate floor session.  
Photo by David J. Oakes*

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ing to the disclaimer of property interests in probate proceedings. The measure was approved and sent to the full Senate.

Scheid also carried a bill, S.F. 262, modifying the Uniform Probate Code. The bill provides for collection of property by affidavit and modifies the right to control and duty of disposition of remains to clarify and conform inconsistent provisions. The measure was approved and sent to the Senate floor.

Scheid's final bill, S.F. 225, authorizes the Dept. of Health to designate priority chemicals of high concern and requires the replacement of chemicals of high concern with safer alternatives. Members adopted an amendment deleting the enforcement and rulemaking provisions of the bill. The measure was approved and sent to the Business, Industry and Jobs Committee.

S.F. 548, sponsored by Betzold, clarifies and modifies terms and procedures relating to marriage. The measure also specifies forms for the consent for marriage of a minor form and for the form for waiver of the five-day waiting period. The measure also requires persons who perform marriages to be at least 21 years of age, provides for ministers who do not have credentials to have the authority from the minister's spiritual assembly to perform marriages, requires marriage licenses to be applied for by both parties, and provides for certified copies of marriage certificates. The bill was approved and sent to the Senate floor.

S.F. 1096, sponsored by Moua, is the annual revisor's bill. The measure corrects erroneous, ambiguous and omitted text and obsolete references, eliminates redundant, conflicting and superseded provisions and makes miscellaneous technical corrections to laws and statutes. The measure was approved and sent to the full Senate.

## Short-term offender bills heard

The Judiciary Committee, chaired by Sen. Mee Moua (DFL-St. Paul), met Thurs., Apr. 2, to hear an ambitious agenda of bills in advance of the second committee deadline Tues., Apr. 7.

Three measures relating to short-term offenders were heard. S.F. 918, sponsored by Sen. Rick Olseen (DFL-Harris), repeals the short-term offender law by requiring that a defendant with a felony sentence to imprisonment for more than one year be housed in a state facility. Current law

provides that a defendant with a felony sentence, with a term of 180 days or less, must serve the remaining term at a workhouse or county jail.

Jim McDonough, Ramsey County Commissioner, said very often felony offenders are not suited for county jails. In addition, Olseen said the requirement for county jails and workhouses to house short-term offenders is an unfunded mandate on counties. The bill was approved and re-referred to the Finance Committee.

S.F. 1211, sponsored by Sen. Ann Lynch (DFL-Rochester), provides earned release dates for imprisoned offenders and requires that offenders who qualify be placed on enhanced reentry supervised release. The measure also repeals the requirement that short-term offenders be incarcerated in local correctional facilities. The measure was also approved and re-referred to the Committee on Finance.

S.F. 1082, carried by Sen. Linda Higgins (DFL-Mpls.), requires the development of a pilot project for short-term offender commitments. Higgins said that more than 42,000 individuals are on some form of supervised release, and that many are reincarcerated for violations of their supervised release. She said the bill is aimed at reducing the number of offenders facing revocation. Under the measure, the revocation center pilot project must address the care, custody and programming for offenders with remaining terms of imprisonment of less than one year. Wanda Berg, Dodge, Fillmore, Olmsted Community Corrections, said the program would provide secure residential centers for the supervision of persons facing revocation of the supervised release or execution of a stayed prison sentence. The bill was approved and advanced to the full Senate.

Olseen also sponsored a bill, S.F. 383, requires plastic yard waste bags to be compostable, establishes biodegradable standards for plastics and provides civil penalties. Olseen said the bill was before the committee because of the penalty of \$100 for each violation up to a maximum of \$5,000. Members adopted an amendment specifying that it is a manufacturer, distributor or wholesaler who offers for sale bags that violate the standards is subject to a civil penalty. The bill was approved and sent to the Finance Committee.

S.F. 1754, carried by Sen. Gary Kubly (DFL-Granite Falls), permits a church benefits board to act as a trustee of a trust.

The bill was approved and advanced to the Senate floor.

Sen. Tony Lourey (DFL-Kerrick) sponsored a bill, S.F. 1284, makes a number of policy changes to charitable gambling provisions in order to streamline the industry. Lourey said the industry is under pressure from the economic downturn and needs assistance to move forward. Lourey said the bill was before the committee because of three provisions. One provision requires licensed organizations to be evaluated by the Gambling Control Board to determine a rating based on the percentage of annual lawful purpose expenditures when compared to available gross profits for the same period. For organizations that fail to expend a minimum of 30 percent annually of gross profits on lawful purposes, there is a one year probation period and if organizations fail to raise the percentage, the board may impose a civil penalty of up to \$10,000. In addition, the bill provides for civil penalties of not more than \$1,000 per violation. The bill also provides restrictions on who may participate in lawful gambling. The bill was approved and re-referred to the Finance Committee.

S.F. 402, carried by Sen. Kathy Saltzman (DFL-Woodbury), modifies school background check requirements relating to disciplinary actions. The bill clarifies that school boards or other hiring authority contact the Board of Teaching to determine whether the board has taken disciplinary action against the teacher based on sexual misconduct or attempted sexual misconduct between the teacher and a student or other misconduct resulting in board disciplinary action. Members adopted an amendment specifying that the school boards must contact the Board of Teaching to determine whether the board has taken any disciplinary action against the teacher. The measure was approved and advanced to the Senate floor.

Sen. Mary Olson (DFL-Bemidji) sponsored two measures. S.F. 917 amends statutory references to reflect organizational changes in the Bureau of Criminal Apprehension. Olson said the two information service divisions at the BCA—CriMNet and the Criminal Justice Information Systems—were combined into one organization, Minnesota Justice Information Services. The bill was approved and laid over for possible inclusion in the panel's omnibus policy bill.

S.F. 1434 changes the Financial Crimes Oversight Council to an advisory

board. In addition, the bill changes the membership of the Minnesota Financial Crimes Task Force to include retail businesses and exclude representatives from the Board of Public Defense and elderly victims. The panel adopted an amendment providing that the Financial Crimes Task Force be under the jurisdiction of the Bureau of Criminal Apprehension. The measure was laid over of possible inclusion in the panel's omnibus policy bill.

Higgins also sponsored a bill, S.F. 536, to allow the state, the Minnesota State Colleges and Universities, the University of Minnesota and cities to adopt a program to employ a minimum number or percentage of low-income persons or former offenders for construction or services contracts. Members adopted an amendment defining former offenders as someone who is not currently incarcerated, but who has previously been convicted of a felony, regardless of whether the individual is currently under correctional supervision. The bill was approved and advanced to the full Senate.

Sen. Ron Latz (DFL-St. Louis Park) authored two measures. S.F. 140 provides for a private action for violations of consumer fraud statutes and specifies that the actions are in the public interest and benefit the public. Latz said the bill reinstates a provision that had been in effect until 2002. He said the private attorney general statute serves as a deterrent to companies for violating consumer fraud statutes. The measure was approved and sent to the Senate floor. S.F. 759 prohibits diverting tickets meant for the general public to various events to be sold early and at inflated values until the tickets have been available to the general public for 10 days. The measure was laid on the table.

S.F. 799, sponsored by Sen. Linda Scheid (DFL-Brooklyn Park), adds the general crime of theft to the definition of criminal acts under the racketeering law. Scheid said the measure relates to organized retail crime. Shawn Shaughnessey, Target Corporation, said organized retail crime is theft for the purpose of reselling products and is typically a large scale operation. The measure was approved and re-referred to the Finance Committee.

Members also advanced two bills authored by Sen. Lisa Fobbe (DFL-Zimmerman). S.F. 1800 clarifies school district obligations to children with disabilities. The measure was before the committee

because of provisions relating to alternative dispute resolution and due process hearings. Members adopted an amendment conforming the bill with language in the omnibus e-12 education bill. Two amendments clarified language in the bill relating to hearing officer qualifications. The measure was laid on the table in order to allow time to draft an amendment including the changes made to the bill for the omnibus education bill. S.F. 1302 modifies provisions governing the eviction of tenants in property subject to mortgage foreclosure or termination of contract for deed, specifies the requirements for vendors under contracts for deed, modifies mortgage foreclosure notices and information requirements and modifies provisions for sheriff's sale postponement and perpetuating evidence of sale. Fobbe said the bill is intended to clarify legislation enacted last year to deal with the foreclosure crisis. The bill was approved and sent to the full Senate.

## Judiciary Budget Division

### Fines disbursement bill heard

The Judiciary Budget Division, chaired by Sen. Leo Foley (DFL-Coon Rapids), met Thurs., Apr. 2, to consider two measures.

S.F. 321, authored by Sen. Rick Olseen (DFL-Harris), authorizes the disbursement of minimum fines for controlled substance offenses to be juvenile substance abuse court programs. Under the bill 70 percent of the fine is to be forwarded to a local drug abuse prevention or intervention program in the county in which the crime was committed. The bill was laid over for possible inclusion in the division's omnibus bill.

S.F. 951, sponsored by Sen. Mee Moua (DFL-St. Paul), modifies the law governing guardians and conservators and the rights of wards and protected persons. The measure defines professional guardian and professional conservator and establishes a central registration system for guardians and conservators. In addition, the measure spells out a bill of rights for wards and protected persons. The bill also requires professional guardians and conservators to be certified by the National Center for Guardianship Certification. The measure was laid on the table in order to clarify the fiscal note.

## Property Tax Division

### Property tax bills heard

The Property Tax Division, chaired by Sen. Rod Skoe (DFL-Clearbrook), tackled an ambitious agenda in order to hear bills for possible inclusion in the division's omnibus bill.

S.F. 497, sponsored by Sen. Sharon Erickson Ropes (DFL-Winona), modifies requirements for classification as class 4c commercial seasonal recreational residential property. S.F. 885, also carried by Erickson Ropes, extends the time frame for eligibility for the surviving spouses of disabled military veterans to receive the residential homestead market value exclusion.

S.F. 755, authored by Sen. Amy Koch (R-Buffalo), clarifies that horses and equines are livestock and that raising horses is defined as an agriculture pursuit. S.F. 775, carried by Sen. Ray Vandeven (R-Forest Lake), expands the definition of commercial boarding of horses that qualify as agricultural production to include commercial boarding without regard to raising agricultural products.

S.F. 1671, carried by Sen. Rick Olseen (DFL-Harris), provides a personal property tax exemption for an electric generation facility. S.F. 1912, authored by Sen. Kevin Dahle (DFL-Northfield), reduces the state general levy for historic commercial buildings. S.F. 1348, sponsored by Sen. Scott Dibble (DFL-Mpls.), provides for a seasonal recreational property tax deferral program. The bill specifies the requirements that must be met for a property to be eligible for the program and provides that when the deferral is terminated, the amount of deferred taxes, penalties, interest, special assessments and filing fees is due.

S.F. 1102, authored by Sen. Thomas Bakk (DFL-Cook), expands county authority to abate special assessments for improvements to include abatements of nuisances and the correction of environmental, wetland or land use violations. S.F. 520, also sponsored by Bakk, allows counties, cities and towns to sell bonds to cover revenue shortfalls during a fiscal year when final property tax levies have already been certified. Bakk said the certificates of indebtedness must mature within two years and that the local unit of government must levy property taxes for the payment of the principal and interest. He said the bill offers local government

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a tool to use in an emergency shortfall situation.

Skoe sponsored three measures. S.F. 1258 modifies mortgage registry tax payments for mortgages of more than \$1 million that cover real property in two or more counties to allow the county receiving the tax to retain the entire non-state portion of the tax. S.F. 1530 modifies the state-paid property tax credit for property in the bovine tuberculosis management zones. S.F. 1350 clarifies the nexus to impose tax on pass-through interest of nonresident individuals.

All of the bills were laid over for possible inclusion in the division's property tax article.

## Public Safety Budget Division

### Challenge incarceration expansion heard

The Public Safety Budget Division, chaired by Sen. Linda Higgins (DFL-Mpls.) met Wed., Apr. 1, to hear three bills and to discuss a policy bill containing cost savings provisions.

S.F. 1332, authored by Higgins expands the challenge incarceration program. Higgins said the program reduces recidivism by 32 percent and that completion of the program reduces the chances of reincarceration for a new crime by 35 percent. Higgins said it makes no sense for a program that has proven successful not to be operating at full capacity. The bill requires the commission to place offenders who meet the eligibility requirements in the challenge incarceration program if the offenders agree to participate and sign a written contract agreeing to comply with the program. In addition, the bill specifies that if there is insufficient space for an eligible person, the commissioner must place the person on a waiting list. The measure also provides that phase I of the program may take place at either the Minnesota Correctional Facility-Willow River or the Minnesota Correctional Facility-Togo. Finally, the measure requires the commissioner to prepare the Togo Facility to administer the program to both men and women.

S.F. 1219, sponsored by Sen. Ann Rest (DFL-New Hope), provides licensing standards for full-time firefighters, establishes fees and provides for firefighter certification. S.F. 564, sponsored by Sen.

Mee Moua (DFL-St. Paul), provides for the restoration of the right to vote of an individual upon release from incarceration and requires a notice of the right to vote to be given to inmates who have been restored to civil rights.

All three measures were laid over for possible inclusion in the division's omnibus bill.

Division members then turned their attention to a proposal making a number of policy changes in order to facilitate savings in the areas under the division's jurisdiction. The proposal repeals some mandatory sentencing provisions. Makes changes to controlled substances laws and makes changes to supervised release provisions.

Higgins said the division had been given a target of cutting \$78 million, but that federal stimulus funds will replace \$30 million for the coming biennium. She said the cost savings in the policy change proposal will help the division reach the budget target. Sen. Bill Ingebrigtsen (R-Alexandria) said none of the changes should be adopted. Ingebrigtsen said public safety has such a high priority that cuts should not be made. Moua said it is irresponsible for the Legislature to not consider difficult choices in solving the current budget shortfall.

## Rules and Administration Committee

### Mandate repeal bills advance

The Rules and Administration Committee, chaired by Sen. Lawrence Pogemiller (DFL-Mpls.), met briefly Tues., Apr. 1, to consolidate several bills repealing or simplifying state imposed mandates on school districts, local governments and county human services into one measure.

S.F. 3, authored by Sen. Linda Berglin (DFL-Mpls.), eliminating unnecessary state mandates serves as the vehicle for the other bills. Members approved motions to add the language from S.F. 1544 to S.F. 3. S.F. 1544, sponsored by Sen. Ann Rest (DFL-New Hope), removes, extends or modifies specific mandates upon local government units. Language from S.F. 672, sponsored by Sen. Dan Skogen (DFL-Hewitt), was also amendment onto S.F. 3. The measure simplifies and repeals mandates on school districts. The language of two bills authored by Sen. Ann Lynch (DFL-Rochester), S.F. 986 and S.F. 987, was also added to S.F. 3. S.F. 986

provides county human services mandates relief and S.F. 987 eliminates unfunded mandates on local government units. Finally, the language from S.F. 1054, sponsored by Sen. Thomas Bakk (DFL-Cook), was added to S.F. 3. The measure abolishes tax levy limits, eliminates the requirement for truth-in-taxation hearings and suspends advertising requirements temporarily. Pogemiller said the provision abolishing levy limits will be deleted from the bill on the floor and will be in the omnibus tax bill.

The amended version of S.F. 3 was then forwarded to the full Senate.

In other action, the committee also advanced a bill, S.F. 1256, to the Committee on Finance. The bill, authored by Sen. Mary Olson (DFL-Bemidji), provides for establishing a volunteer working group on Dakota and Ojibwa language revitalization and preservation. Olson said the native languages are in danger of extinction because so few individuals speak them.

## State and Local Government Operations and Oversight

### Committee tackles massive agenda

On the final day of bill hearings before the first committee deadline, the State and Local Government Operations and Oversight Committee, chaired by Sen. Ann Rest (DFL-New Hope), met Fri., Mar. 27, to hear 23 bills.

S.F. 1837, authored by Sen. Rick Olseen (DFL-Harris), gives specific authority to the cities of Chisago City and Lindstrom in Chisago County, their economic development authorities, their housing and redevelopment authorities and Chisago County to enter into a joint powers agreement to acquire and develop or redevelop a business park in the city of Chisago City.

The committee approved the bill and re-referred the measure to the Tax Committee.

S.F. 1564, also authored by Olseen, establishes the parks and trails legacy grant program to assist eligible units of local government in acquiring, developing, improving and restoring park and trail lands of regional or statewide significance.

The committee approved the bill and re-referred the measure to the Finance Committee.



Anoka High School 11th graders perform in the Capitol Rotunda Tues., Mar. 31, to promote safe teen driving.

Photo by A.J. Olmscheid

S.F. 1033, sponsored by Sen. John Marty (DFL-Roseville), provides that rent control laws do not impair the right of a city, county or town to manage or control property to which it is providing assistance for a period of time consistent with the term of the public assistance. Marty said the rent control law generally prohibits local units of government from adopting rent control provisions unless they are approved by the voters.

The committee approved the bill and sent the measure to the full Senate.

S.F. 916, carried by Sen. Scott Dibble (DFL-Mpls.), establishes incentives for the adoption and use of electric vehicles and regulates electric vehicle infrastructure. The bill also requires that after 2012, 25 percent of the vehicles purchased by government entities to be electric vehicles.

The committee approved the bill and sent the measure to the full Senate.

S.F. 1226, also carried by Dibble, creates the Minnesota Council on Transportation to improve the availability and coordination of services to the transit public. The committee approved the bill and re-referred the measure to the Finance Committee.

S.F. 1551, authored by Sen. David Senjem (R-Rochester), creates an Autism Spectrum Disorder Joint Task Force.

Rest offered an amendment making appointees of the task force be representative of all areas of the state.

The committee adopted the amendment, approved the bill and sent it to the Health, Housing and Family Security Committee.

S.F. 1410, carried by Sen. Gary Kubly (DFL-Granite Falls), changes provisions of the Minnesota noxious weed law and establishes a noxious weed and invasive plant species assistance fund and advisory committee.

Kubly offered an amendment making modifications to the appointment process for county agricultural inspectors.

The committee adopted the amendment, approved the bill and re-referred the measure to the Finance Committee.

S.F. 568, sponsored by Sen. Linda Scheid (DFL-Brooklyn Park), provides immunity to municipalities that donate public safety equipment to other municipalities. The bill states that if the donated equipment causes injury or damage to a person or property, the municipality that donated the equipment would not be subject to a lawsuit unless the injury was a result of fraud or intentional misrepresentation by the donating municipality.

The committee approved the bill and sent it to the full Senate.

S.F. 1118, authored by Sen. Linda Higgins (DFL-Mpls.), requires the Sentencing Guidelines Commission, the Dept. of Public Safety and the Dept. of

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Corrections to review its reports for possible consolidation or elimination. The measure also requires that reports to the Legislature by criminal justice agencies be submitted electronically. In addition, the bill requires an annual DWI felony report.

The committee approved the bill and re-referred the measure to the Finance Committee.

S.F. 1705, carried by Sen. Kenneth Kelash (DFL-Mpls.), makes modifications regarding membership to the Commuter Rail Corridor Coordinating Committee

The committee approved the bill and sent it to the full Senate.

S.F. 1343, authored by Sen. Linda Berglin (DFL-Mpls.), establishes a Hennepin County special transportation services pilot project to test methods for reducing the unnecessary use of ambulances.

Berglin offered an amendment modifying membership requirements to the advisory committee used in the project.

The committee adopted the amendment, approved the bill and re-referred the measure to the Finance Committee.

S.F. 1566, also authored by Berglin, makes a number of technical and policy changes in the statutes governing Department of Human Services health care programs including Medical Assistance, MinnesotaCare and General Assistance Medical Care. The bill also establishes a Drug Utilization Review Board and outlines the duties and requirements of the board.

Berglin offered an amendment making the board a permanent organization whose duties do not expire. The committee adopted the amendment, approved the bill and sent it to the full Senate.

S.F. 1253, sponsored by Sen. Charles Wiger (DFL-Maplewood), is an omnibus prekindergarten through grade 12 education bill that makes policy provisions modifications.

Wiger offered an amendment making changes to the Charter School Advisory Council by reauthorizing council with new responsibilities. The committee adopted the amendment, approved the bill and re-referred it to the Finance Committee.

S.F. 867, carried by Sen. Kathy Saltzman (DFL-Woodbury), establishes charter school requirements and makes modifications to organization provisions.

The committee approved the bill and re-referred the measure to the Finance Committee.

S.F. 1125, authored by Sen. Sandra Pappas (DFL-St. Paul), provides for a statewide general law to allow certain county offices to be made appointive without the mandatory referendum currently required under the general law. Pappas said current law has resulted in numerous counties coming in for special legislation to allow the combination of offices.

The committee approved the bill and re-referred the measure to the Rules and Administration Committee.

S.F. 160, also authored by Pappas, allows candidates and campaign workers to enter into a multiple unit facility for the purpose of campaigning, registering voters and getting out the vote. The bill also allows the campaign workers to leave campaign materials at the doors of the residents.

Pappas offered an amendment excluding assisted living facilities from the actions proposed in the bill. The committee adopted the amendment, approved the bill and sent it to the full Senate.

S.F. 837, carried by Pappas, changes the timing and threshold for payment of the public subsidy from the general account in the state elections campaign fund to candidates for statewide or legislative office.

The committee approved the bill and sent the measure to the full Senate.

S.F. 1153, sponsored by Pappas, requires that health insurance benefits be made available to domestic partners of state employees. Pappas said 16 other states, along with a large number of Minnesota businesses are already allowing domestic partners access to benefits.

The committee approved the bill and re-referred the measure to the Finance Committee.

S.F. 768, carried by Sen. Katie Sieben (DFL-Newport), changes certain provisions governing ballot validity and automatic recount provisions.

The committee approved the bill and re-referred the measure to the Finance Committee.

S.F. 1507, sponsored by Sen. Jim Vickerman (DFL-Tracy), establishes the Feeding Minnesota Task Force to maximize the consumption of Minnesota grown produce and livestock by facilitating the donation of harvested products in charities that provide food for hungry people.

Rest offered an amendment setting a deadline for appointments to the task force and specifying the geographic

diversity of the members appointed to the task force. The committee adopted the amendment, approved the bill and re-referred the measure to the Finance Committee.

S.F. 532, authored by Rest, authorizes electronic mail notification for Department of Administration rule proposals and hearings.

The committee approved the bill and sent the measure to the full Senate.

S.F. 791, also carried by Rest, requires an automatic runoff election for a statewide federal office, state constitutional office, or a statewide judicial office when the difference in the vote totals for the top candidates in the election is less than one-eighth of one percent of the total number of votes for that office. The bill specifies that the governor is required to issue a writ specifying the date for the runoff election within five days after the state canvassing board has deemed a runoff is necessary and that the runoff must be held as a special election no earlier than 20 and no more than 30 days after the writ is issued.

On a roll-call vote of 6-4, the committee approved the bill and re-referred the measure to the Finance Committee.

S.F. 157, sponsored by Rest, requires the secretary of state to conduct a presidential primary on the same day as the major party precinct caucuses, a date intended to coincide with a Midwest regional primary.

The committee approved the bill and re-referred the measure to the Finance Committee.

## Lawful gambling bill gains

The State and Local Government Operations and Oversight Committee, chaired by Sen. Ann Rest (DFL-New Hope), gathered Mon., Mar. 30, to take action on six measures.

Sen. Satveer Chaudhary (DFL-Fridley) authored a bill, S.F. 1110, that makes a number of modifications to Dept. of Natural Resources and Board of Water and Soil Resources policies. The bill also provides for forfeiture of off-highway vehicles for violations of laws relating to ATVs and modifies operating restrictions for all-terrain vehicles, Chaudhary said. The measure was approved and referred to the Committee on Finance.

S.F. 1284, carried by Sen. Tony Lourey (DFL-Kerrick), is an omnibus lawful gambling bill that makes a number of

technical and policy changes and modifies lawful purpose and other definitions.

King Wilson, executive director, Allied Charities of Minnesota, spoke in support of the bill. He said the bill is good for the gambling industry in a time of declining revenues.

The bill was approved and referred to the Committee on Judiciary.

S.F. 1158, sponsored by Sen. Thomas Bakk (DFL-Cook), raises the financial threshold for which a charitable organization must submit a financial statement to the attorney general to be audited. Under current law, a charitable organization must submit a financial statement if total revenue is \$350,000 or more in a 12-month period. The bill raises that to \$750,000 or more in a 12-month period, Bakk said. The measure was approved and referred to the Committee on Taxes.

Sen. Joe Gimse (R-Willmar) authored S.F. 295, which requires state conferences to be conducted electronically whenever possible. The bill would reduce transportation costs for employees of state executive agencies who would normally travel for state conferences, Gimse said. The bill was recommended to pass and referred to the Senate floor.

Gimse also sponsored H.F. 801, which modifies laws regarding state reports and documents. The bill allows for state reports to be available electronically to the Legislative Reference Library and only requires two physical paper reports to be kept at the library rather than six, Gimse said.

Robbie LaFleur, director, Legislative Reference Library, said the bill would reduce paper waste and save space on the shelves at the library. She also said the bill would allow for better organization at the library because the library would be receiving fewer physical paper reports.

The bill was recommended to pass and referred to the Senate floor.

### Early voting bill gains

Members of the State and Local Government Operations and Oversight Committee, chaired by Sen. Ann Rest (DFL-New Hope), met Wed., Apr. 1, to take action on several measures.

Sen. Sharon Erickson Ropes (DFL-Winona) sponsored a bill, S.F. 663, that changes provisions concerning military and overseas voting. The bill allows a person who is a U.S. citizen, but has never resided in Minnesota and is living permanently outside the U.S., to vote for

federal offices, she said. Erickson Ropes said the person must have a parent who maintained residence in Minnesota for at least 20 days prior to the person's departure from the U.S. The bill was approved and referred to the Senate floor.

Sen. Tarryl Clark (DFL-St. Cloud) authored S.F. 1894, which allows local units of government to impose administrative fines for traffic offenses. The bill was approved and referred to the Committee on Judiciary.

Members took action on three bills authored by Sen. Katie Sieben (DFL-Newport). S.F. 970 authorizes early voting. The bill allows early voting to any eligible voter from 30 days before the election through the fourth day before the election, Sieben said. She also said the bill requires that early voting be available at a polling place designated in the county auditor's office, at the municipal clerk's office and any other location designated by the county auditor or municipal clerk. The bill was approved and sent to the Committee on Finance.

S.F. 1331 is a housekeeping bill that changes absentee ballot requirements and provisions. The measure was approved and sent to the Committee on Finance. S.F. 991 is another housekeeping bill that changes election administration provisions. The bill was recommended to pass and referred to the Senate floor.

S.F. 531, carried by Sen. Sandra Pappas (DFL-St. Paul), requires an affidavit of candidacy to state the candidate's residence address and telephone number. The measure was approved and referred to the Judiciary Committee.

Pappas also authored S.F. 834, which provides for the election of city council members elected by ward after reapportionment. The bill was recommended to pass and sent to the Senate floor.

Rest sponsored a bill, S.F. 747, that regulates nonconforming lots in shoreland areas. The bill clarifies that the damage to nonconforming property is measured by the estimated market value shown in the county assessor's records at the time of the damage, Rest said. The measure was approved and re-referred to the Environment and Natural Resources Committee.

Sen. Tony Lourey (DFL-Kerrick) sponsored S.F. 848, which changes requirements for town elections. The bill allows towns that have conducted at least two elections on the alternative November date to adopt a resolution designating

the second Tuesday in March as the date of the town general election, Lourey said. He also said the bill provides for a town to adopt a resolution establishing six-year terms for supervisors. The measure was approved and referred to the Senate floor.

## State Government Budget Division

### E-licensing discussed

Due to significant time constraints brought about by a lengthy floor session, the State Government Budget Division, chaired by Sen. Don Betzold (DFL-Fridley), met very briefly Mon., Mar. 30, to begin hearing testimony on the pros and cons of the proposed e-licensing and data center consolidation initiatives.

John Lally, Office of Enterprise Technology, said the e-licensing initiative creates a statewide licensing system for businesses and citizens to acquire occupational and business licenses in a simple, easy to use process. Lally said e-licensing provides for a faster, real-time process that allows citizens to access, apply for, renew and manage occupational and business licenses necessary to conduct business in Minnesota online. He said e-licensing also improves efficiency at agencies because it reduces the burden of many internal operations by allowing citizens a self-service option. The e-licensing initiative will also increase compliance and enforcement for agencies while decreasing staff time spent on manual, clerical tasks, said Lally.

Dominic Sposeto, Independent Insurance Agents, said the independent insurance agents organization has already developed and launched an e-licensing system and participating in a state-run e-licensing program would add an extra step and increased costs to individuals already using the system developed by the organization. Sposeto also said a state-run system makes it more difficult and costly for insurance agents who get licensed in more than one state to obtain and file all the necessary documentation involved in the licensing process.

Pam Luinburg, Minnesota Coalition of Licensed Social Workers, said her social workers also already have their own online licensing system that has proven to be extremely effective, efficient and safe. Luinburg said it would be in the best interest of the organization to be exempt from an

# Committee update

online system constructed and managed by the state because the system the social workers are using right now seems to be working very well.

Betzold said further discussion of the two topics would continue in the next meeting.

## Health coverage bills gain

Members of the State Government Budget Division, chaired by Sen. Don Betzold (DFL-Fridley), gathered Wed., Apr. 1, to consider a number of measures, including two bills related to school district health care coverage.

S.F. 915, authored by Sen. Scott Dibble (DFL-Mpls.), requires school districts to obtain employee health coverage through the public employees insurance program. Dibble said the bill attempts to make healthcare for school employees more accessible and more affordable.

S.F. 1052, carried by Sen. Kathy Saltzman (DFL-Woodbury), requires a study by the commissioner of the inclusion of school district employees in the state employees group insurance plan or the public employee insurance plan.

Betzold offered an amendment specifying that funding for the study come from E-12 funding formula. Members adopted the amendment and approved both bills and referred them to the Finance Committee.

S.F. 1224, sponsored by Betzold, regulates various business entities filings and fees administered by the secretary of state.

Betzold offered an amendment modifying how specific fees are collected by the secretary of state. The division adopted the amendment, approved the bill and referred the measure to the Finance Committee.

S.F. 2, authored by Sen. Richard Co-

hen, contains a variety of changes related to the development and format of the state budget.

Betzold offered an amendment limiting the number of deputy and assistant commissioner positions for various organizations and agencies. Cohen offered an amendment clarifying language regarding duties and rights of classified state employees. Betzold offered another amendment to incorporate language from several additional bills into S.F. 2. The division approved the inclusion of the language from S.F. 57, sponsored by Sen. Ann Rest (DFL-New Hope), requiring the commissioner of Minnesota Management and Budget to establish a process to monitor and encourage implementation of recommendations by the legislative auditor and to disseminate training materials and policies on internal controls. In addition, members added the language of



Senators Kathy Saltzman (DFL-Woodbury), left, and Patricia Torres Ray (DFL-Minneapolis) examine the details of a bill during the Senate floor session Wed., Apr. 1.

Photo by David J. Oakes

S.F. 91, also sponsored by Rest, requiring a searchable database of state expenditures on the state's Web site, to S.F. 2.

S.F. 407, carried by Sen. Mee Moua (DFL-St. Paul), requires a map of federal and state funding used to support children.

Moua offered an amendment to remove geographic mapping aspect of bill and turn the money mapping project into a pilot project. The division adopted the amendment, approved the bill and re-referred the measure to the Finance Committee. The division also approved a motion to have the language of the bill be incorporated into S.F. 2.

S.F. 1230, sponsored by Sen. Tarryl Clark (DFL-St. Cloud), provides for an independent Office of Strategic and Long-Range Planning. The bill also makes modifications to the duties of the state demographer and requires a report on Minnesota milestones performance measures.

The division approved the bill, re-referred it to the Finance Committee and incorporated the language of the bill into S.F. 2.

The division approved the S.F. 2 and sent the bill to the Finance Committee.

S.F. 1938, also authored by Cohen, provides oversight for federal stimulus funding for state agencies. Cohen said the bill allows for staff, professional and technical services and other operating expenses necessary to comply with the reporting, monitoring and financial control and transparency requirements of federal stimulus funding.

S.F. 1600, carried by Rest, directs the Office of Enterprise Technology to adopt rules that will establish technology access standards for state government information technology services and equipment. The bill establishes an advisory committee for technology standards for accessibility and usability to serve state agencies. The bill also appropriates money from the telecommunications access Minnesota fund for several purposes related to accessibility and usability.

The division approved both bills and re-referred them to the Finance Committee.

## Taxes

### TIF bills heard

The Taxes Committee, chaired by Sen. Thomas Bakk (DFL-Cook), met Tues., Mar. 31, to hear several bills for

possible inclusion in the committee's omnibus bill

S.F. 1740, carried by Sen. Michael Jungbauer (R-East Bethel), authorizes the city of Anoka to establish one or more tax increment financing districts for redevelopment purposes.

S.F. 1561, authored by Sen. Gen Olson (R-Minnetrista), extends the tax increment financing district activities commencement time limit for the Mound harbor TIF district administered by the Housing and Redevelopment Authority in Mound. S.F. 1560, also carried by Gen Olson, extend the tax increment financing district activities commencement time limit for TIF district No. 1-9, administered by Medina.

S.F. 616, sponsored by Sen. Ann Rest (DFL-New Hope), modifies several provisions relating to tax preparation services. The bill modifies provisions relating to standards of conduct, sets forth requirements for refund anticipation loans and checks, provides for the right to rescind refund anticipation loans, and provides for penalties and civil actions.

All four measures were laid over for possible inclusion in the omnibus bill.

### Tax proposal heard

Much of the Thurs., Apr. 2, meeting of the Taxes Committee was devoted to discussion of a tax proposal that changes income tax rates, repeals levy limits and changes the state general levy.

S.F. 1274, sponsored by Sen. Ann Rest (DFL-New Hope), also imposes the sales tax on clothing, non-business legal services and accounting and bookkeeping services. The bill also changes the sales tax rate on Jan. 1, 2010, and again on July 1, 2011, and provides for a sales tax credit for clothing for low income tax payers. The measure also provides for a sales tax exemption for capital equipment, rather than requiring a refund. The measure reduces and then, in 2013, eliminates the corporate franchise tax rate.

Under the bill, a new top bracket for individual income tax is established. The measure sets the top bracket of 8.15 percent for tax year 2009 and 8.5 percent for tax year 2010 and after. The top bracket is set at \$250,000 for married joint filers, \$125,000 for married separate filers, \$141,000 for single filers and \$212,500 for head of household filers.

The bill also modifies requirements for the budget format and for the gover-

nor's recommendations regarding structural balance in the following biennium.

Members heard extensive testimony on the measure, but took no formal action on the bill.

In other action, the committee, chaired by Sen. Thomas Bakk (DFL-Cook), heard several additional bills.

S.F. 1646, sponsored by Sen. John Marty (DFL-Roseville), exempts car sharing organizations from the rental car fee in lieu of registration tax. The bill applies to the vehicles of a nonprofit corporation or similar entity consisting of individual or group members who pay for the use of a vehicle if the organization owns vehicles available to members priced on intervals of one hour or less, parks the vehicles at unstaffed, self-service locations and insures the vehicles on behalf of the members. The measure was laid over for possible inclusion in the omnibus bill.

S.F. 1114, sponsored by Sen. Richard Cohen (DFL-St. Paul), authorizes the city of St. Paul to issue up to \$40 million of general obligation or revenue bonds to finance a public community ice facility. The measure was laid over.

## Historical database available

The Legislative Reference Library has developed a database, "Legislators Past and Present," containing information about Legislators who have served since territorial times. The database's information was compiled from official legislative directories, obituaries, news clippings, family files and other sources. It contains information about terms of service, education, occupation, party or caucus affiliations, leadership positions, represented communities and more.

The database also includes information about Minnesota Legislators who served in other government functions, ranging from the local level to the national level. For example, almost two dozen Legislators have served on the University of Minnesota Board of Regents; the most recent is current Regent and former Senate Majority and Minority Leader Dean E. Johnson. The database even indicates which Minnesota Legislators also served in another state's legislature; there have been at least 15, and the number may climb as more information is compiled.

"Legislators Past and Present" is available online at <http://www.leg.state.mn.us/legdb/index.asp>

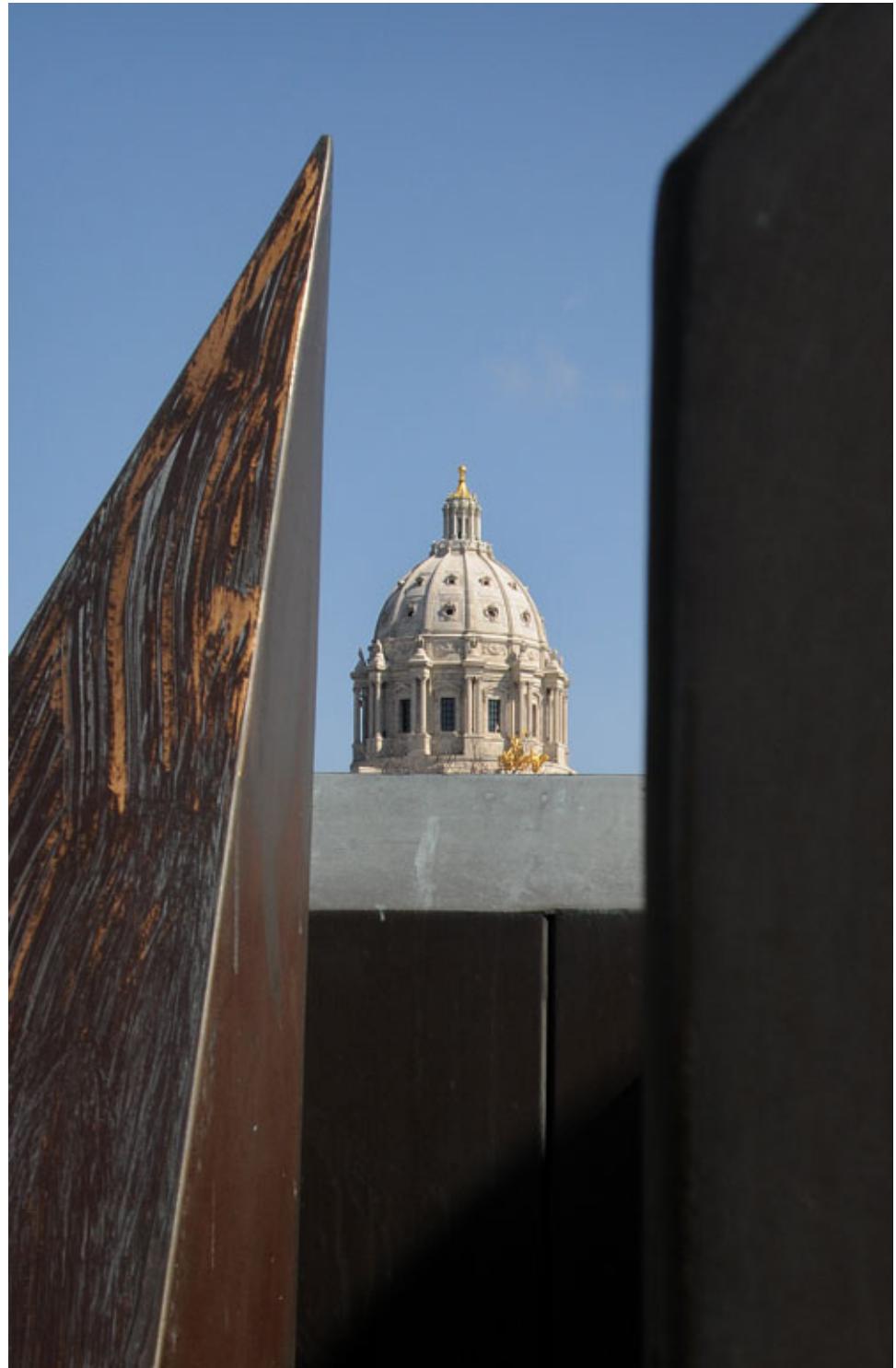
# Senate Briefly

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*With brilliant blue skies above, a portion of the Roy Wilkins Memorial frames the Capitol dome Wed., Apr. 8.*

*Photo by A.J. Olmscheid*



April 10, 2009

# Highlights

## E-12 funding bill passed

The omnibus education appropriation bill, S.F. 1328, was the focal point of the Tues., Apr. 7, floor session. Members granted final passage to the measure on a 37-29 roll call vote.

Sen. LeRoy Stumpf (DFL-Plummer), chief author, said, "All of us have a desire that the 1.3 million learners in the state succeed and we want to thank the teachers, administrators, school boards and taxpayers of the state." He said the bill has many provisions to encourage striving for excellence, changes the delivery of education, yet provides fewer resources. He said the bill does reduce the budget and that there were limited resources for new programs. Stumpf said the measure appropriates \$13.441 billion for the biennium, which is a 3.3 percent reduction. The general fund appropriation is \$6.351 billion for FY 2010 and \$6.570 billion for FY 2011. The measure also includes \$519 million in federal state stabilization funds. The reduction for the coming biennium is \$452.8 million, which results in a \$273 per pupil reduction.

The bill also allows cooperating school districts and school districts with agreements to start before Labor Day, specifies required hours of instruction for students, provides basic alternative teacher compensation aids to school districts and charter schools. The measure also requires a consolidated tax rate establishment and permits a district consolidated levy limit, allows school districts to retain a portion of the wind energy production tax deduction, provides for education excellence through assessments

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**Editor/Writer:**  
Karen L. Clark

**Writers:**  
Amanda Lillie  
Justin Thiessen

**Photographers:**  
David J. Oakes  
A.J. Olmscheid

of performance, requires comprehensive, scientifically-based reading instruction and provides for an alternative teacher preparation program.

Sen. Kathy Saltzman (DFL-Woodbury) explained provisions in the bill relating to charter schools. Saltzman said the bill recognizes the innovation charter schools bring to education and, at the same time, provides for greater accountability. The measure sets forth requirements for sponsorship, provides for better financial oversight and requires charter school board members to attend department approved training.

Assessment provisions were described by Sen. Charles Wiger (DFL-Maplewood). Wiger said the bill aligns the reading, math and science testing requirements to the standards for high school coursework, defines the state graduation test requirements for students and allows a four year alternative method by which a student can earn a state notation, if the student does not pass the mathematics GRAD test.

Sen. Tom Saxhaug (DFL-Grand Rapids) explained the e-learning provisions in the bill. Sen. Tarryl Clark (DFL-St. Cloud) spoke on the early childhood learning provisions. She said the bill establishes an early childhood learning office and recognizes the importance of early childhood learning. Clark said the bill offers limited expansion of early childhood programs.

Sen. Gen Olson (R-Minnetrista) spoke about home schooling provisions in the bill. Olson said the bill lifts a number of mandates for home schools and provides for assessment of home schooled students. Sen. Terri Bonoff (DFL-Minnetonka) described the technology provisions and Sen. Lisa Fobbe (DFL-Zimmerman) outlined the special education provisions.

Stumpf said, "There is no way to sugarcoat the reductions, but the committee tried very hard to mitigate the reductions and to give a sense of where education should be going in a changing society and changing world." He said the bill contains a reduction of about seven percent in the 2012-2013 biennium. Stumpf said the Senate has chosen to make cuts throughout the state budget, including education.

Sen. David Hann (R-Eden Prairie) said the bill does not provide districts with a mechanism to deal with the reductions other than cutting staff. He offered an amendment providing for a salary freeze

for school districts. Hann said the effect is that staff levels could remain the same. Stumpf said the situation is dire, but he has confidence in public employees bargaining. The amendment failed on an 18-48 roll call vote.

Sen. Steve Murphy (DFL-Red Wing) offered an amendment eliminating the Q comp program and rolls the funds into the basic education formula. Murphy said the amendment adds about \$70 to per pupil aid. Stumpf said Q comp has evolved into an intensive staff development program. Stumpf said the program needs about five years to become fully functional and it needs to be spread statewide. The amendment was rejected on a 27-39 roll call vote.

An amendment, sponsored by Sen. Kevin Dahle (DFL-Northfield), deletes the alternative teacher preparation program for nontraditional teachers. Dahle said there is no shortage of teachers and the current alternative method of licensing is more rigorous. Saltzman spoke against the amendment and said programs such as Teach for America bring talented young people into the profession. The amendment failed on a 30-36 roll call vote.

Sen. Steve Dille (R-Dassel) offered an amendment providing for districts that are consolidating to keep a levy. The amendment was adopted.

Hann offered another amendment that requires binding arbitration between school boards and teachers. He said the bill helps districts deal with the budget reductions. Stumpf said it is not the Legislature's role to interfere in the bargaining process. In addition, Stumpf said the bill contains provisions allowing school boards more flexibility to deal with the budget. The amendment failed on a 16-49 roll call vote.

Sen. Julie Rosen (R-Fairmont) sponsored an amendment lifting the January 15 contract deadline and prohibiting reductions in aid for failing to reach a collective bargaining agreement. Stumpf said the deadline works to bring parties together and results in contracts being settled. The amendment failed on a 19-47 roll call vote.

An amendment, offered by Sen. Ray Vandever (R-Forest Lake), requiring the commissioner to apportion the statewide general education aid adjustment based on each district and charter school's proportionate share of the statewide total general education aid, also failed to be adopted.



**Senators Warren Limmer (R-Maple Grove) and Mee Moua (DFL-St. Paul) confer in the Senate Chamber during the Tues., Apr. 7, floor session.**

Photo by David J. Oakes

Bonoff said the amendment sets up a situation of winners and losers. She said the committee set a per pupil cut, rather than a proportional cut. The amendment failed on a 30-36 roll call vote.

Members also suspended the rules in order to grant final passage to H.F. 855. The bill contains the language of the Senate's omnibus bonding proposal, S.F. 781. Members needed to attach the Senate language to a House file because of a requirement that bonding bills originate in the other body. The parliamentary procedure allows for the appointment of conference committee members. The measure was passed on a 57-9 roll call vote.

The Senate also granted final passage to three measures on the Senate Calendar. S.F. 3, authored by Sen. Linda Berglin

(DFL-Mpls.), eliminates unnecessary state mandates on local units of government, in education and in health care. S.F. 1486, carried by Sen. Linda Higgins (DFL-Mpls.), modifies provisions relating to electronic product recycling. S.F. 462, sponsored by Sen. Ron Latz (DFL-St. Louis Park), expands the DWI ignition interlock program statewide. S.F. 489, authored Clark, modifies reverse mortgage provisions.

#### **Mandate reduction bill gains**

Senators devoted much of the Mon., Apr. 6, floor session to considering bills on General Orders.

S.F. 3, carried by Sen. Linda Berglin (Mpls.), eliminates unnecessary mandates

on school districts, state agencies, counties, cities, and towns. The bill incorporates the content of five different bills related to education, health care and human services, public safety, local government and taxes, Berglin said. Berglin said the bill helps local units of government by eliminating unnecessary mandates that are financially burdensome to them.

Sen Dan Skogen (DFL-Hewitt) described the education portion of the bill and offered an amendment to put the education section in the desired form. Sen. Ann Lynch (DFL-Rochester) spoke about the health and human services aspect of the bill and offered an amendment adding additionally flexibility to pre-sentence investigations. Addressing the local government portion of the bill, Sen. Claire Robling (R-Jordan) offered an amendment making changes to the reporting policy for out of state travel requirements and Sen. Ellen Anderson (DFL-St. Paul) added an amendment that provides more flexibility to local sheriff departments, removing a restriction that currently restricts them from hiring a deputy sheriff that also practices law. Finally, Sen. Thomas Bakk (DFL-Cook) spoke on the tax sections of the bill and offered an amendment removing levy limit language and specifying language for public input on budget talks. All amendments were adopted by the body and the bill was granted preliminary approval.

S.F. 1486, sponsored by Sen. Linda Higgins (DFL-Mpls.), modifies requirements regarding electronic products recycling manufacturer and retailer responsibilities.

S.F. 489, authored by Sen. Tarry Clark (DFL-St. Cloud), modifies provisions relating to reverse mortgages. Clark offered an amendment making technical modifications to the suitability clause of the bill. The body adopted the amendment.

S.F. 462, carried by Sen. Ron Latz (DFL-St. Louis Park), modifies and expands the existing DWI ignition interlock device pilot project by making it statewide and extending the project through June 30, 2011.

All bills were granted preliminary approval by the body.

Along with approval to changes related to joint rules of the House and Senate offered by Sen. Lawrence Pogemiller (DFL-Mpls.), the body also granted final passage to seven bills on the Senate Calendar.

# Committee update

S.F. 1091, carried by Sen. Ray Vandever (R-Forest Lake), provides weight limits for the Stillwater lift bridge. S.F. 643, sponsored by Sen. Kathy Sheran (DFL-Mankato), provides unemployment benefit eligibility for the workforce investment in regional economic development (WIRED) program. S.F. 1012, authored by Ellen Anderson (DFL-St. Paul), is the Legislative-Citizen Commission on Natural Resources allocation of funds for environment and natural projects. S.F. 1904, carried by Sen. Linda Scheid (DFL-Brooklyn Park), provides insurance continuation coverage conforming modifications.

S.F. 1454, sponsored by Sen. Kathy Saltzman (DFL-Woodbury), provides a shared work plan to provide partial unemployment benefits to employees whose normal weekly hours of work are reduced, with a proportional reduction in total weekly pay, in order to prevent layoffs because of lack of work. S.F. 550, authored by Sen Yvonne Prettner Solon (DFL-Duluth), provides omnibus energy conservation provisions and utility regulations.

S.F. 10, carried by Sen. Terri Bonoff (DFL-Minnetonka), provides for a required cooperative purchasing and shared service program for school districts and charter schools. The bill was approved by the body on a 34-33 roll call vote.

## Omnibus policy bill advances

Members of the Committee on Transportation, chaired by Sen. Steve Murphy (DFL-Red Wing), met Tues., Apr. 7, to take action on several bills.

Sen. Kathy Sheran (DFL-Mankato) authored a bill, S.F. 1643, that requires the commissioner of transportation to submit a final environmental impact statement to the Federal Highway Administration for trunk highway or reconstruction projects by Dec. 31, 2009. The measure was laid on the table for possible inclusion in the omnibus bill.

Sen. Warren Limmer (R-Maple Grove) sponsored S.F. 738, which prohibits the commissioner of public safety from complying with the Real I.D. Act. The measure was laid on the table for possible inclusion in the omnibus bill.

S.F. 639, carried by Sen. Jim Carlson (DFL-Eagan), applies a gross misdemeanor penalty for careless driving that results in death. The bill was approved and referred to the Committee on Judiciary.

S.F. 807, sponsored by Sen. Scott Dibble (DFL-Mpls.), provides for the

reduction of vehicle miles traveled and the reduction of greenhouse gas emissions. Members adopted an amendment that changes vehicle miles traveled to vehicle miles driven. The bill was approved as amended by a roll call vote of 11-5 and sent to the Senate floor.

Sen. Rick Olseen (DFL-Harris) carried a bill, S.F. 1654, that authorizes school districts to report actual costs instead of allocated costs for contracted services, modifies school bus equipment standards and broadens resident district involvement when a student is placed in another district for care and treatment. Members okayed the bill and referred the measure to the Senate floor.

After acting as the full Committee on Transportation, members recessed and reconvened as the Transportation Budget and Policy Division to take action on several more measures, including the omnibus policy bill.

Sen. Kathy Saltzman (DFL-Woodbury) sponsored a bill, S.F. 1005, that establishes the Stillwater lift bridge endowment account. The bill was approved and sent to the Committee on Finance.

Dibble authored three measures that members discussed. S.F. 1226 creates the Minnesota Council on Transportation Access for the purpose of improving availability and coordination of services to individuals who use public transit. Members approved the bill and referred the measure to the Committee on Finance.

S.F. 1851 adds to the Metropolitan Council's authority to issue debt in an amount up to \$34.2 million for capital expenditures for transit, Dibble said. Dibble offered an amendment that requires the Metropolitan Council to transfer \$1.5 million from the livable communities demonstration account to the local housing incentives account in 2010 and each year thereafter. The amendment also provides for right-of-way loan acquisition fund transfers and Metropolitan Transit operations and appropriates \$100,000 in FY 2010 and \$100,000 in FY 2011 for the administrative expenses of the Minnesota Council on Transportation Access, he said. The amendment was adopted.

Dibble proposed another amendment requiring the Metropolitan Council to transfer \$500,000 from the livable communities fund to the Board of Regents of the U of M for the Center for Transportation Studies. The amendment failed.

Members approved the measure as amended and referred the bill to the Committee on Finance.

S.F. 549 incorporates greenhouse gas reduction goals to certain state and metropolitan programs and plans and establishes goals for a reduction in vehicle miles traveled. The measure was laid on the table.

Sen. John Doll (DFL-Burnsville) carried S.F. 2025, which designates the Sioux Trail Transit Way and requires the Metropolitan Council to conduct the Sioux Trail Transit Way feasibility study. Members approved the bill and referred the measure to the Committee on Finance.

Murphy sponsored S.F. 1455, which is the omnibus transportation policy bill. The measure modifies driving after suspension provisions, provides for enhanced driver's license, expands the DWI ignition interlock device pilot program, identifies duties of the commissioner for the passenger rail project and provides for pedestrian and bicycle components in bridge improvements, Murphy said.

Dibble offered an amendment that restricts a driver of a motor vehicle from entering an intersection until the vehicle is able to move completely through the intersection without blocking the subsequent movement of traffic. Dibble also offered an amendment that establishes the Minnesota Council on Transportation Access. The motion amends Dibble's bill, S.F. 1226, onto the omnibus bill. Members adopted both amendments.

Carlson moved to amend S.F. 639, which applies a gross misdemeanor penalty for careless driving that results in death, onto the omnibus bill. The amendment was adopted. Doll moved to amend S.F. 2025, which designates the Sioux Trail Transit Way, onto the omnibus bill. Members approved the amendment.

Sen. Rod Skoe (DFL-Clearbrook) proposed an amendment prohibiting the imposition of seasonal load restrictions on Trunk Highway 11. Members adopted the amendment.

Members also adopted amendments requiring the commissioner of transportation to conduct a study on the feasibility of establishing commuter transit service in the Little Crow Transit Way, providing requirements for motor carriers of railroad employees, allowing the governor to issue an executive order to lower the minimum biodiesel content requirement for fuel used in Metro Transit buses between November and March and allowing GPS or navigation systems to be mounted on the bottom portion of the windshield.

The omnibus bill was approved as amended and referred to the Committee on Finance.

## Agriculture and Veterans

### Omnibus bill gains

The Agriculture and Veterans Budget and Policy Division, chaired by Sen. Jim Vickerman (DFL-Tracy), met Tues., Apr. 7, to take action on the division's omnibus bill.

S.F. 1779, authored by Vickerman, appropriates money for agriculture, the Board of Animal Health, veterans and the military and changes agricultural and animal health programs and requirements. Fiscal Analyst Dan Mueller said the Agriculture Department is experiencing a seven percent funding cut in FY 2010-11. Mueller said \$163.016 million is available in the general fund for FY 2010-11. Of the general fund, \$10.478 million is

appropriated to the Animal Health Board, \$40.630 million to the Dept. of Military Affairs, \$30.966 to the Dept. of Veterans Affairs and \$75.176 to the Dept. of Agriculture. Funds from the general fund are appropriated for agriculture marketing and development, compensation for destroyed or crippled livestock and crop damage, training and technical assistance to county and town officials regarding livestock siting issues and zoning, bioenergy and value-added agriculture, dairy development programs, pesticide dealer license and reporting, bovine tuberculosis control assessment and grants for the Minnesota Turf Seed Council, Mueller said.

Senate Counsel Tom Bottern said that veterans affairs and military affairs funds are appropriated for administering

the Minnesota GI bill program, a grant to the Minnesota Assistance Council for Veterans, maintenance of military training facilities, grants to nonprofit organizations supporting deployed service personnel and additional costs of enlistment incentives.

Sen. Sharon Erickson Ropes (DFL-Winona) offered an amendment that extends the sunset date of the farmer-lender mediation act and removes an income limitation on legal assistance eligibility for family farmers. Members adopted the amendment.

Sen. Satveer Chaudhary (DFL-Fridley) proposed an amendment appropriating \$1 million from the clean water fund for grants to the livestock environmental quality assurance program in FY 2010. The purpose of the grants is to develop



Senators Rick Olseen (DFL-Harris) and Claire Robling (R-Jordan) examine a laptop computer screen during the Mon., Apr. 6, Senate floor session.

Photo by David J. Oakes

# Committee update



Senators Tarryl Clark (DFL-St. Cloud) and LeRoy Stumpf (DFL-Plummer) react to the vote tally on the Senate's omnibus E-12 education budget bill during the Tues., Apr. 7, floor session.

Photo by David J. Oakes

resource management plans, provide resource management analysis and assistance and provide for annual reporting on assessment and assurance, Chaudhary said. The amendment was adopted.

The omnibus bill was approved and referred to the Committee on Finance.

In other action, members approved a bill authored by Sen. Mee Moua (DFL-St. Paul). S.F. 2047 appropriates \$25,000 from the general fund in FY 2010 for a grant to reimburse expenses for farmers in and around Dakota County who incurred crop damages as a result of the hail storm on July 10, 2008. The measure was referred to the Committee on Finance.

## Business, Industry and Jobs

### Priority chemical bill advances

Members of the Committee on Business, Industry and Jobs, chaired by Sen. James Metzen (DFL-South St. Paul), gathered Mon., Apr. 6, to take action on several measures.

Sen. Linda Scheid (DFL-Brooklyn Park) authored S.F. 225, which protects children from toxic chemicals in products, authorizes the Dept. of Health to identify priority chemicals of high concern and requires the Pollution Control Agency to regulate the sale of children's products that contain a priority chemical. Scheid offered an amendment to delete sections of the bill regarding manufacturer disclosure of information on priority chemicals, the prohibition of the sale of products containing a priority chemical and the application for a waiver for specific uses of products containing a priority chemical. The amendment was adopted.

Rev. Chris Morton, Minnesota Council of Churches, spoke in favor of the bill. He said the council is urging members of its congregations to make healthy environmental choices in their own lives and that the bill represents the council's belief that better environmental choices will both preserve the earth and have a positive influence on the health of individuals.

The bill was approved as amended and re-referred to the Committee on Finance.

S.F. 1450, sponsored by Sen. Mary Olson (DFL-Bemidji), requires the owner or operator of a wood products facility to maintain the facility in salable operating condition for two years after it discontinues operation. The purpose of the bill is to ensure that public and utility investments in the facility are protected and that the facility's state and local taxation obligations are satisfied, Olson said. The bill was approved and referred to the Committee on Taxes.

Sen. Kathy Saltzman (DFL-Woodbury) carried a bill, S.F. 1882, that promotes a science and technology initiative and creates the North Star Rising Science and Technology Economic Development Commission.

Sen. David Tomassoni (DFL-Chisholm) authored a bill, S.F. 1058, that concerns purchases and acquisitions by public employers. The bill prohibits a public employer from purchasing, furnish-

ing or requiring an employee to purchase safety equipment or a uniform if the item is not manufactured in the United States and the employee has no discretion in the selection. The measure was approved on a roll call vote of 6-5 and referred to the Senate floor.

Tomassoni also carried S.F. 910, which regulates trucking industry classifications of employment. The measure was approved and referred to the Senate floor.

## Commerce and Consumer Protection

### Franchise bill gains

Members of the Committee on Commerce and Consumer Protection, chaired by Sen. Linda Scheid (DFL-Brooklyn Park), gathered for its final meeting of the 2009 Legislative Session on Tues., Apr. 7, to hear four non-controversial bills.

S.F. 474, carried by Sen. Dan Skogen (DFL-Hewitt), prohibits retail sales of toys that have been recalled for safety reasons. Skogen said federal law already prohibits the act of selling recalled toys and the bill simply provides cover language that can be applied specifically to Minnesota.

S.F. 613, also carried by Skogen, authorizes and regulates the issuance of certificates of insurance. Skogen said the bill provides guidelines outlining the issuance, approval, filing, cancellation and enforcement authority of a certificate of insurance provided to a third party.

S.F. 1711, sponsored by Sen. Kevin Dahle (DFL-Northfield), regulates motor vehicle sales and distribution in the state.

Alyssa Schlander, Minnesota Auto Dealer Association, said the bill provides stronger motor vehicle state franchise laws to provide more protection to local dealers and maintain fairness between vehicle manufacturers, distributors and dealers. She said the bill makes the state's franchise laws as strong as other states that sell approximately as many cars each year as Minnesota.

S.F. 1910, also sponsored by Dahle, provides for the licensing and regulation of insurance providers, real estate agents and appraisers establishes prelicense and continuing education requirements.

Peter Bratsch, licensing director, Department of Commerce, said the bill addresses technical changes to licensure and licensing education provisions.

The committee approved all four bills and sent them to the full Senate.

## Economic Development and Housing Budget Division

### Investment bill heard

Members of the Economic Development and Housing Budget Division, chaired by Sen. David Tomassoni (DFL-Chisholm), gathered Mon., Apr. 6, to hear a variety of bills, including a measure addressing the transit budget deficit.

S.F. 1610, carried by Sen. Ann Rest (DFL-New Hope), authorizes temporary transfers from the metropolitan livable communities fund accounts and the right-of-way loan acquisition fund for transit operating deficits.

Peter Bell, Metropolitan Council, said the bill allows the council to use, in calendar year 2009-2011, up to 75 percent of the livable communities account (LCAA) collected for LCA programs and uncommitted balances to address transit operating deficit. Bell said the bill also allows the council to use the right-of-way acquisition loan fund (RALF) revenues in the same manner.

The division tabled the bill in order to consider other proposals for bridging the transit operating deficit.

S.F. 1764, sponsored by Sen. Mary Olson (DFL-Bemidji), creates a Minnesota business venture capital program and establishes a venture capital revolving fund in the state treasury for loans to businesses eligible to participate in the program. The bill also appropriates money to the commissioner to implement the program.

S.F. 292, carried by Sen. Kathy Saltzman (DFL-Woodbury), provides a credit for investment in start-up and emerging Minnesota businesses.

The division approved both bills and re-referred the measures to the Finance Committee.

S.F. 2014, authored by Sen. Gary Kubly (DFL-Granite Falls), appropriates \$1 million in

FY 2010 from the general fund to the commissioner of employment and economic development for a grant to Lutheran Social Services of Minnesota to increase capacity statewide for budget and debt counseling, debt management planning and other debt management services.

S.F. 1661, sponsored by Sen. Thomas Bakk (DFL-Cook), requires registration of unlicensed contractors and subcontractors. The bill also proposes a \$100 registration fee and a \$500 fine for individuals performing public and commercial construction without proper licensure.

S.F. 1640, authored by Sen. Kathy Sheran (DFL-Mankato), appropriates \$1.5 million from the general fund in FY 2010 to Minnesota State University - Mankato for a grant to the International Renewable Energy Technology Institute (IRETI). Sheran said the bill provides for a public and private partnership that will meet the educational and applied research needs of the broader renewable energy industry. She said IRETI will house a laboratory that will participate in emissions testing and combustible biomass technology advancements related to heat producing equipment.

The division laid all three bills over for possible inclusion in the omnibus bill.

## Environment and Natural Resources

### Nonconforming shoreland bill gains

Members of the Environment and Natural Resources Committee, chaired by Sen. Satveer Chaudhary (DFL-Fridley), met Mon., Apr. 6, to hear a variety of measures, including a bill providing for the regulation of nonconforming lands in shoreland areas.

S.F. 747, carried by Sen. Ann Rest (DFL-New Hope), regulates nonconforming lots in shoreland areas. Rest said the purpose of the bill is to provide an improved framework for cities, counties and townships to deal with non-conforming lots in shoreland areas and to deal with non-conforming structures in shore impact zones. She said the bill affects a small number of lakeshore property owners that own multiple contiguous lots that wish to sell off or subdivide a portion of their lakeshore property and property owners with structures located within the shore impact zone.

The committee approved the bill and re-referred the measure to the Judiciary Committee.

S.F. 576, sponsored by Sen. Don Betzold (DFL-Fridley), expands game and fish lottery and drawing preferences for service members. The committee laid the bill over for possible inclusion in the omnibus game and fish bill.

S.F. 1956, authored by Sen. Scott Dibble (DFL-Mpls.), establishes a grant program for assisting transit agencies in

# Committee update

Minnesota with efforts to reduce diesel pollution. The committee approved the bill and re-referred the measure to the Finance Committee.

Sen. Tom Saxhaug (DFL-Grand Rapids) carried two bills, S.F. 1698, which requires a study on state and local water management, and S.F. 1773, which allows counties to make an abbreviated version of their waste water management report in 2010. The committee approved both bills and sent S.F. 1698 to the Finance Committee and S.F. 1773 to the full Senate.

S.F. 1203, sponsored by Sen. Paul Koring (R-Fort Ripley), establishes a grant program for diesel truck idling reduction technology purchases. The committee approved the bill and re-referred the measure to the Finance Committee.

S.F. 1663, carried by Sen. Katie Sieben (DFL-Newport), establishes the Minnesota Naturalist Corps and appropriates \$540,000 in the 2010-11 biennium from the parks and trails fund to the commissioner of natural resources to place 30 members each year under the corps. The bill also appropriates money to hire eight additional naturalists and for the construction of additional information centers and kiosks in numerous state parks. The committee approved the bill and re-referred the measure to the Finance Committee.

Sen. Ellen Anderson (DFL-St. Paul) authored S.F. 1940, which requires the Pollution Control Agency to collect fees to cover the costs for permits and certifications and requires a project proposer to pay for the preparation of an environmental assessment worksheet. The bill was laid on the table.

Sen. Kathy Sheran (DFL-Mankato) carried a bill, S.F. 1323, that makes changes to the Infectious Waste Control Act regarding the disposal of sharps. The bill requires sharps, except those generated by a household, farm operation or agricultural business, to be deposited in a puncture-resistant container, Sheran said. The bill also requires sharps retailers to provide a free disposal container with every box of 90 or more syringes sold, Sheran said. The bill was recommended to pass and sent to the Senate floor.

S.F. 1804, sponsored by Sen. Lisa Fobbe (DFL-Zimmerman), removes land in the Rum River area from the wild and scenic rivers program. The bill was laid over for further work.

S.F. 1116, authored by Chaudhary, modifies game and fish provisions. The

bill modifies refund provisions, definitions, publication requirements, restrictions in migratory feeding and resting areas and wild animal and fish taking, possession and licensing requirements, Chaudhary said. Saxhaug offered an amendment to delete a portion of the bill regarding the import of minnows for bait. The amendment was adopted by a vote of 7-6. Members approved the bill as amended and re-referred it to the Committee on Finance.

## Environment, Energy and Natural Resources Budget Division

### Omnibus clean water bills heard

Members of the Energy and Natural Resources Budget Division Subcommittee on Clean Water Legacy, chaired by Sen. Sandy Rummel (DFL-White Bear Lake), met Fri., Apr. 3, to hear a number of bills for possible inclusion in the omnibus clean water bill.

S.F. 1918, carried by Sen. Katie Sieben (DFL-Newport), appropriates \$950,000 in FY 2010 and \$650,000 in FY 2011 from the clean water fund to the commissioner of the pollution control agency for comprehensive water monitoring and phosphorus reduction activities in the Lake St. Croix portion of the St. Croix River.

S.F. 1819, sponsored by Sen. Steve Murphy (DFL-Red Wing), appropriates \$380,000 in FY 2010 from the clean water fund to the Public Facilities Authority for a grant to the town of Minneola to develop structures for flood control and water quality. Murphy said excessive rainfall in Minneola leads to runoff and sediment being deposited into Lake Pepin, resulting in reduced water quality and the introduction of biological hazards that disrupt the lake's fragile ecosystem.

S.F. 1944, carried by Sen. Jim Carlson (DFL-Eagan), appropriates \$1.5 million from the clean water fund to the Minnesota Zoological Board to enhance and restore water quality in lake and surface water resources throughout the Minnesota Zoological Garden.

S.F. 1492, carried by Sen. Leo Foley (DFL-Coon Rapids), appropriates \$2.625 million in FY 2010, beginning August 1, 2009, from the clean water fund to the South Central Service Cooperative for a grant to ten K-12 school districts and the

South Central Service Cooperative for a water ecology pilot program to protect and help restore quality of surface water and groundwater.

S.F. 1801, authored by Sen. David Senjem (R-Rochester), appropriates \$500,000 from the clean water fund to the commissioner of natural resources for grants to Olmsted and Wabasha Counties Lake Zumbro Joint Powers Board for engineering, acquisition of land and site preparation for the restoration of Lake Zumbro.

S.F. 1802, also authored by Senjem, appropriates \$100,000 from the clean water fund to the commissioner for grants to the city of Oronoco for environmental and engineering studies for the restoration of Lake Shady.

S.F. 1673, carried by Sen. Patricia Torres Ray (DFL-Mpls.), appropriates \$1.25 million from the clean water fund for a grant to Hennepin County for riparian restoration and stream bank stabilization in the 10 primary stream systems in Hennepin County in order to protect, enhance, and help restore the water quality of the streams and downstream receiving water.

Rosemary Lavin, Hennepin County Environmental Services, said the county will work with watershed districts and water management organizations to identify and prioritize projects necessary to carry out the requirements of the bill. She also said the county will employ youth through the Minnesota Conservation Corps and Tree Trust to plant trees and shrubs to reduce erosion and stabilize stream banks.

Sen. Ellen Anderson (DFL-St. Paul) carried two similar bills, S.F. 1783 and 1784, which both appropriate money from the clean water fund to acquire and distribute high-resolution digital elevation data to aid with impaired waters modeling and total maximum load implementation. Anderson said data collected from the high-resolution digital evaluation will be beneficial to both organizations concerned with water conservation and private groups developing land in the same areas.

All bills were laid on the table for possible inclusion in subcommittee's omnibus clean water bill.

### Fed stimulus funds bill gains

The Environment, Energy and Natural Resources Budget Division met Tues., Apr. 7, to discuss a proposal providing direction for the allocation of federal stimulus funds for energy programs.



**Bell Museum Education Specialists Erin Rupp, left, and Katie Speckman don costumes as they stroll through the Capitol halls Mon., Apr. 6, soliciting funding support for the University of Minnesota natural history museum.**

Photo by A.J. Olmscheid

Chair Ellen Anderson (DFL-St. Paul) said the bill, S.F. 657, allocates \$131.9 million for weatherization, \$10.644 million in energy assistance block grants and \$54.172 million for the state energy program. Anderson said the energy efficiency and weatherization provide the biggest bang for the buck and provide a lot of jobs. She said two-thirds of the appropriations are for energy efficiency and weatherization and one-third is for renew-

able energy projects. Anderson said the measure also focuses on solar energy. She said past energy endeavors have concentrated on wind energy, but some federal changes have made the development of solar energy more practical.

The bill provides \$13 million for public building retrofits at the school district and local government levels. In addition, the measure provides \$19.1 million for renewable projects. Sen. Tom Saxhaug

(DFL-Grand Rapids) said the weatherization and energy efficiency portions of the proposal will provide savings into the future and provide jobs immediately.

Sen. Satveer Chaudhary (DFL-Fridley) offered an amendment adds air-to-air heat exchangers to the types of equipment that are eligible for funding and gives preference to Minnesota window manufacturers in replacement windows. The amendment was adopted.

The bill and spreadsheet were adopted and referred to the full Finance Committee.

Members also heard public testimony on a proposal to merge the DNR Ecological Services and Waters Division and a proposal making changes to the Environmental Quality Board.

## Health, Housing and Family Security

### Autism bill gains

The Health, Housing and Family Security Committee, chaired by Sen. John Marty (DFL-Roseville), met Mon., Apr. 6, to take action on a lengthy agenda in advance of the second committee deadline.

Two bills dealing with autism spectrum disorders generated considerable debate. S.F. 1551, sponsored by Sen. David Senjem (R-Rochester), creates an Autism Spectrum Disorder Task Force. The bill specifies the task force be comprised of 25 members charged with examining ways to improve services, sources of public funding available for treatment, methods to improve coordination in the delivery of services, and treatment options for individuals with autism spectrum disorders. Sen. Linda Berglin (DFL-Mpls.) offered an amendment to reduce the membership of task force. Senjem requested the bill be laid over before members took action on the amendment.

S.F. 312, authored by Sen. Linda Scheid (DFL-Brooklyn Park), requires coverage for autism spectrum disorders. The measure requires health plans to cover diagnosis, evaluation, assessment and medically necessary care. The bill also spells out the types of treatments that must be covered including intensive behavior therapy, such as applied behavior analysis, intensive early intervention behavior therapy, intensive behavior intervention and Lovaas therapy. Proponents said the measure was needed to ensure coverage for children with autism

# Committee update



**Senator Tony Lourey (DFL-Kerrick) carefully studies a spreadsheet as debate commences on an omnibus E-12 education budget bill during the Senate's Tues., Apr. 7, floor session.**

Photo by David J. Oakes

spectral disorders. Opponents argued the measure is a mandate for health plans and will result in increased premiums. Members adopted an amendment to require Medical Assistance coverage. The bill was approved and advanced to the Committee on Finance.

Scheid also sponsored a bill, S.F. 2010, that is aimed at stabilizing the market value of residential real estate. Scheid said the bill creates a pilot program in several counties to provide a five-year guarantee against depreciation in value of homes in the pilot areas. The measure was approved and re-referred to the Finance Committee.

Scheid authored one other bill, S.F. 1905, that requires the commissioner of

commerce to develop a uniform health coverage application form to be considered by the 2010 Legislature as the form required for use in applying for coverage in the small employer insurance market. The measure was approved and advanced to the full Senate.

Berglin carried three bills. S.F. 1664 modifies the state medical review team process to ensure the timely processing of determinations of disability. The measure also requires that prior to a denial or withdrawal of a requested determination of disability because of insufficient evidence, the commissioner must ensure that the missing evidence is necessary and appropriate to a determination of disability and assist applicants to obtain the evidence.

The measure was approved and referred to the Finance Committee.

S.F. 1151 allows home visitors to be employment and training providers for Minnesota family investment program participants. The measure was approved and referred to the Senate floor. S.F. 178 requires health insurance coverage of durable medical equipment to include coverage of items necessary to reduce asthma symptoms and requires state health care programs to cover items necessary to reduce asthma symptoms. The measure was approved and advanced to the Finance Committee.

Sen. John Doll (DFL-Burnsville) requires the Board of Pharmacy to report all controlled substance schedule changes the board recommends to the Legislature. The bill was approved and advanced to the Senate floor.

The first portion of the committee meeting was devoted to presentations on state licensure boards and the Canadian healthcare system. In addition, members discussed, but took no action on a bill providing for a Nurse Licensure Compact. S.F. 513, sponsored by Sen. Chris Gerlach (R-Apple Valley), allows nurses to be licensed in states participating in the compact.

## Health and Human Services Budget Division

### Poverty impact bill heard

Members of the Health and Human Services Budget Division, chaired by Sen. Linda Berglin (DFL-Mpls.), met Tues., Apr. 7, to hear a variety of bills, including a number of measures for possible inclusion in the omnibus bill.

S.F. 1558, authored by Sen. John Marty (DFL-Roseville), creates a process for Legislators to request that affected state agencies prepare a poverty impact statement on a bill that appears to have a significant impact on the well-being of low-income Minnesotans.

S.F. 648, authored by Sen. Jim Vickerman (DFL-Tracy), authorizes new licenses for three six-bed intermediate care facilities for persons with developmental disabilities to replace an existing 21-bed facility in Cottonwood County.

S.F. 2003, sponsored by Berglin, requires the commissioner of human services to establish a pilot project for an intensive medication therapy management program for patients with multiple

chronic conditions and a high number of medications who are at high risk of preventable hospitalizations, emergency room use, medication complications and the suboptimal treatment outcomes due to medication-related problems.

S.F. 1344, also sponsored by Berglin, modifies the billing and payment schedule for services provided by the Minnesota extended treatment options (METO) for counties. The bill also provides the option for creating additional community-based services by METO with sufficient levels of care and a sufficient number of specialists to ensure individuals referred to the program receive the appropriate care. Finally, the bill requires the commissioner of human services to develop an array of community-based services within the Anoka Regional Treatment Center catchment area for persons with mental illness.

S.F. 1403, carried by Berglin, specifies that the facility payment rate for labor, birthing and puerperium services provided

by the facility for a cesarean section with or without complications or comorbidities and for a vaginal delivery with complicating diagnoses will be no greater than \$5,169 when the services are provided through a managed care plan contract.

S.F. 1401, authored by Berglin, requires the commissioner to incorporate e-prescribing applications into a clinical information database in order to increase patient safety and efficiencies and reduce medication errors, duplication of therapies and eliminate waste.

Berglin offered an amendment incorporating dental care pilot projects into the bill. The division adopted the amendment.

S.F. 1535, sponsored by Sen. Yvonne Prettner Solon (DFL-Duluth), extends the approval period for nursing home moratorium exception projects. The bill also authorizes additional moratorium exceptions and appropriates \$3 million from the general fund to the commissioner of

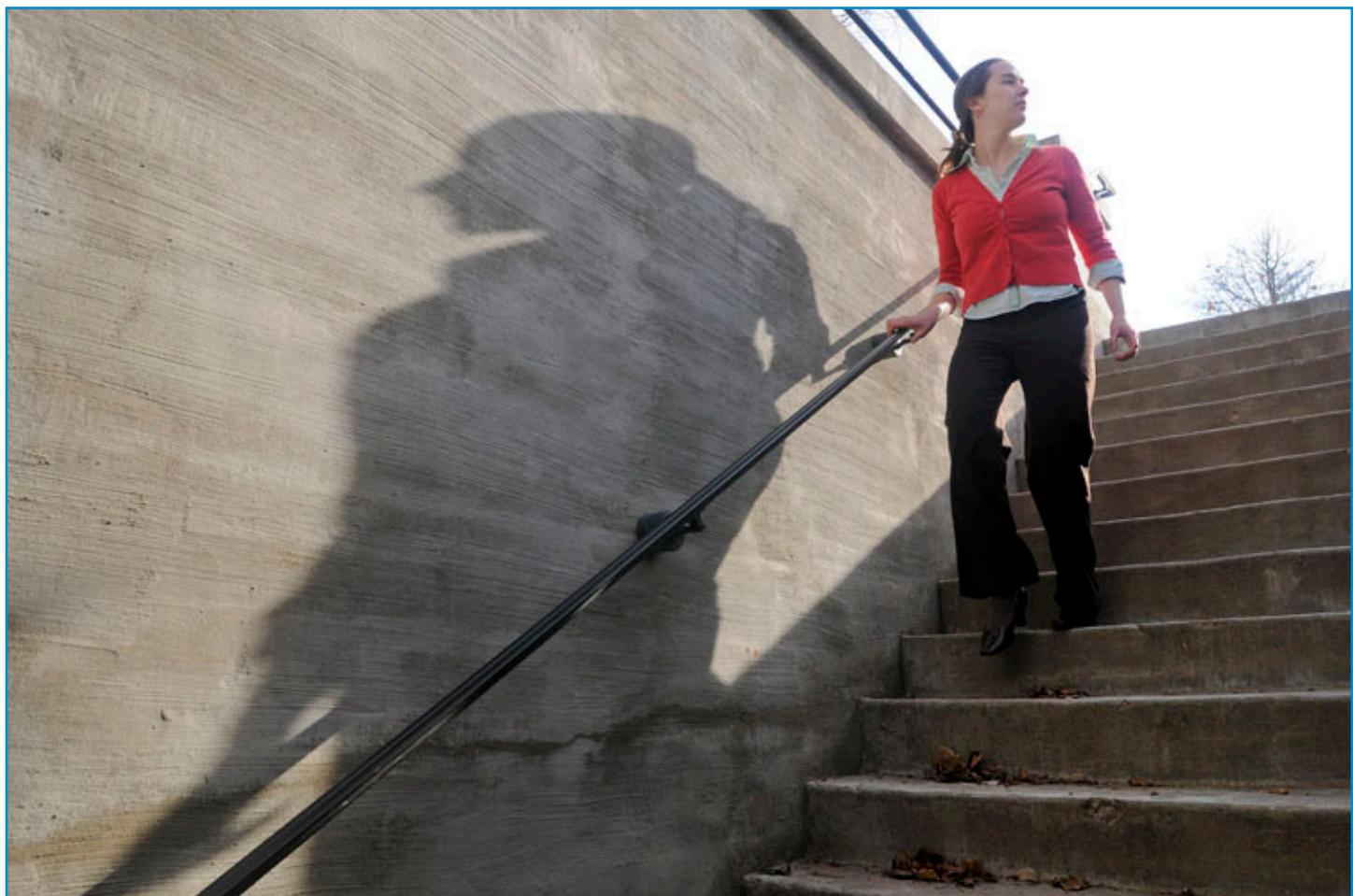
human services for the biennium beginning July 1, 2009, for the costs incurred from the moratorium exceptions.

All seven bills were laid over for possible inclusion in the division's omnibus bill.

Prettner Solon carried two additional bills. S.F. 1229 modifies personal care assistance services. S.F. 1099 requires the commissioner of health, in consultation with the Minnesota uniformity committee to develop a uniform formulary exception document. The bill specifies that the document must be accessible by health care providers and processed by group purchasers electronically through a secure internet site by January 1, 2011.

The division set both bills aside to allow Prettner Solon time to revise the fiscal notes.

S.F. 1709, carried by Sen. Julianne Ortman (R-Chanhassen), creates the Minnesota prescription program. The bill also provides that a pharmacist may



*With early morning light casting long shadows, lobbyist Meredith Beeson descends a stairway into the Capitol building Tues., Apr. 7.*

Photo by A.J. Olmscheid

# Committee update

not dispense a written prescription that is issued by a Minnesota practitioner if the prescription is not written on a tamper-resistant prescription drug form. The bill requires the board of pharmacy to issue the form to licensed or registered practitioners and facilities without charge and to take the necessary action to prevent the use of lost or stolen prescription forms.

Ortman offered an amendment appropriating money from the federal stimulus act to partially fund the program. The division adopted the amendment and set the bill aside for further work regarding adjustments to the bill's fiscal note.

S.F. 1369, carried by Sen. Steve Murphy (DFL-Red Wing), establishes an exception to the nursing facility construc-

tion moratorium for an 80-bed facility at a new site in Goodhue County to replace an existing 84-bed hospital-owned nursing facility and a 65-bed nonprofit facility.

The division set the bill aside to allow Murphy additional time to revise the fiscal note associated with the bill.

S.F. 203, sponsored by Sen. Gary Kubly (DFL-Granite Falls), establishes a system for the commissioner of health to review and supervise rural health care cooperative contractual arrangements to ensure that the arrangements are not in violation of state or federal antitrust law.

The division approved the bill and referred the measure to the Finance Committee.

S.F. 1155, carried by Sen. Sharon Erickson Ropes (DFL-Winona), changes capacity requirements for adult foster care residential programs.

The division approved the bill and referred the measure to the Finance Committee.

S.F. 1512, also carried by Erickson Ropes, increases the fee for the heritable or congenital disorders testing to help sustain the program. The bill also requires the commissioner of health to contract with a nonprofit organization to provide support and assistance to families with children who are deaf or have a hearing loss.

The division set the bill aside to give the author and the other interested parties the opportunity to reassess the fee increase.

S.F. 1442, authored by Berglin, establishes an alternative basic health plan for families with children eligible for Medical Assistance.

Berglin offered an amendment clarifying enrollment guidelines for the health plan.

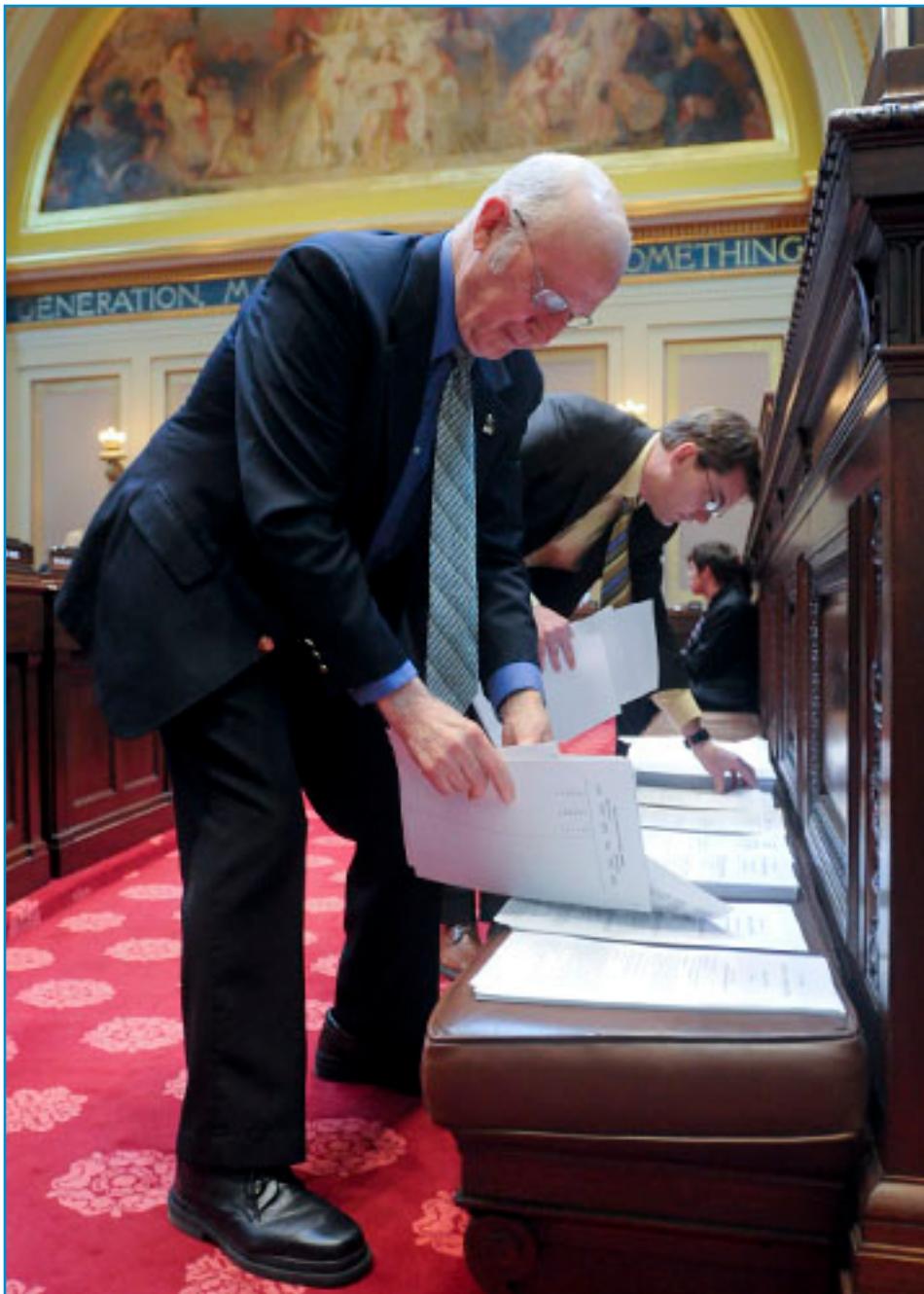
The division set the bill aside to allow Berglin to do additional work on the fiscal note for the bill.

## Higher Education Budget and Policy Division

### Omnibus bill heard

The omnibus higher education appropriation bill was the focus of the Tues., Apr. 7, meeting of the Higher Education Policy and Budget Division.

Chair Sandra Pappas (DFL-St. Paul) said the bill totals \$3.058 billion for the University of Minnesota, the Minnesota



Senators Leo Foley (DFL-Coon Rapids), left, and Scott Dibble (DFL-Mpls.) sort through stacks of paperwork placed on the Senate page bench during the Senate's Mon., Apr. 6, floor session.

Photo by A.J. Olmscheid

Colleges and Universities (MnSCU) and the Office of Higher Education.

Fiscal Analyst Dennis Albrecht reviewed the spreadsheet for the bill. The bill includes the \$148.271 million from the federal state stabilization appropriation, which results in a net decrease of \$107.995 million.

Under the proposal, the University of Minnesota receives \$1.355 billion for the biennium, \$1.319 billion for the MnSCU system, \$381.3 million for the Office of Higher Education and \$2.465 million for the Mayo Medical Foundation. Albrecht said for the Office of Higher Education the governor proposes a reduction of \$15.464 million or about four percent, while the Senate approach proposes a reduction of \$4.528 million or one percent.

For the MnSCU system, the governor proposes a \$161.8 million or 12 percent reduction and the Senate proposes \$103.79 million or 8 percent reduction, Albrecht said. He said the addition of federal money results in a \$43.7 million or 3 percent reduction. Pappas said the Senate leaves the base funding at a higher level than the governor.

Albrecht said the Senate's proposal for the University of Minnesota provides for a \$112.472 million or 8 percent reduction and the governor's proposal cuts \$222.8 million or 16 percent reduction. However, under the allocation of federal funds proposed by the governor there is \$8.6 million increase, while under the Senate proposal the reduction amounts to \$54.8 million net reduction. Albrecht said the totals for all funds result in a reduction under the governor's approach of \$38.4 million for higher education and a reduction of \$103.255 million under the Senate's approach.

Sen. Ann Lynch (DFL-Rochester) offered an amendment providing that all Minnesotans have access to the MnLINK Gateway and Minitex systems. The amendment was adopted. Sen. Tarryl Clark (DFL-St. Cloud) offered an amendment said that the living expense allowance not be reduced because of the increase in Pell grants. The amendment was adopted. Sen. Charles Wiger (DFL-Maplewood) offered an amendment providing for an evaluation of students who aren't ready for college and use grant money to attend summer bridge programs. The amendment was adopted. Pappas offered an amendment to provide placeholder language for a study of teacher

education program improvements. The amendment was adopted.

The members adjourned the budget hearing and reconvened as the Higher Education Committee. Members then approved a bill, S.F. 1315, providing for a tax credit on the repayment of student loans. The bill, sponsored by Sen. David Tomassoni (DFL-Chisholm), caps the credit at \$4,000 and reduces the amount for individuals making more than \$39,000. The measure was approved and advanced to the Taxes Committee.

## Judiciary

### Trafficking bills heard

The Judiciary Committee devoted the early portion of the Fri., Apr. 3, meeting to discussing several bills related to human sex trafficking and prostitution crimes.

S.F. 1514, sponsored by Sen. Sandra Pappas (DFL-St. Paul), modifies the definition of labor or sex trafficking to include anyone benefiting from participation in the recruitment, transportation, transfer, harboring, enticement, provision, obtaining, or receipt of a person by any means for purposes of force labor, slavery, organ removal or prostitution. The measure also provides for enhanced penalties for sex trafficking based on aggravating factors.

S.F. 1264, carried by Sen. Julianne Ortman (R-Chanhassen), requires the commissioner of public safety to gather, compile and publish statistical data on human trafficking every three years. S.F. 1120, also carried by Pappas, requires the posting of notices related to human trafficking at establishments that sell alcoholic beverages, if the establishment has been cited by authorities as a location subject to complaints, and lodging establishments that have been involved in prostitution-related activity. The language of both bills was incorporated into S.F. 1514.

S.F. 1009, sponsored by Sen. Patricia Torres Ray (DFL-Mpls.), clarifies the prostitution penalty enhancement for repeat offenders, broadens the prostitution in a public place crime and makes public the driving records relating to prostitution offenses for repeat offenders. Members approved the bill and sent the measure to the Senate floor. In addition, members amended the language from the bill into S.F. 1514.

Committee Chair Mee Moua (DFL-St. Paul) sponsored a bill, S.F. 1212, that provides a cause of action by a trafficking

victim against a person who violates the trafficking laws. The measure was also amended into S.F. 1514.

S.F. 1514, containing the language from the other bills, was approved and referred to the Committee on Finance.

Members also took action on a bill, S.F. 1146, modifying the Minnesota Missing Children's Act. Sen. Dennis Frederickson (R-New Ulm), chief author, said the measure includes adults in the act and changes the name to the Minnesota Missing Persons' Act. Frederickson said currently, the state does not have the same mechanisms in place for investigating missing adults as it does for investigating missing children. The bill lists the duties of law enforcement agencies in accepting and investigating missing person cases. In addition, the measure lists the circumstances, such as the person is missing under known dangerous circumstances, the person is missing for more than 30 days or there is evidence the person needs medical attention or prescription medication. The bill also requires law enforcement agencies to conduct a preliminary investigation to determine if a person is missing and endangered, and if so, directs the agency to consult the Bureau of Criminal Apprehension and enter the information into the NCIC computer.

Members heard testimony from Annette Swanson, whose son, Brandon, has been missing since May, 2008. David Francis, president, Jon Francis Foundation, also spoke on the inadequacies of the system in the case of his missing son.

Members adopted an amendment removing all fiscal provisions, approved the bill and advanced the measure to the Senate floor.

S.F. 528, carried by Sen. Thomas Bakk (DFL-Cook), provides for the recovery of damages and attorney fees for a breach of an insurance policy suit.

S.F. 1349, sponsored by Sen. Scott Dibble (DFL-Mpls.), prohibits intersection gridlock. Dibble said the bill provides for a petty misdemeanor. Under the bill, a driver may not enter an intersection controlled by a traffic signal until the vehicle is able to move completely through the intersection. The measure was laid over, but the contents of the measure are included in the omnibus transportation policy bill.

Sen. Sharon Erickson Ropes (DFL-Winona) sponsored a bill, S.F. 289, that extends the sunset of the Farmer-Lender

# Committee update



A flurry of activity surrounds Committee Page Matthew Toburen, second from right, as he distributes a printed copy of an amendment during a Judiciary Committee hearing Tues., Apr. 7.

Photo by A.J. Olmscheid

Mediation Act and increases the dollar amount, from \$5,000 to \$10,000, for actions that require a mediation notice. Members adopted an amendment lifting the income cap on individuals participating in the program. The bill was approved and re-referred to the Finance Committee.

S.F. 722, carried by Sen. Kenneth Kelash (DFL-Mpls.), requires that information on persons civilly committed, found not guilty by reason of mental illness, or incompetent to stand trial be transmitted to the National Instant Criminal Background Check System. The bill also provides that persons prohibited under state law from possessing a firearm to petition the court for restoration of the right to possess a firearm. Kelash said federal funds are available to carry out the provisions in the measure. The measure was approved and advanced to the Senate floor.

Sen. Tony Lourey (DFL-Kerrick) authored two measures. S.F. 1146 modi-

fies provisions relating to the Minnesota sex offender program, creates additional oversight to the Minnesota sex offender program, creates a client grievance process, allows access to the statewide supervisions system and makes changes to the vocational work program. Members adopted an amendment clarifying the program evaluation language and requiring an annual performance report. Members approved the measure and re-referred the bill to the State and Local Government Operations and Oversight Committee. S.F. 1447 makes numerous changes to human services licensing provisions. The measure makes changes in data practices, disqualification provisions and background study requirements. In addition, the measure provides alternate supervision technology for adult foster care licensing. Members laid the bill over because of time constraints.

The committee also took action on S.F. 759, a measure prohibiting unfair

ticket sales. The bill, sponsored by Sen. Ron Latz (DFL-St. Louis Park), had been heard previously, but was laid over for purposes of amendment. The panel adopted an amendment providing that the initial seller of tickets cannot divert tickets from the initial sale to the general public to be sold in any other manner or under any other terms. In addition, the amendment specifies that no person or entity, with intent to defraud, may sell a ticket that is invalid, counterfeit, altered or otherwise not genuine. The amendment also specifies a misdemeanor penalty. Members adopted the amendment and advanced the bill to the Senate floor.

## Debt management services bill gains

A bill providing for enforcement of debt management and settlement services regulations advanced at the Mon., Apr. 6, meeting of the Judiciary Committee.

S.F. 518, carried by Sen. Sandra Pappas (DFL-St. Paul), clarifies registrant default, expands the conditions for the commissioner of commerce to deny applicant registration, sets forth the requirements for written debt management services agreements, requires the registration of debt settlement service providers and provides debtors with the right to cancel. The measure also regulates the advertisement of services, provides for investigations and provides remedies.

The measure was approved and advanced to the Finance Committee.

S.F. 1447, sponsored by Sen. Tony Lourey (DFL-Kerrick), makes numerous changes to human services licensing provisions. Lourey said the measure was before the panel because of several provisions relating to data practices. The bill allows for making public the identity of persons with licensing sanctions or denials under specific conditions, and maintains the confidentiality for reporters with complaints or alleged violations of licensing standards and alleged maltreatment. The bill was approved and sent to the full Senate.

Committee Chair Mee Moua (DFL-St. Paul) sponsored two measures. S.F. 413 authorizes the Peace Officer Standards and Training (POST) Board to penalize heads of law enforcement agencies for allowing nonlicensed employees or agents to carry a firearm while on duty. The measure was laid over for possible inclusion in the panel's omnibus policy bill. S.F. 1186 modifies the definition of sexual contact under the criminal sexual conduct law, expands the crime of criminal sexual conduct in the first and second degrees and provides for a minimum presumptive executive sentence for repeat sex offenders. The measure was approved and advanced to the Committee on Finance.

## Final bills heard

The Judiciary Committee, chaired by Sen. Mee Moua (DFL-St. Paul) met Tues., Apr. 7, to consider a variety of bills on the last day to hear policy measures. The panel considered a lengthy agenda to complete work before the second committee deadline.

Members began by considering a bill, S.F. 1890, bringing state law regarding health information technology and infrastructure into compliance with federal requirements. Chief author Sen. Tony Lourey (DFL-Kerrick) said the measure

positions the state to take advantage of federal stimulus funds. Members adopted an amendment deleting the provisions of the bill that brought the measure under the committee's jurisdiction. The bill was approved and advanced to the Finance Committee.

Sen. Tarryl Clark (DFL-St. Cloud) sponsored a bill, S.F. 1712, that creates an alternative statutory short form of general power of attorney for military members who are in active service. Members adopted an amendment clarifying that the measure is for military members who are in active service outside the state. The bill was approved and sent to the Senate floor.

S.F. 1503, sponsored by Sen. Patricia Torres Ray (DFL-Mpls.), makes a number of changes in provisions relating to child welfare suggested by the Dept. of Human Services. The measure also changes data practices to allow child support data on the parents and the child to be disclosed to agencies administering programs under federal law. The measure also allows a court to authorize parties and participants in alternative dispute resolution to resolve CHIPS, permanency or termination of parental rights petitions as appropriate and in the best interest of the child. In addition, the bill modifies provisions related to visitation and prescribes requirements for out-of-home placement plans.

Sen. Linda Scheid (DFL-Brooklyn Park) offered an amendment outlining the procedure for individuals to obtain birth parent or medical or social history information. The amendment was adopted. The measure was approved and advanced to the full Senate.

S.F. 747, authored by Sen. Ann Rest (DFL-New Hope), regulates nonconforming lots in shoreland areas. The bill was approved and sent to the Senate floor.

S.F. 806, sponsored by Sen. Kevin Dahle (DFL-Northfield), regulates payday lending. Dahle said the original version of the bill limited the number of payday loans, but the current measure provides debt collection protections for payday loans, provides for more reporting and provides penalties. The measure also clarifies that a consumer payday loan is deemed to have taken place in Minnesota if the borrower is a Minnesota resident and the transaction is completed, either personally or electronically, while the borrower is physically located in Minnesota. Members adopted amendments clarifying

and fine-tuning the language. The bill was approved and advanced to the Senate floor.

H.F. 334, authored by Sen. Linda Scheid (DFL-Brooklyn Park), modifies garnishment instructions, forms, procedures and exemptions. Members adopted an amendment containing language from S.F. 683 before approving the measure and sent the bill to the full Senate.

Sen. Julianne Ortman (R-Chanhassen) sponsored a bill, S.F. 1236, that expands the crime of trespass. Under the bill, the crime of trespass is broadened to include crossing into or entering any public or private area lawfully cordoned off by peace officers. The measure was recommended for inclusion in the omnibus bill. Later, members reconsidered the bill and adopted an amendment specifying that if a peace officer is not present it is an affirmative defense for a violation. The bill was then recommended for inclusion in the omnibus bill.

Sen. Don Betzold (DFL-Fridley) sponsored two measures. S.F. 431 prohibits persons who are under a stay of commitment from participation in clinical drug trials, unless specific conditions are met. Under the bill, the court must determine that, under the circumstances of the case, the patient is competent to choose to participate in the trial, that the patient is freely choosing to participate in the trial, that the compulsion of the stayed commitment is not being used to coerce the person to participate in the clinical trial and that a reasonable person may choose to participate in the clinical trial. The measure was approved and advanced to the full Senate.

S.F. 1695 makes changes to the regulation of business screening services. Betzold said the bill is late and that whatever language is decided upon by the committee will be offered as an amendment to the omnibus data practices bill. Members adopted an amendment specifying that a business screening service must not disseminate a criminal record unless the record has been updated within the previous 90 days. The measure also requires the business screening service to correct a disputed record that has been found to not accurately reflect the content of the record of a government agency. Members advanced the measure to the Senate floor.

S.F. 1452, carried by Moua, makes changes to the safe at home program. Moua said the bill excludes persons regis-

# Committee update

tered or required to register as a predatory offender from the program. The measure also specifies that landlords may not post a person's name and provides that a landlord may only provide a participant's name to a local government entity only in response to a specific request made in connection with an active investigation.

Moua also carried a bill, S.F. 993, which clarifies the authority of apprehension and detention orders outside the county that issued the order. Moua said the bill is the vehicle for an omnibus policy measure. Members adopted an amendment containing a number of bills acted upon by the committee over the course of the session.

Ortman offered an amendment to clarify legislative support for the inclusion of aggravating factors in sentencing. Sen. Mary Olson (DFL-Bemidji) and Betzold said members needed to hear from both sides of the issue. The amendment failed. The bill was approved and advanced to the full Senate.

## Public Safety Budget Division

### Nonviolent drug offender bill heard

Members of the Public Safety Budget Division, chaired by Sen. Linda Higgins (DFL-Mpls.), met Mon., Apr. 6, to continue discussion on the policy cost savings proposal and to hear three bills for possible inclusion in the division's omnibus bill.

Sen. Julianne Ortman (R-Chanhassen) sponsored a bill, S.F. 645, modifies the mandatory minimum sentences and conditional release program provisions for nonviolent drug offenders. Ortman said the bill contains the recommendations of the Controlled Substance Work Group. Under the bill, eligibility for conditional release is expanded for nonviolent drug offenses and nonviolent nondrug offenses if the offender committed the offense as a result of a controlled substance addiction and successfully completes chemical dependency treatment. In addition, the measure requires the commissioner of correction to appoint a three member panel to advise on conditional release eligibility decisions.

S.F. 1118, sponsored by Higgins, requires that criminal justice agencies submitting reports to the Legislature

to submit an electronic, rather than a printed report. The measure also requires the Sentencing Guidelines Commission, the Dept. of Corrections and the Dept. of Public Safety to review their reports for possible consolidation in order to reduce the burden of their reporting requirements.

Higgins also sponsored a bill, S.F. 802, that requires the chief executive officer of a correctional facility to forward criminal and traffic surcharge proceeds collected from offenders to the court administrator, who must submit the proceeds to the commissioner of finance. Higgins said the bill facilitates accounting for inmate fines and surcharges and creates a better audit trail.

Members also heard public testimony on the cost savings policy bill, S.F. 2018. The measure, sponsored by Sen. Mee Moua (DFL-St. Paul), repeals some mandatory minimum sentences, temporarily converts misdemeanor penalties for first time offenses for a variety of crimes to petty misdemeanors, increases the fine for petty misdemeanors from \$300 to \$500, and provides for a restorative justice program for juvenile and some adult offenders. The bill also addresses specifies how long an offender must serve in prison or jail by requiring offenders to serve 60 percent of their sentences. Current law requires offenders to serve two-thirds of their sentences.

Members heard from David Brown, Hennepin County Attorney's Office, Paul Beaumaster, Minnesota County Attorneys Association, Jeffrey Jindra, Metro Gang Strike Force and Lisa Cornelius, Dept. of Corrections.

## State and Local Government Operations and Oversight

### Pension omnibus gains

Members of the State and Local Operations and Oversight Committee, chaired by Sen. Ann Rest (DFL-New Hope), gathered Mon., Apr. 6, for their final meeting of the session.

Sen. Don Betzold carried S.F. 1867, which creates the Minnesota Geospatial Information Office. The office would be located within the Dept. of Administration and would be responsible for planning, coordinating and guiding the implementation of the state's geospatial information technology, Betzold said. The bill was okayed and referred to the Committee on Finance.

Betzold also sponsored S.F. 191, which is the omnibus pension bill. The bill makes various statutory changes to accommodate the dissolution of the Minnesota Post Retirement Investment Fund, revises disability benefit provisions, grants special retirement benefit authority in specific cases, creates a two-year demonstration post retirement adjustment for the St. Paul Teachers Retirement Fund Association and provides for several other retirement and post retirement issues, Betzold said. The measure was approved and referred to the Committee on Finance.

Sen. Thomas Bakk (DFL-Cook) authored a bill, S.F. 1257, that provides terms and conditions regarding the issuance of obligations and financing of public improvements. The measure was approved and referred to the Committee on Taxes.

S.F. 1489, authored by Sen. Bill Ingbrigtson (R-Alexandria), adds provisions to facilitate dissolution of the Central Lakes Region Sanitary District. The bill was approved and sent to the Senate floor.

Sen. Richard Cohen (DFL-St. Paul) sponsored S.F. 1481, which modifies priorities for additional revenues in general fund forecasts and creates the Office of Strategic and Long-Range Planning as an independent agency of state government. The measure was approved and referred to the Committee on Finance.

Sen. Tony Lourey (DFL-Kerrick) carried a bill, S.F. 1436, that modifies provisions relating to the state sex offender program and creates additional oversight to the program. Members okayed the bill and sent it to the Committee on Finance.

S.F. 1297, sponsored by Sen. Joe Gimse (R-Willmar), clarifies the responsibility for the commissioner of finance over state agency revolving fund rates and establishes the management analysis revolving fund. The bill was approved and referred to the Committee on Finance.

S.F. 1799, authored by Sen. Patricia Torres Ray (DFL-Mpls.), requires the Board on Aging to establish an Alzheimer's Disease Working Group. Members approved the measure and referred it to the Committee on Finance.

Sen. Chris Gerlach (R-Apple Valley) carried S.F. 1982, which requires an interview for veterans who meet minimum qualifications and claim veterans preference for state government employment positions and requires a report of state employment statistics regarding the recruitment and employment of veterans.

Clint Bucher, Minnesota Dept. of Veterans Affairs, spoke in favor of the bill. He said the bill helps veterans integrate back into society upon return to the United States.

The measure was approved and referred to the Committee on Finance.

Finally, members discussed S.F. 702, which is authored by Sen. David Tomassoni (DFL-Chisholm). The bill modifies the vacation donation program. The bill increases the amount of hours of sick leave that a state employee can donate to one or more fellow state employees from 12 to 40 hours, Tomassoni said. Members approved the measure and referred it to the Committee on Finance.

## State Government Budget Division

### Budgets discussed

The State Government Budget Division, chaired by Sen. Don Betzold (DFL-Fridley), met Mon., Apr. 6, to consider two bills and to discuss the budgets of the Legislature and the Governor's Office.

Matt Kramer, chief of staff, Office of the Governor, reviewed the budget recommendation for the office. Kramer said there are about 39 employees in the Governor's Office. Betzold said the recommendations was for a five percent reduction. Kramer also provided a list of employees funded from other agencies.

Greg Hubinger, director, Legislative Coordinating Commission, reviewed the budget for the joint offices of the Legislature such as the various legislative commissions, the Revisor of Statutes and the Legislative Reference Library. Michele Timmons, revisor of statutes, detailed the staffing, technology and publishing operations in the office. James Nobles, Legislative Auditor's Office, said the office has not yet recovered from the cuts made in 2002, but that the office could manage a five percent cut. Robbie LaFleur, director, Legislative Reference Library, said the governor's cuts present a challenge, particularly in the storage of files electronically over time. She said the greatest budget item is staffing and that the library will maintain open positions and follow the salary change. Hubinger said other commissions also are maintaining open positions and following the salary freeze.

A bill, S.F. 1153, requiring that health insurance benefits be made available to the domestic partners of state

employees was one of the measures heard. The measure, sponsored by Sen. Sandra Pappas (DFL-St. Paul), also defines domestic partner as either same sex partner or opposite sex partner. Pappas offered an amendment to limit the bill to same sex domestic partners in order to reduce the fiscal note. The measure has a fiscal costs of \$12.1 million each year, Pappas said, and the amendment reduces the fiscal note to \$1.9 million. She said the funds come from the state employee insurance program, which currently has a surplus. The amendment failed. Russ Stanton, Inter Faculty Organization, said participation rates are lower, generally, the estimated because it is a taxable benefit. Members laid the bill over for further discussion.

S.F. 82, sponsored by Sen. Ron Latz (DFL-St. Louis Park), establishes the Min-

nesota False Claims Act. The measure prohibits the intentional submission of false or fraudulent claims for payment or approval to state officers or employees, imposes a civil penalty and liability for damages for violations. The measure also provides for investigation of violations by the Attorney General's Office. The bill prohibits employers from imposing policies or rules forbidding employees from disclosing information and from discriminatory acts for disclosure. Latz said the bill has a fiscal note of about \$2 million for the Attorney General's Office to implement the provisions of the bill. Members adopted an amendment that change the duties and staff of the Attorney General's Office.

Betzold said the division does not have the money in the budget to fund the bill. Latz said that in other states, enact-



Maureen Johnson, Brooklyn Park, tells members of the Transportation Committee Tues., April 7 how her brother John Keyser (depicted in a framed photo) was killed by a careless driver in 2004. The committee was considering legislation that would stiffen penalties for careless driving resulting in death.

Photo by David J. Oakes

# Committee update

ment of similar legislation has brought in far more in recoveries than it costs to pursue those who have defrauded the state. Deb Peterson, Attorney General's Office, said other states have more people on staff to begin with. The measure was laid on the table.

At the end of the meeting, Betzold presented a document that will form the basis for the division's omnibus budget proposal. Betzold said the division will make the governor's recommended five percent reductions and that the division has a target of making an addition two percent reduction to the various agencies under their jurisdiction.

## Taxes

### Education bill gains

Members of the Taxes Committee, chaired by Sen. Thomas Bakk (DFL-Cook), met early Mon., Apr. 6, to discuss the omnibus education bill and a number of measures addressing tax increment financing.

S.F. 1328, carried by Sen. LeRoy Stumpf (DFL-Plummer), authorizes a total E-12 education appropriation of \$6.3 billion in 2010 and \$6.5 billion in 2011. Including state stabilization money received from the federal stimulus act, the total E-12 education budget for FY 2010-11 is \$13.4 billion, a 3.3 percent reduction from the previous biennium.

Sen Rod Skoe (DFL-Clearbrook) offered an amendment reducing the property tax impact of the proposed bill for FY 2012 and 2013. Sen. Linda Scheid (DFL-Brooklyn Park) offered an amendment modifying the number of lock-down and fire drills schools are required to perform. Sen. Lawrence Pogemiller (DFL-Mpls.) offered an amendment removing a section of the bill that adopts ice hockey as the official sport of the state of Minnesota.

The committee adopted the amendments, approved the bill and sent the measure to the full Senate.

S.F. 1757, sponsored by Sen. Jim Carlson (DFL-Eagan), allows the city of Eagan to extend the duration of the Cedar Grove tax increment financing (TIF) district through the 25th year after the first year in which the value of a new building in the core redevelopment area is included in the taxable value of the district.

S.F. 1881, authored by Sen. James Metzen (DFL-South St. Paul), autho-



*In an effort to raise awareness about their plight, artwork produced by homeless youth fill the Capitol's north corridor Mon., Apr. 6.*

Photo by A.J. Olmscheid

rizes the Housing and Redevelopment Authority of the city of South St. Paul to establish a redevelopment TIF district comprised of the properties included in the existing Concord Street tax increment district in the city that are exempt under current law.

S.F. 1866, carried by Sen. Leo Foley (DFL-Coon Rapids), authorizes the city of Coon Rapids to extend the duration

of a number of TIF districts for eligible activities among the districts through the period up through December 31, 2020.

S.F. 1895, sponsored by Scheid, allows a municipality to transfer increments from TIF districts to offset state aid reductions.

S.F. 1993, also sponsored by Scheid, extends the duration of all housing and redevelopment TIF districts from 25 to 30 years.

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Along with dozens of other participants gathered on the front steps of the Capitol, Daniel Szmiot, Shoreview, expresses his opinion during a Minnesota Tea Party rally Wed., Apr. 15.  
Photo by A.J. Olmscheid



April 17, 2009

# Highlights

## Omnibus ag, higher ed bills gain

The Fri., Apr. 17, floor session was dominated by debate and action on two omnibus appropriations bills. S.F. 1779, carried by Sen. Jim Vickerman (DFL-Tracy), is the omnibus agriculture and veterans appropriations bill. S.F. 2083, carried by Sen. Sandra Pappas (DFL-St. Paul) contains the appropriations for the state's higher education systems.

S.F. 1779 makes approximately \$102 million in direct appropriations. Vickerman said the bill reaches the seven percent reduction in target spending, but maintains services for veterans. He said the bill makes no cuts to veterans programs. Vickerman said the measure adds \$500,000 to the Dept. of Veterans affairs and \$1.52 million to the Dept. of Military Affairs. He said the bill reduces spending in other programs by \$12.27 million. The measure appropriates \$75.176 million to the Dept. of Agriculture, \$10.478 to the Board of Animal Health, \$5.766 million to the Agricultural Utilization Research Institute, \$40.63 million to the Dept. of Military Affairs and \$30.966 million to the Dept. of Veterans Affairs.

Sen. David Hann (R-Eden Prairie) offered an amendment deleting a section of the bill eliminating the disclosure statement for the ethanol producer payment program. Hann said the information is important to have in order to accurately assess the program. Vickerman said the provision was a request from the governor. The amendment was adopted on a 37-27 roll call vote.

An amendment, offered by Sen. Pat Pariseau (R-Farmington), transfers

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**Editor/Writer:**  
Karen L. Clark

**Writers:**  
Amanda Lillie  
Justin Thiessen

**Photographers:**  
David J. Oakes  
A.J. Olmscheid

\$30,000 to a program for homeless veterans. Sen. Sharon Erickson Ropes (DFL-Winona) said the bill contains \$250,000 for the homeless veterans program, which is more than the governor recommended. The amendment failed on a voice vote. Sen. Claire Robling (R-Jordan) offered an amendment deleting a \$25,000 appropriation to the St. Paul Growers Association and appropriating the money to the homeless veterans fund. The amendment failed on a 24-36 roll call vote.

Sen. Julie Rosen (R-Fairmont) said the bill's seven percent reduction in base funding is too extreme. She said agriculture is the backbone of the state's economy. Sen. Steve Dille (R-Dassel) said agriculture has done well for the last two years and the bill does not cut veterans programs. The bill was granted final passage on a 49-13 roll call vote.

The higher education appropriations bill, S.F. 2083, was also granted final passage under a suspension of the rules. Pappas, chief sponsor, said, "the bill has a seven percent reduction, which is very difficult because we should not be cutting education and higher education." Pappas said education is the economic engine of the state. She said, though, the cuts are necessary to balance the budget. Pappas said the bill does protect financial aid programs for students. In addition, Pappas said the measure is balanced four years out, which gives institutions predictability for the future. Pappas said the measure contains as much reform as possible given the financial restraints. She said the bill provides a summer bridge program to allow students to be better prepared for higher education. She said the bill also contains a very strong assessment of the programs. The bill focuses on high-achieving, low-income students, Pappas said.

The measure appropriates \$5.038 million for the Office of Higher Education, which is a \$532,000 reduction. The bill does provide an increase for living and miscellaneous expenses for students, she said. Pappas said both the University of Minnesota and the Minnesota State Colleges and Universities (MnSCU) were cut eight percent. The total appropriation for the University of Minnesota is \$1.293 billion and the total for the MnSCU system is \$1.259 billion, Pappas said. The Mayo Foundation was reduced seven percent and has a total appropriation of \$2.465 million.

Pappas said federal funds of \$60.062 million for MnSCU and \$57.663 million

for the University are to be used to keep tuition increases down.

The measure contains an appropriation to the Board of Dentistry for oral health practitioner licensing. Sen. Ann Lynch (DFL-Rochester) explained the provisions of the bill creating the midlevel dental practitioner and dental therapist positions and the educational requirements for the positions. She said the aim is to provide services to disadvantaged persons in underserved areas.

Sen. Warren Limmer (R-Maple Grove) offered an amendment providing that a higher education institution is not liable for failing to notify a student of the impact of criminal records on chances of employment in some fields. The amendment was adopted.

Robling offered an amendment capping the MnSCU system's tuition increases at three percent and suggesting the University of Minnesota also cap tuition increases at three percent. Pappas said the MnSCU system and the U of M are struggling to keep tuition increases at a minimum. Pappas said the Legislature should not tie the hands of administrators at such a low percentage. The amendment failed on 32-33 roll call vote.

Members did adopt an amendment, offered by Pappas, specifying that a postsecondary institution may provide information, including the potential financial and educational benefits of its programs when enrolling 11th and 12th grade pupils in its courses, but may not recruit secondary pupils based solely on financial grounds.

Sen. Gary Kubly (DFL-Granite Falls) offered an amendment that aligns the requirements of the MnSCU oral health practitioner educational program with the dental therapist educational program of the University of Minnesota. Kubly said the oral health practitioner scope of practice is too broad. Lynch said the programs are voluntary and are for low-income persons in underserved areas of the state. Sen. Linda Berglin (DFL-Mpls.) said in the Twin Cities area, there were 10,000 visits to emergency rooms because of oral health conditions. She said the cost was \$47 million, but the underlying dental needs were not met. Berglin said the average age of dentists in Greater Minnesota is 59 and many will be retiring soon. She urged members to defeat the amendment.

The amendment failed on a 32-33 roll call vote.

Sen. Ray Vandever (R-Forest Lake) offered an amendment requiring athletic scholarships to be given only to state residents. Pappas said most athletic scholarships are made with private funds and the amendment gives a very unwelcoming message. The amendment failed on a 13-52 roll call vote. Vandever offered a second amendment that prohibits any appropriation being used for human cloning. The amendment was adopted.

Limmer offered an amendment making some University of Minnesota investment data public. Limmer said it is in the best interest of the public to know what the University's investments are. Pappas said the investments are an opportunity to increase revenue. She said investment partners do not want the University to invest because of the requirement for making proprietary information public. The amendment failed on a 20-45 roll call vote.

The bill was granted final passage on a 41-23.

In other action, members also granted final passage to bills on the Senate Calendar. S.F. 1467, sponsored by Sen. Lisa Fobbe (DFL-Zimmerman), provides for rural residential speed limits. S.F. 298, authored by Sen. Ellen Anderson (DFL-St. Paul), specifies liability limits for unauthorized use of lost or stolen cell phones. S.F. 567, authored by Sen. Kathy Saltzman (DFL-Woodbury), specifies instruction requirements for school districts providing CPR and automated external defibrillator instruction. S.F. 1220, carried by Sen. Linda Scheid (DFL-Brooklyn Park), modifies the definition of standard reference compendia for health insurance coverage for off-label drug use. S.F. 245, authored by Sen. Linda Berglin (DFL-Mpls.), provides for equal access to acupuncture and requires group policies and subscriber contracts to provide access to acupuncture services. S.F. 971, authored by Sen. Scott Dibble (DFL-Mpls.), requires school boards to adopt one written policy to prohibit bullying, hazing, intimidation, violence and harassment including sexual, religious and racial harassment.

## Brief floor session held

Returning from a five day break, Senators held a brief floor session Tues., Apr. 14, in order to allow time for budget divisions to meet in advance of the third deadline Thurs., Apr. 16. The third dead-

line signals the time by which omnibus spending bills must be acted favorably upon by the various budget divisions.

Members adopted committee reports and considered two bills on General Orders.

In addition, the Senate granted concurrence and final passage to S.F. 335. The bill, sponsored by Sen. Tom Saxhaug (DFL-Grand Rapids), designates part of U.S. Highway 53 in Northern Minnesota as the Speaker Irvin N. Anderson Memorial Highway.

S.F. 615, authored by Sen. Yvonne Prettner Solon (DFL-Duluth), provides an exception to the hospital moratorium in order to allow the construction of a specialty psychiatric hospital in Hennepin County. Prettner Solon said the facility in the western part of the county is for up to 20 beds for patients who are under 21 years of age.

S.F. 298, carried by Sen. Ellen Anderson (DFL-St. Paul), limits the liability for cell phone customers whose phones are lost or stolen and used for unauthorized calls.

Both measures were granted preliminary passage.

## Anti-bullying bill gains

The Thurs., Apr. 16, floor session was devoted primarily to considering bills on General Orders. Bills on General Orders have been acted upon favorably by one or more committees and are acted upon by the Senate acting as one large Committee of the Whole.

S.F. 971, authored by Sen. Scott Dibble (DFL-Mpls.), requires school boards to adopt one written policy to prohibit bullying, hazing, intimidation, violence and harassment including sexual, religious and racial harassment. Dibble said bullying leaves deep emotional and psychological scars and inhibits educational achievement. He said the bill clarifies that bullying, hazing, intimidation, violence and harassment should not be directed at any child.

Sen. Warren Limmer (R-Maple Grove) said the current Human Rights Act is adequate and that the bill leans toward preferential treatment for particular groups. Sen. Mee Moua (DFL-St. Paul) said the bill presents a teachable moment for adults to demonstrate that bullying, hazing and intimidation are wrong.

Limmer offered an amendment specifying that the anti-bullying provi-

sion does not mean the state of Minnesota condones homosexuality or bisexuality or any equivalent lifestyle or authorizes or permits the promotion of homosexuality or bisexuality in education institutions or require the teaching in education institutions of homosexuality or bisexuality as an acceptable lifestyle. Dibble said the amendment is unnecessary because there is nothing in the bill about curriculum. In addition, Dibble said the amendment sends a terrible message to gay and lesbian students. The amendment was defeated on a 24-37 roll call vote.

The measure was granted preliminary passage on a 43-22 roll call vote.

S.F. 1797, authored by Sen. Patricia Torres Ray (DFL-Mpls.), provides for an inventory of early childhood services by the State Advisory Council on Early Childhood Education and Care. Torres Ray said the inventory will provide a basis for future decisions. Torres Ray progressed the bill and then struck the measure and referred the bill to the Education Committee.

Sen. Lisa Fobbe (DFL-Zimmerman) sponsored a bill, S.F. 1467, that sets the speed limit for city streets and town roads in rural residential districts at 35 miles per hour. In addition, Fobbe said the bill specifies speed limit adoption requirements for road authorities and clarifies definitions relating to rural residential districts. S.F. 567, carried by Sen. Kathy Saltzman (DFL-Woodbury) requires instruction in CPR and automated external defibrillator use in school districts.

S.F. 245, authored by Sen. Linda Berglin (DFL-Mpls.), provides equal access to acupuncture and requires group policies and subscriber contracts to provide access to acupuncture services. The bill also requires claim determinations regarding acupuncture services to be made or reviewed by acupuncture practitioners. S.F. 1220, carried by Sen. Linda Scheid (DFL-Brooklyn Park), modifies the definition of standard reference compendia for health insurance coverage for off-label drug use.

All of the measures were granted preliminary passage.

## Schedule available online

Next week's schedule is available online at: [http://www.senate.mn/schedule/schedule.php?cmte\\_type=&ls=&date=04/20/2009&type=weekly#header](http://www.senate.mn/schedule/schedule.php?cmte_type=&ls=&date=04/20/2009&type=weekly#header)

# Committee update

## Agriculture and Veterans Budget and Policy Division

### Veterans home bills heard

The Agriculture and Veterans Budget Division, chaired by Sen. Jim Vickerman (DFL-Tracy), met Tues., Apr. 14, to discuss several measures relating to veterans facilities.

Sen. Dick Day (R-Owatonna) authored S.F. 623, which authorizes the sale and issuance of state bonds. The bill appropriates money from the bond proceeds fund to the commissioner of administration to design, construct, furnish and equip a veterans home in Owatonna.

Sen. Mary Olson (DFL-Bemidji) sponsored a bill, S.F. 469, that appropriates money to establish a veterans facility in Bemidji.

S.F. 471, carried by Sen. Gary Kubly (DFL-Grand Rapids), authorizes the sale and issuance of state bonds to construct and design a veterans home in Montevideo.

Sen. Paul Koering (R-Fort Ripley) authored S.F. 243, which appropriates money for the renovation of a building on the Brainerd State Hospital campus to serve as a veterans nursing home.

S.F. 211, sponsored by Sen. Joe Gimse (R-Willmar), appropriates \$7.905 million from the bond proceeds fund to the commissioner of veterans affairs for the establishment of a veterans home in Kandiyohi County.

All of the measures were laid over

## Economic Development and Housing Budget Division

### Omnibus budget bill discussed

The Economic Development and Housing Budget Division, chaired by Sen. David Tomassoni (DFL-Chisholm), met Wed., Apr. 15, to review the division's omnibus budget bill.

Tomasoni presented the omnibus budget proposal, which makes a total appropriation for the 2010-11 biennium of \$415.265 million, an amount that reflects a reduction of \$23 million in the division's total general fund budget.

Sen. Pat Pariséau (R-Farmington) offered an amendment providing clarifying language regarding the appropriation to the Women Venture business development program. Pariséau offered another amendment modifying the surcharge

related to the purchase and return of lead acid batteries for motor vehicles. Sen. James Metzen (DFL-South St. Paul) offered an amendment adding language to support the Minnesota science and technology economic development project. Sen. Ray Vandeveer (R-Forest Lake) offered an amendment specifying that \$7,800 of the money appropriated to the city of Hugo for disaster relief be used to reimburse the elementary school for its use as a haven for citizens during relief efforts. All amendments were adopted by the division.

Sen. Scott Dibble (DFL-Mpls.) offered an amendment adding language regarding rights of tenants residing in foreclosed property and extends the moratorium on foreclosures. The amendment was not adopted.

The division approved the proposal as amended and sent the measure to the full Senate to be introduced as the division's omnibus budget bill.

In other action, the division heard several additional bills. S.F. 1513, carried by Sen. Patricia Torres Ray (DFL-Mpls.), requires road and transit authorities to mitigate construction impacts on small businesses. The bill also creates a construction mitigation grant program and makes an appropriation to the commissioner of employment and economic development to implement the program if federal stimulus money is not available to fund the program. Torres Ray said the bill is meant to financially assist Metro Area small business owners impacted by major road construction projects that severely limit customer access to the businesses, resulting in dramatic profit losses.

Sen. Kenneth Kelash (DFL-Mpls.) offered an amendment changing the grant program to a pilot program, expanding the program availability statewide and appropriating \$100,000 from the general fund to implement the program. The division adopted the amendment and inserted the language of the measure into the omnibus bill.

S.F. 1919, sponsored by Sen. Ellen Anderson (DFL-St. Paul), requires the commissioner to lead a multiagency project to advise, promote, market, coordinate and mandate state agency collaboration on green enterprise and green economy projects. The bill states that the objective of the project is to utilize existing state resources to expedite the delivery of grants, licenses, permits and other state

authorizations and approvals for green economy projects.

The division approved the bill and referred the measure to the Finance Committee..

## Energy, Utilities, Communications and Technology

### SmartGrid presentation heard

Members of the Energy, Utilities, Technology and Communications Committee, chaired by Sen. Yvonne Prettner Solon (DFL-Duluth), convened Tues., Apr. 14, to hear a presentation on SmartGrid technology.

Michael Lamb, director of IT strategy and customer operations, Xcel Energy, spoke about SmartGrid, an innovative energy technology that allows customers to program their own energy use against price signals and environmental occurrences. Lamb said the SmartGrid system allows customers to take energy from a power grid and also put energy back into the grid from a source such as a wind turbine or solar panel that is owned by the customer. SmartGrid technology provides a more resilient and stable energy grid that is less prone to outages and interruptions in service while incorporating cleaner energy sources into the power mix, said Lamb.

Lamb also spoke on the benefits and challenges seen in Boulder, Colorado, the first community in the nation to fully integrate SmartGrid technology into their energy system.

## Environment, Energy and Natural Resources Budget Division

### Environment bills heard

The Environment, Energy and Natural Resources Budget Division, chaired by Sen. Ellen Anderson (DFL-St. Paul), gathered Tues., Apr. 14, to take action on a number of bills.

Sen. Yvonne Prettner Solon (DFL-Duluth) authored S.F. 2029, which appropriates money for a grant to the Natural Resources and Research Institute at the U of M-Duluth. Steve Hauck, deputy director, Natural Resources Research Institute, said the bill appropriates \$300,000 in FY



Veterans fill a committee room during a meeting of the Agriculture and Veterans Budget and Policy Division Tues., Apr. 14.

Photo by A.J. Olmscheid

2010 for the institute to develop statewide heat flow maps for the purpose of determining the geothermal potential of the state.

Sen. Tom Saxhaug (DFL-Grand Rapids) carried a bill, S.F. 1677, that appropriates \$140,000 in FY 2010 and \$140,000 in FY 2011 for the Mississippi Headwaters Board. S.F. 383, sponsored by Sen. Rick Olseen (DFL-Harris), requires plastic yard waste bags to be compostable and creates biodegradable standards for certain plastics.

Sen. Linda Scheid (DFL-Brooklyn Park) carried S.F. 225, which requires identification of harmful chemicals in children's products. The bill also requires participation in an interstate chemicals clearinghouse, Scheid said.

Sen. Katie Sieben (DFL-Newport) authored a bill, S.F. 1955, that establishes a composting grant program and appropriates \$1 million in FY 2010 for the program.

Sen. Scott Dibble (DFL-Mpls.) carried S.F. 1760, which extends the period

during which renewable energy payment incentives may be paid and directs the payments to other projects from projects whose eligibility to receive payments expires.

S.F. 1919, sponsored by Anderson, provides for efficient government involvement with the green economy. The bill requires the commissioner of employment and economic development to lead a project to advise, promote, market and mandate state agency collaboration on green economy projects, Anderson said.

S.F. 909, authored by Sen. Thomas Bakk (DFL-Cook), renames the Northshore Trail as the C.J. Ramstad Memorial Trail.

All of the measures were laid over for possible inclusion in the omnibus budget bill.

In other action, Sen. Ann Rest (DFL-New Hope) carried S.F. 1600, which creates technology accessibility standards for the state and establishes an advisory committee for technology standards for

accessibility. Rest said that many disabled Minnesotans are unable to access some Minnesota Web sites and software distributed by state agencies and the bill would aid in making these sites more accessible to persons with disabilities. The bill appropriates \$300,000 in FY 2010 and \$300,000 in FY 2011 from the telecommunications access Minnesota fund to the chief information officer for coordinating technology accessibility, the Commission of Deaf, Deaf-Blind and Hard of Hearing Minnesotans and the Legislative Coordinating Commission, Rest said.

The section of the bill that appropriates money was laid on the table for possible inclusion in the omnibus budget bill. The rest of the bill was recommended to pass and sent to the full Finance Committee.

## Omnibus bill approved

Members of the Environment, Energy and Natural Resources Budget Division, chaired by Sen. Ellen Anderson (DFL-St.

# Committee update

Paul), met Thurs., Apr. 16, to discuss and approve their omnibus budget bill.

Anderson said the bill contains very little new spending and reflects a seven percent cut to the division's target, which was recommended by the governor. The bill contains \$319 million in general fund spending for the FY 2010-11 biennium, a \$24 million decrease from the original forecast, she said. Of all the agencies and departments funded by the state, the Natural Resources Department took the biggest hit with over \$15 million being slashed from their budget, said Anderson. "I feel that this division took a very fair and balanced approach to constructing this bill considering what we had to work with this year," Anderson said.

Sen. Dennis Frederickson (R-New Ulm) offered an amendment providing some clarifying language regarding the identification of chemicals of high concern by the department of health. Sen. Tom Saxhaug (DFL-Grand Rapids)

offered an amendment requiring the Pollution Control Agency to submit a report to the Legislature on options to streamline the environmental review process.

Sen. Gary Kubly (DFL-Granite Falls) offered an amendment making technical changes to the E-85 grant program and the money appropriated to the program.

Sen. Sandy Rummel (DFL-White Bear Lake) offered an amendment to incorporate the language of S.F. 444, a measure regarding greenhouse gas emissions reporting, into the bill.

The division adopted all four amendments, approved the bill and advanced the measure to the Finance Committee.

## Finance

### Federal appropriations bill gains

The Committee on Finance, chaired by Sen. Richard Cohen (DFL-St.Paul), convened Wed., Apr. 15, to take action on several measures.

Sen. Ellen Anderson (DFL-St. Paul) carried a bill, S.F. 657, that appropriates \$196.8 million received by the state from the federal stimulus bill for the purpose of energy conservation, producing renewable energy and creating jobs. Of the funding, \$131.937 million is appropriated for low-income weatherization assistance, Anderson said. She said that the state currently provides weatherization assistance to approximately 4,000 homes, but with the federal stimulus aid tens of thousands of homes may be provided assistance. The measure was recommended to pass and sent to the Senate floor.

S.F. 292, sponsored by Sen. Kathy Saltzman (DFL-Woodbury), provides a tax credit for investment in start-up and emerging Minnesota businesses. The measure was approved and re-referred to the Committee on Taxes.

Sen. Thomas Bakk (DFL-Cook) authored S.F. 913, which requires land use planning in commercial and residential



Senators Claire Robling (R-Jordan) and Charles Wiger (DFL-Maplewood) consult at the Senate's Tues., Apr. 14, floor session.  
Photo by David J. Oakes

development to limit densities in unincorporated areas in order to reduce carbon emissions. The purpose of the bill is to promote land use reform in urban growth areas as a way to reduce greenhouse gas emissions by reducing the distance and frequency of automobile trips while encouraging walking, bicycling and other forms of transportation, Bakk said.

Sen. LeRoy Stumpf (DFL-Plummer) offered an amendment to delete a portion of the bill that prohibits the commissioner of education from giving a negative review of a proposed school facility based upon the acreage of the proposed school site. The amendment was adopted.

The bill was approved and re-referred to the Committee on Taxes.

S.F. 1764, carried by Sen. Mary Olson (DFL-Bemidji), creates a business venture capital program, establishes a revolving fund and appropriates funds for the establishment of the venture capital program. The purpose of the bill is to promote entrepreneurship, foster small businesses and create jobs, Olson said. Members adopted an amendment to delete a portion of the bill establishing the revolving fund and appropriating funds. The measure was approved as amended and referred to the Committee on Taxes.

Sen. Joe Gimse (R-Willmar) authored S.F. 1298, which changes the name of the commissioner of finance to the commissioner of management and budget. The measure was approved and referred to the Senate floor.

## Ag, higher ed omnibus bills advance

Members of the Finance Committee, chaired by Sen. Richard Cohen (DFL-St. Paul), convened Thurs., Apr. 16, to discuss the agriculture and veterans omnibus budget bill and the higher education omnibus budget bill.

S.F. 1779, carried by Sen. Jim Vicker- man (DFL-Tracy), appropriates money for the Dept. of Agriculture, the Board of Animal Health, veterans and the military. Fiscal Analyst Dan Mueller said the areas under the bill's jurisdiction have a seven percent base funding cut in FY 2010-11. Mueller said under the bill, the Animal Health Board receives a cut of \$358,000 for the biennium and the Agricultural Utilization Research Institute (AURI) receives a cut of \$434,000 for the biennium. The bill makes general fund appropriations of \$75.2 million to the Dept. of

Agriculture, \$10.5 million to the Animal Health Board, \$5.8 million to AURI, \$40.6 million to the Dept. of Military Affairs, \$35 million for Rural Finance Authority loans and \$28.3 million to the Dept. of Veterans Affairs for FY 2010-11. Legislative Analyst Greg Knopff said the bill requires the commissioner of agriculture to promote the connection between consumers and farmers who practice sustainable agriculture, increases the maximum amount for the shared savings loan program, allows the commissioner of agriculture to limit the types of pesticide returned through the waste pesticide program, creates the Feeding Minnesota Task Force and increases the Rural Finance Authority loan limits by approximately 50 percent. The bill also uses appropriations for compensation for destroyed or crippled livestock and crop damage, dairy development programs, pesticide dealer licenses and reporting, bioenergy and value-added agriculture, bovine tuberculosis control assessment and grants for the Minnesota Turf Seed Council, Knopff said.

Members adopted an amendment allowing the commissioner of finance to transfer funds from the Support Our Troops account to the driver and vehicle services account to pay for the cost of license plate production. The bill was recommended to pass as amended and referred to the Senate floor.

Sen. Sandra Pappas (DFL-St. Paul) carried S.F. 2083, which is the higher education omnibus budget bill. Pappas said the higher education budget is reduced by seven percent in the next biennium. The omnibus budget bill appropriates a total \$3.058 billion from all funds for higher education in FY 2010-11, Pappas said. She said that of the total funding, \$381.3 million is appropriated for the Minnesota Office of Higher Education, \$1.319 billion for the Minnesota State Colleges and Universities Board of Trustees, \$1.354 billion for the Board of Regents of the University of Minnesota, \$2.465 million for the Mayo Medical Foundation and \$110,000 for the Board of Dentistry.

The bill creates the Minnesota P-20 Education Partnership, regulates course equivalency guides, modifies the responsibilities of the Office of Higher Education and establishes high school to college transition programs, Pappas said. She said that money is designated from the appropriate accounts for child care grants, state work study, several scholarship programs and interstate tuition reciprocity.

Members adopted an amendment requiring the Office of Higher Education and the Dept. of Education to report on best practices in innovative teacher education programs and teacher education research. The omnibus bill was approved as amended and sent to the Rules and Administration Committee.

## Omnibus budget bills gain

Members of the Finance Committee, chaired by Sen. Richard Cohen (DFL-St. Paul), met Fri., Apr. 17, to take up the public safety omnibus budget bill and the state government omnibus budget bill.

S.F. 802, carried by Sen. Linda Higgins (DFL-Mpls.), appropriates funds for the Dept. of Public Safety, Dept. of Corrections, Peace Officers Standards and Training (POST) Board, the Dept. of Human Rights and the Private Detective Board. Higgins said the base budget for public safety in FY 2010-11 is \$1.063 billion, which represents a seven percent reduction. Of the base budget, \$4.94 million is appropriated for alcohol and gambling enforcement, \$69.624 million for Office of Justice programs, \$136.703 million for 911 emergency services, \$246,000 for the Private Detective Board, \$907.12 million for the Dept. of Corrections and \$8.05 million for the POST Board, Higgins said. She said that a onetime federal appropriation of \$30 million to the Dept. of Corrections gives the bill a net reduction of \$48 million in FY 2010-11.

Higgins said the appropriation for the Dept. of Public Safety contains three riders. First, the department's fleet of cars must be reduced by 20 percent by Jan. 1, 2010, she said. Also, none of the appropriated funds may be used for computer, telephone, motor vehicle or technology purchases of any kind, and the commissioner must consider discontinuing the practice of entering into agreements with the governor's office to pay personnel costs of policy advisors to the governor, Higgins said.

The bill was approved and referred to the Senate floor.

S.F. 2082, sponsored by Sen. Don Betzold (DFL-Fridley), appropriates funds for the Legislature, Dept. of Administration, Dept. of Finance, Office of Enterprise Technology, constitutional officers, the Campaign Finance Board and several other state boards. Betzold said total general fund appropriations amount to \$590.7 million for the biennium. The proposal

# Committee update



Senators Debbie Johnson (R-Ham Lake), left, and Julianne Ortman (R-Chanhassen) discuss proposed legislation during a Taxes Committee hearing Wed., Apr. 15.

Photo by David J. Oakes

also raises about \$11.44 million in revenue from fund transfers and fees. Betzold said the proposal makes a seven percent cut in base general fund appropriations.

Fiscal Analyst Kevin Lundeen said the total state government budget appropriation from all funds is \$641.756 million in FY 2010-11. Lundeen said the bill appropriates \$132.5 million for the Legislature, \$242.08 million for the Dept. of Revenue, \$38.354 million for the Dept. Finance and \$35.794 million for the Dept. of Administration. Betzold said the state government budget reduction of eight percent for the Legislature will have a significant impact on Senate operations.

Members adopted an amendment that prohibits any appropriations from being used for computer, telephone, motor vehicle or technology purchases or upgrades or out-of-state travel.

The bill was approved as amended and referred to the Senate floor.

## Health and Human Services Budget Division

### Unemployment health care bill gains

Members of the Health and Human Services Budget Division, chaired by Sen. Linda Berglin (DFL-Mpls.), gathered for an evening meeting Tues., Apr. 14, to discuss a variety of bills, including a measure to extend temporary health coverage to unemployed individuals.

S.F. 347, authored by Sen. Terri Bonoff (DFL-Minnetonka), establishes temporary MinnesotaCare coverage for individuals who have been laid off. The bill deducts a ten percent from the unemploy-

ment benefits and deposits the amount in a workforce health coverage account, with the cost of the temporary coverage being paid from the account.

Bonoff offered an amendment clarifying the commissioner of human services as the authority in charge of determining individual eligibility for the temporary coverage. The division adopted the amendment, approved the bill and re-referred the measure to the Finance Committee.

S.F. 1369, carried by Sen. Steve Murphy (DFL-Red Wing), establishes an exception to the nursing facility construction moratorium for an 80-bed facility at a new site in Goodhue County to replace an existing 84-bed hospital-owned nursing facility and a 65-bed nonprofit facility.

The division set the bill aside to allow Murphy time to revise the fiscal note

associated with the bill to reflect the unofficial engrossment of the measure adopted by the division.

S.F. 1990, sponsored by Sen. Scott Dibble (DFL-Mpls.), establishes the Minnesota colorectal cancer prevention program and the women's heart health program. The bill also increases the tobacco tax, which is projected to prevent 44,300 kids from becoming addicted to smoking and prompt 19,500 adults to quit, said Dibble. The tax, which raises the cost of a pack of cigarettes by \$1, will lead to an additional \$91 million in additional cigarette tax revenues and save \$960 million in long-term health care costs, he said.

Dibble offered an amendment providing some clarifying language regarding the establishment of the colorectal prevention program. Dibble also offered an amendment establishing a statewide health im-

provement program fund from which the money to fund the programs mentioned in the bill can be appropriated. The division adopted both amendments and re-referred the measure to the Finance Committee.

S.F. 1235, authored by Sen. John Marty (DFL-Roseville), establishes youth violence prevention programs for at-risk youth as a means of addressing youth aggression from a public health standpoint.

Marty offered an amendment requiring the commissioner of health to apply for private, state and federal funding to support the development of the prevention and intervention programs associated with the bill. The division adopted the amendment, approved the bill and sent the measure to the Finance Committee.

S.F. 1890, sponsored by Sen. Tony Lourey (DFL-Kerrick), changes provisions for health information technology and infrastructure, establishes an e-health

advisory committee, changes electronic health records provisions and modifies the electronic health record system and the revolving account and loan program.

The division approved the bill and re-referred the measure to the Finance Committee.

S.F. 1709, carried by Sen. Julianne Ortman (R-Chanhassen), creates the Minnesota prescription drug program. The bill also provides that a pharmacist may not dispense a written prescription that is issued by a Minnesota practitioner if the prescription is not written on a tamper-resistant prescription drug form. The bill requires the Board of Pharmacy to issue the form to licensed or registered practitioners and facilities and allows the board to charge a reasonable fee for the forms. Finally, the bill requires the board to take the necessary actions to prevent the use of lost or stolen prescription forms.



*Senators Paul Koering (R-Fort Ripley) and Lisa Fobbe (DFL-Zimmerman) converse in the Senate Chamber during the Thurs., Apr. 16, floor session.*

Photo by A.J. Olmscheid

# Committee update



Senators Sandy Rummel (DFL-White Bear Lake), left, and Sandra Pappas (DFL-St. Paul) converse during the Thurs., Apr. 16, Senate floor session.

Photo by David J. Oakes

Ortman offered an amendment appropriating money from the state government special revenue fund to the board of pharmacy for the implementation of the program. The division adopted the amendment, but the bill failed to gain approval.

S.F. 2070, authored by Berglin, provides a temporary rate increase for hospitals with a Medical Assistance utilization rate equal to or greater than 25 percent during the base year. The measure also authorizes voluntary intergovernmental transfer payments and additional Medical Assistance payments. Berglin said the bill is designed to generate federal funding for the Hennepin County Medical Center, Regions Hospital and other smaller safety net hospitals to help the facilities deal with inevitable revenue losses they will see during the current economic downturn.

S.F. 460, also authored by Berglin, prohibits hospital payments by Minnesota

health care programs for hospital-acquired conditions. The bill also prohibits physician payments for hospital treatments reportable as adverse health care events and for physician care that contributed to or caused adverse health care events or hospital-acquired conditions.

S.F. 502, carried by Berglin, requires the commissioner of the Minnesota Department of Veterans Affairs to submit an application for federal certification of veterans homes. The bill specifies that the Fergus Falls, Luverne and Silver Bay veterans homes must apply by October 1, 2009 and the Minneapolis homes must apply by July 1, 2010. The bill also provides that upon certification of a facility, the commissioner must seek to maximize Medicare reimbursements and Medicare part A and part B for services to eligible residents.

Berglin offered an amendment appropriating money to cover the cost of the application of the Medicare routine

within the veterans homes, the implementation of a medical billing system and start-up costs associated with the additional employees needed to carry out the work plan including development, training, education and implementation support. The amendment was adopted by the division.

All three of Berglin's bills were laid over for possible inclusion in the division's omnibus bill.

## Homelessness bill discussed

The Health and Human Services Budget Division, chaired by Sen. Linda Berglin (DFL-Mpls.), met for a brief evening meeting on Thurs., Apr. 16, to hear a number of bills and amendments seeking inclusion in the division's omnibus bill.

S.F. 1984, sponsored by Sen. Kathy Sheran (DFL-Mankato), designates \$3 million of the homelessness and rapid re-housing program funds provided under the

American Recovery and Reinvestment Act of 2009 to the long-term homeless service fund.

S.F. 1664, authored by Berglin, modifies the state medical review team process by requiring the Department of Human Services to provide assistance to persons seeking a determination of disability through the process. S.F. 1403, also authored by Berglin, requires prior authorization for cesarean deliveries.

The division laid all three bills over for possible inclusion in the division's omnibus bill.

Berglin also carried three amendments to be included in the omnibus bill. The first establishes podiatry-directed wound care for diabetics. The second changes foster care rate limits. The third modifies Minnesota family investment program caregiver work requirements.

The division approved all three amendments.

S.F. 225, authored by Sen. Linda Scheid (DFL-Brooklyn Park), requires identification of harmful chemicals in children's products.

The division approved the measure and sent the bill to the Finance Committee.

S.F. 1512, carried by Sen. Sharon Erickson Ropes (DFL-Winona), increases the fee for the heritable or congenital disorders testing to help sustain the program. The bill also requires the commissioner of health to contract with a nonprofit organization to provide support and assistance to families with children who are deaf or have a hearing loss.

Erickson Ropes offered an amendment outlining the reimbursement to hospitals for the fee increase and setting the appropriation for the services provided to the families of children who are deaf. The division adopted the amendment, approved the bill and re-referred the measure to the Finance Committee.

## Omnibus amendments heard

Members of the Health and Human Services Budget Division, chaired by Sen. Linda Berglin (DFL-Mpls.), gathered Fri., Apr. 17, for a brief morning meeting to discuss two measures and a number of amendments seeking inclusion in the division's omnibus bill.

S.F. 1436, authored by Sen. Tony Lourey (DFL-Kerrick), makes modifications to the Minnesota sex offender program. The measure provides additional

oversight to the program, creates a client grievance process and allows access to the statewide supervision system. The division approved the bill and re-referred the measure to the Finance Committee.

S.F. 1229, sponsored by Sen. Yvonne Prettner Solon (DFL-Duluth), makes a number of modifications in the personal care assistance program. The division laid the bill over for possible inclusion in omnibus bill

Berglin presented the division with four amendments to be included in the omnibus bill. The first proposes value-based purchasing payment reform by

implementing a demonstration project for an identified group of recipients who are enrolled in General Assistance Medical Care or the prepaid Medical Assistance program. The second amendment requires prior authorization for outpatient diagnostic imaging services. The third amendment prohibits specific providers from participating in the Medical Assistance program. The final amendment provides transitional counseling for all persons entering registered housing with service.

The division approved all four amendments.



*With the page bench serving as their work surface, Senate pages collate papers at a frenetic pace prior to the start of the Thurs., Apr. 16 floor session.*

Photo by David J. Oakes

# Committee update

## Higher Education Budget and Policy Division

### Omnibus budget bill discussions continue

Members of the Higher Education Budget Division, chaired by Sen. Sandra Pappas (DFL-St. Paul), gathered Tues., Apr. 14, to discuss a number of minor changes to the division's omnibus budget bill and to hear a measure for possible inclusion in the bill.

Pappas said there were a number of small appropriation adjustments made to the omnibus bill since it was last seen by the committee, including the addition of funds for oral health practitioners, grants related to achieve-advising and counseling, and grants for renewable energy technology.

Sen. David Tomassoni (DFL-Chisholm) offered an amendment requiring the Minnesota State Colleges and Universities (MnSCU) Board of Trustees to assess labor market data when conducting college program reviews. The amendment specifies that the board must require a campus to enroll no more than the approximate number of students in a technical or occupational program that the labor market data indicate have a reasonable likelihood of obtaining a job in the program field of study. Finally, the amendment requires MnSCU to provide prospective students with the job placement rate for graduates of technical and occupational programs offered at the institutions. The division adopted the amendment.

Sen. Charles Wiger (DFL-Maplewood) presented S.F. 954, which pursues E-16 education reforms to improve and expand opportunities for all students to attain educational success. Wiger said the bill establishes an E-16 Oversight Advisory Committee along with subcommittees for early learning, prekindergarten through third grade, fourth through eighth grade, ninth through twelfth and post-secondary education. He said the work of the subcommittees is to develop strong recommendation for enhancing the E-16 educational system with the overall goal of improving student outcomes.

Wiger offered an amendment making minor modifications to the makeup of the membership for the oversight committee. Sen. Tarryl Clark (DFL-St. Cloud) offered an amendment to remove the subcommittee on early learning and replace it

with the State Advisory Council on Early Childhood Education and Care, a group that already exists and is currently doing research in early learning. Clark also offered an amendment modifying how members of the oversight committee would be appointed. The division adopted all three amendments.

Because the bill has financial implications not mentioned in its current fiscal note, the division laid the measure on the table until a new note is drafted.

### Appointments approved

The Higher Education Policy Committee, chaired by Sen. Sandra Pappas (DFL-St. Paul), gathered Thurs., Apr. 16, to approve several gubernatorial appointments.

Members recommended David Metzen to be confirmed as the director of the Minnesota Office of Higher Education. Cheryl Dickson, Jacob Englund, Clarence Hightower, Louise Sundin and Terri Thomas were recommended to be confirmed as members of the Minnesota State Colleges and Universities Board of Trustees. Members also recommended Gary Benson, Mary Ives and Raymond VinZant to be confirmed as members of the Higher Education Facilities Authority Board of Trustees. All recommendations were referred to the full Senate for final confirmation.

David Paskach and Allyson Lueneburg, appointees, MnSCU Board of Trustees, and Kathryn Brewer and Janet Withoff, appointees, Higher Education Facilities Authority Board of Trustees, were unable to attend the meeting; their confirmations will be discussed at a later date.

## Judiciary Budget Division

### Judiciary budget bill gains

The Judiciary Budget Division met Thurs., Apr. 16, to review and take action on the division's omnibus appropriations bill.

S.F. 1627, carried by Chair Leo Foley (DFL-Coon Rapids), makes total general fund appropriations of \$740.42 million for the Supreme Court, Court of Appeals, District Courts, the Tax Court, the Uniform Laws Commission, the Board on Judicial Standards and the Board of Public Defense. Foley said the measure also contains some provisions from the Judiciary Committee's policy bill, S.F. 2018.

Foley said the measure contains a seven percent reduction in base budgets, but does have \$5.6 million in federal funds designated for the District Courts. The proposal also raises revenues through increases in a variety of court filing fees, an increase in the attorney license fee and a parking violation surcharge increase. Foley said the \$50 increase in the attorney license fee is slated for the Board of Public Defense. The result is \$47 million net reduction for the biennium.

The bill also requires that the criminal and traffic offender surcharge must be assessed on individuals who complete a diversion or similar program for traffic offenses, provides a petty misdemeanor cap on first-time ordinance violations, authorizes a court to appoint a special master to preside over pretrial matters, and increases the maximum consumer credit transaction claim in Conciliation Court from \$4,000 to \$7,500 and the maximum claim for all other matters from \$7,500 to \$15,000. In addition, the measure provides for a restorative justice alternative disposition option for first-time juvenile petty offenders, nonviolent delinquent offenders and some nonfelony adult offenders.

Sue Dosal, court administrator, explained provisions suggested by the judicial branch. Dosal said the provisions are aimed at automating the process of handling the 1.2 million citations and parking tickets processed by the court, providing better enforcement of judicial sanctions and improving the court collections program.

Sen. Bill Ingebrigtsen (R-Alexandria) offered an amendment to delete a section of the bill prohibiting local governments from charging administrative fees for violations of state law. Foley said the amendment leaves a \$3.2 million hole in the division's budget for each year of the biennium. The amendment was not adopted.

Members approved the bill and advanced the measure to the full Finance Committee.

## Public Safety Budget Division

### Omnibus bill gains

The Public Safety Budget Division, chaired by Sen. Linda Higgins (DFL-Mpls.), met Wed., Apr. 15, to review the division's omnibus budget proposal. The proposal was amended onto S.F. 802.

Higgins said the bill illustrates the damage a seven percent cut inflicts. "There were no good solutions," Higgins said. Higgins said the division was given a target that required \$78 million in cuts and the bill contains \$73 million in cuts with an additional \$5 million in revenue from transfers and fee increases. She said a one-time federal appropriation of \$30 million to the Dept. of Corrections gives the bill a net reduction of \$48 million. Higgins said the bill makes a seven percent reduction in base funding for public safety appropriations.

The measure contains general fund appropriations of \$1.042 billion. Appropriations from other funds, including the \$30 million in federal funds, brings the total appropriation to \$1.237 billion for the biennium. Under the bill, the Office of Homeland Security/Emergency Management receives \$4.688 million for the biennium, the Bureau of Criminal Apprehension receives \$86.97 million, the State Fire Marshal receives \$16 million, Gambling and Alcohol Enforcement receives \$3.134 million, and the Office of Justice Programs receives \$69.6 million. The 911/Emergency Services/ARMER Division receives \$136.7 million, but none of the appropriation comes from the general fund. The general fund total for Dept of Public Safety is \$158.576 million.

The total general fund appropriation for the Dept. of Corrections is \$875.336 million. The appropriation includes \$616.35 million for facilities, \$231 million for communities services programs and \$43.2 million for operations support. The bill also contains appropriations for the Peace Officers Standards and Training Board, the Private Detective Board, the Dept. of Human Rights and the Sentencing Guidelines Commission.

The measure also specifies that when allocating reductions in services and programming, the commissioner of corrections must not make reductions to inmate educational programs, chemical dependency programs or reentry programs.

Higgins said the bill also includes a number of provisions from the Judiciary Committee policy bill, S.F. 2018, repealing some mandatory minimum sentences, placing a 90 day cap on the amount of time the commissioner of corrections may incarcerate a first-time probation violator following a revocation of supervised release and requiring offenders to serve 60 percent of their executed sentences, rather than the current two-thirds of the



*Richard Brown, St. Louis Park, uses his communications device during a Minnesota Star Award ceremony in the Capitol Rotunda Tues., April 14. The annual event recognizes excellence in the area of assistive technology.*

Photo by A.J. Olmscheid

total sentence. The measure also makes changes to the challenge incarceration program, includes second-degree drug sales crimes and nonviolent nondrug offenses in the conditional release for nonviolent controlled substance offender program. The measure also requires firefighters to be licensed and requires reports submitted by the Sentencing Guidelines Commission, the Dept. of Corrections and the Dept. of Public Safety to be submitted in electronic format.

Sen. Linda Berglin (DFL-Mpls.) offered an amendment that requires the courts to notify federal immigration officials when an undocumented noncitizen is about to be sentenced in order to facilitate deportation. In addition, the amendment specifies that undocumented noncitizens be released after serving ten percent of their sentence and that the Dept. of Corrections notify immigration officials prior to releasing the undocumented noncitizen. Berglin said the amendment shortens the amount of time Minnesota taxpayers support individuals who are going to be deported. However, several members

said that serving only ten percent of a sentence could result in a revolving door of undocumented noncitizens serving a shortened sentence, being deported and then returning to Minnesota to commit additional crimes. Sen. Warren Limmer (R-Maple Grove) asked that the amendment be divided. Members adopted the portion of the amendment requiring the court to notify immigration officials before committing the noncitizen to the Dept. of Corrections, but failed to adopt the portion limiting the time to serve to ten percent. Later, members reconsidered the portion of the amendment that was adopted and Berglin withdrew the amendment.

Sen. Ron Latz (DFL-St. Louis Park) offered an amendment to provide that first-time drug offenders be treated the same in all Minnesota counties and that courts may determine if an offender qualifies for a deferral program of probation. The amendment was adopted.

Members approved the measure and referred the bill to the full Finance Committee.

# Committee update

## Rules and Administration

### Higher ed, home value bills gain

The Rules and Administration Committee, chaired by Sen. Lawrence Pogemiller (DFL-Mpls.), met briefly Thurs., Apr. 16, to process two bills.

S.F. 2010, authored by Sen. Linda Scheid (DFL-Brooklyn Park), creates a pilot program to stabilize the market value of residential real estate. Scheid said that under the bill, the Housing Finance Agency guarantees against the depreciation in value of homes in the pilot program areas for a period of five years.

The measure was before the panel because it was captured under Joint Rule 2.02 relating to late bills. Scheid said the bill was late because she did not have the idea for the measure until late in the session. Scheid said the bill merited being advanced because of the housing crisis in the state. Members adopted the previous committee report, which sent the bill to the Finance Committee.

The panel also considered the omnibus higher education appropriations bill. S.F. 2083, carried by Sen. Sandra Pappas (DFL-St. Paul), was before the committee because of a provision requiring the appointment of Legislators to the P-20 Education Partnership. Pappas said the partnership, consisting of representatives from the Dept. of Education, higher education, and other stakeholders, has not clearly communicated their activities and recommendations to the Legislature. She said by adding Legislators to the partnership, members will be better informed on the partnership's activities. The committee adopted an amendment providing a 2013 sunset for the partnership and advanced the bill to the full Senate.

Members also discussed a report on Senate expenditures for the third quarter of the current fiscal year. The report showed that the largest expenditures in the Senate budget are for salary and benefits for members and staff.

## State Government Budget Division

### Omnibus funding bill heard

The State Government Budget Division, chaired by Sen. Don Betzold (DFL-Fridley), met Wed., Apr. 15, to review the division's omnibus appropriation proposal and to take action on several bills.

Members spent a good portion of the meeting discussing the working document for the omnibus budget bill. The document represents the appropriations for the Legislature, Dept. of Administration, Dept. of Finance and a number of state boards. Sen. Ann Rest (DFL-New Hope) moved the passage of an amendment that lists the appropriations in the budget bill. The amendment was adopted, placing the appropriations in the working document. Under the amendment, total general fund appropriations amount to \$590.7 million for the biennium. The proposal also raises about \$11.44 million in revenue from fund transfers and fees. Betzold said the proposal makes a seven percent cut in base general fund appropriations.

The document was adopted as amended and will be introduced by Betzold as a division bill.

S.F. 1113, carried by Sen. Sandy Rummel (DFL-White Bear Lake), creates a Center for Legislative Education Analysis and creates a Legislative and Citizen Commission on the Future of Education. Members adopted an amendment to delete the portion of the bill appropriating money for the Legislative and Citizen Commission on the Future of Education. The bill was approved as amended and referred to the Committee on Finance.

Sen. James Metzen (DFL-South St. Paul) sponsored S.F. 1036, which ratifies state labor contracts. The bill was approved and sent to the Committee on Finance.

Sen. Tony Lourey (DFL-Kerrick) carried a bill, S.F. 1053, that appropriates money for compulsive gambling awareness. The bill appropriates \$225,000 in FY 2010 and \$225,000 in FY 2011 for a grant to the state affiliate recognized by the National Council on Problem Gambling for the purpose of providing services to increase public awareness of problem gambling, Lourey said. The measure was approved and referred to the Committee on Finance.

Sen. Chris Gerlach (R-Apple Valley) carried two bills. S.F. 1982 requires an interview for veterans who meet minimum qualifications and claim veterans preference for state government employment positions. The bill also requires a report of state employment statistics regarding the recruitment and employment of veterans, Gerlach said. The bill was laid over. S.F. 1889 requires settlements involving the state to be paid to the state general fund.

The measure was approved and referred to the Committee on Finance.

S.F. 1297, sponsored by Sen. Joe Gimse (R-Willmar), transfers the Management Analysis Division from the Dept. of Administration to the Minnesota Management and Budget Dept. The bill also establishes the management analysis revolving fund, Gimse said. The bill was approved and referred to the Committee on Finance.

S.F. 131, sponsored by Sen. Terri Bonoff (DFL-Minnetonka), requires divestment from investments relating to Iran. The measure was recommended to pass and referred to the Committee on Finance.

Sen. Thomas Bakk (DFL-Cook) carried S.F. 1679, which authorizes early retirement incentives for public employees. The bill specifies that eligible individuals who retire early have of health and dental insurance paid by the employer for 36 months, Bakk said. The measure was referred to the Committee on Finance without recommendation.

Betzold authored a bill, S.F. 1867, that creates the Minnesota Geospatial Information Office. Betzold said the office would be located within the Dept. of Administration and would be responsible for planning, coordinating and guiding the implementation of the state's geospatial information technology. The bill was approved and referred to the Committee on Finance.

Sen. Richard Cohen (DFL-St. Paul) authored S.F. 1481, a bill that creates the Office of Strategic and Long-Range Planning as an independent agency, includes inflation in the Minnesota Management and Budget forecast parameters and variables and makes other changes relating to the preparation and submission of budget documents. The measure was approved and advanced to the full Finance Committee.

## Taxes

### Local tax issues discussed

The Taxes Committee, chaired by Sen. Thomas Bakk (DFL-Cook), met Tues., Apr. 14, to consider a lengthy agenda consisting primarily of bills related to local tax issues. All of the measures were laid over for possible inclusion in the omnibus tax bill.

S.F. 1837, carried by Sen. Rick Olsen (DFL-Harris), allows Chisago City



**Senators Richard Cohen (DFL-St. Paul), left, and Don Betzold (DFL-Fridley) confer during a meeting of the State Government Budget Division Wed., Apr. 15.**

Photo by David J. Oakes

and Lindstrom, their economic development authorities, housing redevelopment authorities and Chisago County to enter into a joint powers agreement to acquire and develop a business park in Chisago city.

S.F. 2055, sponsored by Sen. Michelle Fischbach (R-Paynesville), extends the time to establish a tax increment financing district in the city of Sauk Rapids. S.F. 1317, authored by Sen. Tony Lourey (DFL-Kerrick), establishes a Cloquet area fire and ambulance special taxing district for the provision of cooperative fire and ambulance services. S.F. 1738, carried by Sen. David Senjem (R-Rochester), authorizes the city of Rochester to increase the lodging tax by one percent and impose a food and beverage tax to pay for the reno-

vation and expansion of the Mayo Civic Center Complex.

S.F. 516, authored by Sen. Linda Scheid (DFL-Brooklyn Park), provides for an income tax credit for donations to a qualifying education foundation for equity and opportunity in education grants. Scheid said the bill is aimed at aiding low-income students. S.F. 1370, carried by Sen. Sandra Pappas (DFL-St. Paul), directs the commissioner of finance to apply the \$31,800 deposit paid in 2008 for a proposed bond issue to be used in application for an allocation of tax exempt bonds by the St. Paul Port Authority for District Cooling St. Paul, Inc. project. Bakk said the measure is appropriate for placement in the public finance article of the omnibus tax bill.

Sen. Sharon Erickson Ropes (DFL-Winona) sponsored a bill, S.F. 540, that authorizes the Winona County Economic Development Authority to form or become a member of a limited liability company for the purpose of developing a community-based energy development project. S.F. 400, sponsored by Sen. David Tomassoni (DFL-Chisholm), authorizes the Mountain Iron Economic Development Authority to form or becomes a member of a limited liability company for the purpose of developing a community-based energy development project.

S.F. 1562, authored by Sen. Rod Skoe (DFL-Clearbrook), eliminates the maximum limit on the State Agricultural Society bonded debt and removes the sunset on the authority to issue bonds.

# Committee update

Bakk sponsored three measures. S.F. 1257 is the public finance bill. The measure provides the terms and conditions relating to the issuance of bonds and the financing of public improvements. S.F. 1965 changes the authorized uses of the revenues from a Cook County local sales tax. S.F. 1986 reduces the property tax class rate on marinas and creates a new subsection of class 4c property for marinas.

## Job creation bills heard

Jobs creation was the central theme of the Wed., Apr. 15, Taxes Committee meeting. The committee, chaired by Sen. Thomas Bakk (DFL-Cook), considered three measures aimed at creating and maintaining businesses to put Minnesotans back to work.

Two of the measures focused on providing incentives for green jobs. S.F. 1232, authored by Sen. Ellen Anderson (DFL-St. Paul), creates a tax free zone program for renewable and clean energy businesses. Under the bill, qualifying businesses must be new to the state and must locate in either a brownfield, a vacant manufacturing facility or the site of the Ford plant

in St. Paul. In addition, the bill provides that businesses must enter the program between 2009 and 2015 and provides that the duration of the program is 12 years. Anderson said the state is positioned to become a leader in green jobs, but that incentives are needed to encourage businesses to start up in Minnesota. She said that the jobs created under the measure will be high-paying technical positions that will contribute to the overall financial well-being of the state. Anderson said the measure also requires the state auditor to audit the creation and operation of all green job zones and business subsidy agreements entered in under the bill.

Sen. Julie Rosen (R-Fairmont) also carried a bill, S.F. 1062, providing tax incentives for the creation of green energy jobs. Rosen said the bill is modeled after the JOBZ program, but with more careful oversight built in. The bill also creates a tax free zone program for renewable and clean energy jobs and provides that the zones may be located in both the Metro Area and Greater Minnesota. In addition, the bill provides for a Minnesota small business investment company credit

and a job growth investment tax credit. Finally, the bill allows natural gas utilities to include biomethane energy projects installation in their conservation programs. Rosen said other states have been more successful in luring businesses because of better incentives and marketing. She said Minnesota needs to provide the incentives in order to compete in the marketplace for innovative, well-paying jobs.

The committee also discussed a bill, S.F. 1764, creating a Minnesota business venture capital program. The measure, sponsored by Sen. Mary Olson (DFL-Bemidji), is in the Committee on Finance and thus not actually before the panel. However members discussed the job creation potential of the measure. Olson said the bill is designed to promote entrepreneurship, foster small business and create jobs. The measure requires the Dept. of Employment and Economic Development to develop a program to make competitive grants to local governments to provide low and no-interest loans to eligible businesses.

Olson also sponsored a bill, S.F. 1450, that requires the maintenance of a wood products facility for two years after the facility discontinues operation. The bill requires that the facility ensure that the public and utility investments are protected and that taxes and other obligations to state and local governments are satisfied. In addition, the bill prohibits the removal of equipment necessary for the facilities operation for two years.

Finally, members heard a bill, S.F. 1724, that provides an income tax credit for expenditures for historic structure rehabilitation. The measure, authored by Sen. Lawrence Pogemiller (DFL-Mpls.), allows a credit equal to 25 percent of the total costs of rehabilitation.

All of the bills were laid over for possible inclusion in the committee's omnibus tax bill.

## Investment incentives discussed

The Taxes Committee met Thurs., Apr. 16, and again devoted much of the hearing to discussing bills that provide incentives for economic development.

Sen. Kathy Saltzman (DFL-Woodbury) sponsored two measures aimed at encouraging early investment in new businesses. S.F. 292 provides a tax credit for investment in start-up and emerging Minnesota companies. The measure defines a qualified business, sets requirements



Senators Dennis Frederickson (R-New Ulm), left, and Jim Vickerman (DFL-Tracy) confer during the Senate's Thurs., Apr. 16, floor session.

Photo by David J. Oakes



From left, Senators Ann Rest (DFL-New Hope), Warren Limmer (R-Maple Grove) and Gary Kubly (DFL-Granite Falls) converse during a State Government Budget Division meeting Wed., Apr., 15.

Photo by David J. Oakes

for Dept. of Employment and Economic Development certification of Minnesota business investment companies for the credit, details requirements for continued certification and specifies the credits earned by investors against insurance company taxes.

S.F. 724 allows a 25 percent investment tax credit for qualified taxpayers' investments in a qualified high technology business. Under the bill, the maximum credit is \$50,000 for an individual who is not part of a partnership and the maximum credit is \$300,000 for a C corporation or a pass-through entity. In addition, the bill provides that a qualified business must conduct business in a qualifying high technology field, including aerospace, agricultural processing, alternative energy, environmental engineering, food technology, cellulosic ethanol, information technology, materials science technology, nanotechnology and telecommunications. The measure also specifies that the qualified business must have its headquarters in Minnesota, employ no more than 25 employees, have gross receipts less than

\$2 million, be in operation for less than 10 years and have investments of equity capital received in previous years of less than \$2 million.

Saltzman said the bills announce that Minnesota is open for business and that the state values emerging companies and wants them to succeed. She said the bills are tools to make growth and success happen.

In other action, the committee, chaired by Sen. Thomas Bakk (DFL-Cook), heard two additional bills. S.F. 507, sponsored by Sen. Julianne Ortman (R-Chanhassen), provides a tax on interest rates over 15 percent. Ortman said the bill is aimed at companies that make loans at extremely high interest rates. The tax is 30 percent on interest earned in excess of 15 percent, Ortman said.

Representatives of the business community spoke in opposition to the bill and said the measure makes it even more difficult for consumers to obtain credit.

S.F. 2069, authored by Sen. Yvonne Prettner Solon (DFL-Duluth), replaces a

mandatory levy by the city of Duluth for the Duluth Seaway Port Authority with a direct levy by the seaway port authority as a special taxing districts.

S.F. 1708, carried by Sen. Ann Rest (DFL-New Hope), is a resolution memorializing the members of the Minnesota Congressional delegation to sponsor and support the Main Street Fairness Act. Rest said the act allows states that comply with the streamlined sales and use tax agreement to collect sales and use taxes on remote sales. The measure was approved and re-referred to the Committee on Rules and Administration.

S.F. 913, authored by Bakk, is designed to reduce greenhouse gas emissions by targeting growth in cities and limiting densities in unincorporated areas. Bakk said the bill creates a new kind of tax increment financing for compact development districts. The measure is aimed at primarily commercial and industrial development, Bakk said.

All of the measures were laid over for possible inclusion in the omnibus bill.

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Margaret Chute, Wayzata, displays a rainbow-striped flag as she participates in OutFront Minnesota's Annual Lobby Day in front of the Capitol Thurs., Apr. 23.

Photo by David J. Oakes



April 24, 2009

# Highlights

## State gov bill okayed

Members continued processing omnibus appropriations bills at the Mon., Apr. 20, floor session. The first portion of the session was devoted to discussion of S.F. 2082. The measure carried by Sen. Don Betzold (DFL-Fridley), is the state government budget bill. The bill provides funding for the Legislature, the constitutional officers, the Dept. of Administration, the Minnesota Management and Budget Dept., the Dept. of Revenue and several smaller boards and agencies.

Betzold said the bill appropriates \$605 million for the biennium, which is a \$44 million reduction in each biennium. Betzold said the bill includes a five percent reduction in base funding and eliminates the funding for several important projects such as the LEAN program and the Minnesota Accounting and Procurement System (MAPS). The measure also reduces funding for programs such as computer system security, Betzold said. In addition, the measure changes procedures and fees for business entities filing documents with the Secretary of State, including changes intended to increase the use of electronic systems for filing.

Sen. Dick Day (R-Owatonna) offered an amendment establishing a “racino” gambling facility at Canterbury Downs. Day said the amendment could raise as much as \$1 billion each year, which, under the amendment, is designated to pay debt service on bonds issued by the state. Day said the amendment frees up funds for other needs. Over 70 percent of the people of the state approve the idea, Day said. He said, “Adopting the amendment

today would save the taxpayers of the state a billion dollars.”

Betzold said he did not support the amendment because the state shouldn’t use gambling to solve budget problems. It also creates other peripheral problems for law enforcement and gambling oversight, Betzold said.

Sen. Ann Rest (DFL-New Hope) said across the country we are learning that state-run casino operations are losing money. “This is a highly risky venture on the part of the state,” Rest said.

Sen. David Senjem said, “This is a good idea that’s time has come.” Senjem said individuals have contacted him and said they want gambling proceeds to stay in Minnesota. Sen. Claire Robling (R-Jordan) said the amendment also helps the struggling horse racing industry.

Sen. Steve Murphy (DFL-Red Wing) there are negative consequences to the proposal. He said there are a limited number of entertainment dollars available and if the dollars shift to one venue, it has a negative impact on other venues.

Sen. David Tomassoni (DFL-Chisholm) offered an amendment to the amendment. Tomassoni said the amendment provides for video slot machines in bars. Tomassoni said it is estimated the amendment would generate \$1.2 billion with about \$500,000 each year going to the general fund. Betzold opposed the amendment and said the state should not go down the road of having slot machines in every bar in the state. The Tomassoni amendment to the amendment failed on a 28-38 roll call vote. The amendment also failed on a 25-41 roll call vote.

Sen. Michael Jungbauer (R-East Bethel) offered an amendment that adds \$125,000 each year to the Office of Grants Management. Jungbauer said the bill increases the fee on appropriations for state grants to nongovernmental entities. Jungbauer said oversight of state grants is an important function to ensure proper administration of the funds. Sen. Linda Berglin (DFL-Mpls.) offered an amendment to the amendment exempting grants distributed by the Dept. of Human Services or grants that include federal stimulus funding. The amendment to the amendment was adopted. The amendment was adopted.

Robling offered an amendment exempting veterans who are students from collective bargaining for internships that last more than 100 days. The amendment failed on a 27-39 roll call vote.

Sen. Paul Koering (R-Fort Ripley) offered an amendment to allow the elected officials of local units of government to lower their compensation. Koering said the city council of Little Falls wants to lower their salaries, but statutes specify that elected bodies may not adjust their salaries and have the adjustment take effect until after the next election. Betzold said the proposal may have unintended consequences, particular because of a provision allowing a majority of the body to make the adjustment. Betzold said any elected official may voluntarily not take compensation. He questioned the germaneness of the amendment because there is nothing in the bill dealing with local units of government. Koering withdrew the amendment.

An amendment, offered by Sen. David Hann (R-Eden Prairie), limits the number of political appointees in the Office of Attorney General. Hann said the limits are more in line with the number of political appointees in other constitutional officers. The amendment failed on a 18-42 roll call vote.

Hann offered a second amendment adding \$15,000 to the Office of the Legislative Auditor by reducing the appropriation to the Office of the Attorney General. The amendment failed on a 20-41 roll call vote.

Sen. Ray Vandever (R-Forest Lake) offered an amendment deleting the professional license fees in the bill. Vandever said increasing fees is a hardship for small businesses. Betzold said the amendment is part of the governor’s proposal to encourage e-licensing, but the fees are necessary to implement the systems. The amendment failed on a 25-36 roll call vote.

Senjem offered an amendment calling for a five percent salary decrease for Legislators and the constitutional officers. “At times like this, we need to lead by example,” Senjem said. Betzold said Legislators and constitutional officers may reduce their salaries at any time. The amendment failed on a 22-39 roll call vote.

Sen. Geoff Michel (R-Edina) offered an amendment prohibiting Legislators from taking per diem during a special session if the budget is not done on time. Betzold said it is up to the individual Senators to make the decision about per diem, but that members should be paid for doing the work. The amendment failed on a 19-36 roll call vote.

Hann offered an amendment deleting a section of the bill allowing employees

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**Editor/Writer:**  
Karen L. Clark

**Writers:**  
Amanda Lillie  
Justin Thiessen

**Photographers:**  
David J. Oakes  
A.J. Olmscheid

who belong to two different bargaining units to have their dues deducted by each organization. The proposal failed on a 14-42 roll call vote.

Tomassoni offered an amendment providing for video slot machines in bars throughout the state and specifying half of the revenue be designated for education. The amendment failed on a 29-33 roll call vote.

The measure was granted final passage on a 59-6 roll call vote.

In other action, members granted final passage to one bill on the Senate Calendar. S.F. 615, carried by Sen. Yvonne Prettner Solon (DFL-Duluth), provides an exception from the hospital construction moratorium in order to allow the construction of a specialty psychiatric hospital in Hennepin County.

### Public safety budget bill passed

The second portion of the Mon., Apr. 20, floor session was devoted primarily to processing the omnibus public safety appropriations bill. S.F. 802, carried by Sen. Linda Higgins (DFL-Mpls.), makes appropriations to the Dept. of Public Safety, the Dept. of Corrections, the Peace Officer Standards and Training (POST) Board, the Board of Private Detectives and the Dept. of Human Rights and the Sentencing Guidelines Commission.

Higgins said the bill appropriates a total of \$1.036 billion, which includes a seven percent reduction to the base of \$78 million. However, \$30 million in federal funds are directed to the Dept. of Corrections, which results in a net overall reduction of \$48 million, Higgins said.

"I believe to be smart on crime, we need to be smart on sentencing," Higgins said. She said Minnesota has eighth highest number of adults under some form of correctional control and that Minnesota's prison population is exploding. Higgins said the measure also includes some of the provisions of the Judiciary Committee's policy bill.

The bill includes rider language prohibiting the use of appropriations for computers or out-of-state travel, Higgins said. She said the bill also directs the agencies to reduce their fleets of vehicles by 20 percent. In addition, rider language in the section of the bill that provides direction for the use of federal funds by Office of Justice programs gives priority to organizations that provide mentoring grants for children of incarcerated parents,

youth intervention programs and re-entry programs for offenders.

Policy changes include repealing mandatory minimum sentences for drug offenders, DWI felony offenders and for violations of sex offenders registration requirements. The bill also lowers the amount of time offenders must serve in prison from 66 percent to 60 percent. The measure places a 90 day cap on incarceration for first-time supervised release violations. Under the bill, nonviolent nondrug offenders are added to the type of offenders eligible for conditional release. Higgins said the bill also provides for increased participation in the challenge incarceration program. In addition, the bill requires the licensure of firefighters, requires reports to be made in electronic format and requires the commissioner to use any savings realized from the early release of offenders for chemical dependency treatment programs in state correctional facilities.

Higgins offered several amendments. The first amendment allows for the

replacement of computers and telephones, if the replacement will save money or if the computer or telephone being replaced is no longer operational. The second amendment allows the commissioner to incarcerate an offender for more than 90 days for release violations, if the commissioner determines there is a danger to public safety. The third amendment adds restorative justice programs to the list of priorities for the Office of Justice programs. The fourth amendment deletes the provision providing that offenders serve 60 percent of their sentences and retains current law requiring offenders to serve two-thirds of their sentences. All four amendments were adopted.

Day said the bill is soft on crime. He said Minnesota is 49th in the nation in numbers of people incarcerated. Robling said the provisions on felony DWI are moving backward in the crackdown on drunk driving. Sen. Bill Ingebrigtsen (R-Alexandria) said public safety is one the areas that should not be cut. He said, "We should not make these kinds



*Senate Majority Leader Lawrence Pogemiller (DFL-Mpls.) is partially hidden behind a stack of omnibus bills as he listens to debate during the Thurs., Apr., 23, floor session.*

Photo by A.J. Olmscheid

# Senate Highlights



Senators Dan Skogen (DFL-Hewitt), left, and Kenneth Kelash (DFL-Mpls.) consult during the Senate's Tues., Apr. 21 floor session.

Photo by David J. Oakes

of radical cuts." He said fatalities from drunk driving are declining and that the bill decreases funding for vital programs. Sen. Julie Rosen (R-Fairmont) said the bill is irresponsible and does not fulfill the promise to citizens for public safety.

Higgins said the figure of justice is portrayed with a scale trying to achieve a balance. The bill had to strike a balance between public safety and a fiscal crisis and it does so, Higgins said.

The measure failed on a 33-32 roll call vote.

Hann moved to reconsider the vote by which the bill failed. The motion to reconsider was adopted on a 45-19 roll call vote. The bill was then laid on the table.

After a brief recess, the bill was taken from the table and granted final passage on a 34-31 roll call vote.

Members then turned their attention to bills on General Orders. S.F. 657, authored by Sen. Ellen Anderson (DFL-St. Paul), provides direction for federal stimu-

lus funds for energy programs. Anderson said the bill focuses on renewable energy and energy conservation. She said the bill allows thousands of homeowners, schools and businesses to get weatherization grants. The bill provides \$130 million for the weatherization program, which is ten times the amount Minnesota normally gets for weatherization each year, Anderson said. The second major appropriation is for \$54 million for energy efficiency and renewable energy, she said. Anderson said the bill also provides \$10.6 million for energy efficiency and conservation block grants.

Anderson offered an amendment to broaden the eligibility for grants. Under the amendment, projects using river water or geothermal energy in an integrated system for cooling, heating and generating electricity are included, small wind projects are included and heat and combined heat and power systems fueled primarily by biomass are included. The amendment was adopted.

Sen. Warren Limmer (R-Maple Grove) offered an amendment specifying that when conducting the door-to-door campaign, organizations must identify themselves and specify why the data are being collected and the purposes for which the data will be used. In addition, the amendment specifies the data is private data. The amendment was adopted.

Tomassoni said the bill is "shovel ready" with the promise of quick job creation. Sen. Yvonne Prettner Solon (DFL-Duluth) also spoke in support of the measure.

H.F. 801, carried by Sen. Joe Gimse (R-Willmar), reduces the numbers of hard copies of reports that must be given to the Legislative Reference Library and requires reports to be transmitted electronically.

Sen. Rick Olseen (DFL-Harris) sponsored a bill, S.F. 1288, that makes a number of technical changes to provisions relating to various filings, forms, records, submissions, motions and orders relating to the Office of the Secretary of State.

S.F. 1849, authored by Sen. Dan Sparks (DFL-Austin), is the Dept. of Commerce technical bill. Sparks said the measure makes changes to provisions regulating consumer small loan lenders and residential mortgage originators and servicers, provides for the calculation of reserves and nonforfeiture values of preneed funeral insurance contracts, revises annual audit requirements for insurers, regulates life and health guaranty association notices and regulates the powers of township mutuals. Sen. Linda Scheid (DFL-Brooklyn Park) offered, and members adopted, an amendment clarifying provisions relating to township mutuals.

H.F. 936, sponsored by Sen. Kathy Sheran (DFL-Mankato), specifies criteria for communities for a lifetime and requires the Minnesota Board on Aging to develop a designation process and funding sources for the communities. S.F. 1711, carried by Sen. Kevin Dahle (DFL-Northfield), regulates motor vehicle sales and distribution, defines line-make, requires franchisers to compensate dealers upon termination, cancellation or nonrenewal of the dealer franchise, specifies a process for manufacturer denial of a dealer request for the establishment of another make or line of new motor vehicles and modifies prohibitions related to the relationship between manufacturers and dealers concerning the acquisition of any other line of new motor vehicles.

S.F. 694, authored by Sen. Linda Berglin (DFL-Mpls.), modifies a prenatal alcohol or drug use prevention grant. S.F. 759, sponsored by Sen. Ron Latz (DFL-St. Louis Park), regulates event ticket sales. The bill requires initial sales to make available for sale all tickets under control of the initial seller under the terms specified by the event provider and prohibits seller diverted ticket sales unless authorized by event providers. S.F. 1539, authored by Sen. Chris Gerlach (R-Apple Valley), regulates viatical settlements and enacts the Viatical Settlements Model Act of the National Association of Insurance Commissions.

All of the bills were granted preliminary approval on voice votes.

Continuing to act as one large committee of the whole, the Senate also considered

S.F. 993, carried by Sen. Mee Moua (DFL-St. Paul). The bill is an omnibus public safety policy bill, Moua said. Moua said the bill is comprised of bills that passed the Judiciary Committee over the course of the session.

The bill modifies statutes to reflect organizational changes in the Bureau of Criminal Apprehension, changes the Financial Crimes Oversight Council to an advisory board, clarifies the authority for apprehension and detention orders outside the county that issued the order, specifies a retention time period for methamphetamine precursor drug logs maintained by retailers and provides that the logs are open to law enforcement, expands the solicitation of children crime to more comprehensively include soliciting through the use of newer technologies, addresses the consideration of a job applicant's criminal history during the public employment hiring process and creates a pilot program for driver's license reinstatement diversion for individuals charged with driving without a valid license.

The bill also authorizes the continuation of the Domestic Fatality Review Team in the Fourth Judicial District and permits all judicial to create domestic fatality review teams, expands the time frame in which a peace officer can arrest a person who has committed domestic abuse, expands the trespass crime to prohibit entry into areas cordoned off by peace officers, expands the criminal sexual conduct law's definition of sexual conduct crimes, restores the voting rights of an individual upon release from incarceration

and authorizes courts to include pets and companion animals in protective orders.

Limmer offered an amendment deleting provisions relating to hiring of ex-offenders, restoring offenders civil rights, requiring the development of a pilot project for short-term offender commitments and other controversial provisions.

Moua said she opposed the amendment. She said that in states where offenders have their civil rights restored after completing the incarceration phase of their sentence there is evidence of a lower rate of recidivism.

The amendment failed on a 25-34 roll call vote.

Robling offered an amendment deleting the provisions restoring civil rights to offender upon release from incarceration. Robling said the amendment retains current law that delays the restoration of civil rights until completion of the supervised release or other conditions of release. Robling said offenders should not be allowed to vote until the complete debt to society is repaid.

Latz said, "We want these people to succeed and one way is to get them involved in the community through voting."

The amendment was adopted on 30-25 roll call vote.

Ingebrigtsen offered an amendment prohibiting the possession or sale of salvia divinorum, a psychoactive herb that can induce strong dissociative effects. The amendment failed to be adopted.

Ortman offered an amendment specifying that when a court sentences an offender for a felony conviction, the court may order an aggravated sentence beyond the range specified in the sentencing guidelines grid based on any aggravating factor arising from the same course of conduct. The amendment was adopted on a 48-8 roll call vote.

An amendment, offered by Hann, limits the powers of the Attorney General's Office in discovery when pursuing civil investigations prior to filing a suit, unless approved by the court. The amendment specifies that the person who is the subject of the investigation an opportunity to review the evidence that is being used by the attorney general to justify the request for court approval and be heard on the matter before the court decided to grant or withhold its approval. The amendment failed on a 14-41 roll call vote.

Scheid offered an amendment that allows the Racing Commission to issue a

license to an applicant otherwise disqualified because of a prior felony conviction, but the person has completed the sentence. Under the amendment, the person is allowed to work in the stables and barns at the race track. The amendment was adopted.

The bill was granted preliminary passage on a 36-21 roll call vote.

## Omnibus judicial funding bill passed

Two omnibus appropriations bills gained final passage at the Tues., Apr. 21, floor session. S.F. 1627, the omnibus judicial appropriations bill, and S.F. 2081, the omnibus economic development and housing appropriations bill, both gained final passage after being designated Special Orders.

Sen. Leo Foley (DFL-Coon Rapids), chief author, outlined the provisions of the omnibus judicial appropriations bill. The bill makes appropriations of \$83.02 million for the Supreme Court, \$19.304 million for the Court of Appeals, \$465.9 million for the District Courts, \$1.6 million for the Tax Court, \$100,000 for the Uniform Laws Commission, \$892,000 for the Board of Judicial Standards, and \$132 million for the Board of Public Defense.

Foley said the measure represents just two percent of the general fund budget with total appropriations of \$699.07 million. He said the Judiciary Budget Division was given a target of \$53 million in cuts, which represents a seven percent reduction in base funding. Foley said \$5.6 million in federal funds help offset the cuts to the District Courts.

The measure also raises a variety of fees in order to raise appropriately \$34.023 in revenue. In addition, the measure authorizes the use of pretrial special masters in civil cases, provides for restorative justice programs for juvenile petty offenders, nonviolent delinquent offenders and nonfelony adult offenders, and provides for improved court collections.

Sen. Yvonne Prettner Solon (DFL-Duluth) offered an amendment deleting a provision prohibiting local units of government from imposing administrative penalties for felonies, gross misdemeanor, misdemeanor or petty misdemeanor violations. Foley opposed the amendment and said the amendment is a step backward in policy. Prettner Solon said, "We are constantly being reminded that the courts

# Senate Highlights

are overburdened and the amendment eases that burdened." Sen. Claire Robling (R-Jordan) spoke in opposition and said allowing administrative fines may turn into a revenue generator for local units of government and may lead to a patchwork of penalties for the same or similar violations.

The amendment was adopted on a 47-18 roll call vote.

The measure was granted final passage on a 40-25 roll call vote.

## Economic dev omnibus bill okayed

The omnibus economic development and housing appropriations bill, S.F. 2081, is carried by Sen. David Tomassoni (DFL-Chisholm). Tomassoni said the bill reaches the budget target reduction of \$22 million, but there is support for a variety of economic development projects. In addition, about \$20 million in federal funds are directed to workforce development, Tomassoni said. He said the measure uses the workforce development fund for some of the projects in the bill in order to put people to work. The bill provides \$84.5 million for Dept. of Employment and Economic Development programs, \$186 million for the Public Facilities Authority, \$24 million for Explore Minnesota Tourism, \$85.12 million for the Housing Finance Agency, \$37.2 million for the Dept. of Commerce, \$45.8 million for the Dept. of Labor and Industry, \$46.5 million for the Historical Society, \$4.5 million for public broadcasting and \$18.6 million for the Arts Board.

Sen. Ray Vandeveer (R-Forest Lake) offered an amendment to delete a provision requiring unlicensed contractor or subcontractor who performs public or private sector construction or improvement services to be registered. Sen. Thomas Bakk (DFL-Cook) said for some years, the Legislature has been trying to address the problem of employers not hiring employees, but instead requiring individuals to be independent contractors in order to avoid workers compensation and payroll overhead. The amendment failed on a 20-45 roll call vote.

Sen. Julie Rosen (R-Fairmont) offered an amendment specifying that if restaurant servers have salary and tips equaling \$12 per hour their base wage is \$6.55 per hour and if salary and tips do not equal \$12 per hour the base wage is \$7.25 per hour. Rosen said the provision expires in

two years. She said restaurants are struggling in the economic downturn and the amendment provides some relief.

Tomassoni question the germaneness of the amendment. The amendment was ruled not germane. Sen. Warren Limmer (R-Maple Grove) appealed the decision of the chair. Members upheld the ruling of the president on a 42-22 roll call vote.

Robling offered an amendment deleting a section of the bill providing loan forgiveness for the St. Paul RiverCentre Arena and removing additional bonding authority for the city of St. Paul. Sen. Richard Cohen (DFL-St. Paul) said other cities have gotten grants rather than loans and the city is just asking for equity. Sen. Sandra Pappas (DFL-St. Paul) asked that the amendment be divided. The portion of the amendment deleting the loan forgiveness was defeated on a 26-38 roll call vote. The second portion of the amendment, deleting the bonding authority for the city, was adopted on a 55-8 roll call vote.

The bill was granted final passage on a 49-15 roll call vote.

Members also granted concurrence and repassage to one bill. S.F. 978, authored by Sen. Sharon Erickson Ropes (DFL-Winona), modifies requirements for shaken baby syndrome training in licensed child care and child foster care programs.

## Transportation bill gains

The Thurs., Apr. 23, floor session was dedicated to granting final passage to two omnibus appropriations bills. S.F. 1276, the transportation omnibus budget bill and S.F. 2099, the environment omnibus budget bill both gained final passage after being designated as Special Orders.

Members re-passed the agriculture and veterans omnibus bill, H.F. 1122, after amending Senate language onto it. The bill was then sent back to the other body.

S.F. 1276, carried by Sen. Steve Murphy (DFL-Red Wing), makes a total appropriation from all funds of \$4.280 billion for the next biennium. He said the general fund appropriation is \$196.7 million for FY 2010-11. Murphy said the measure authorizes the commissioner of transportation to use the design-build contracting method with the high-speed passenger rail line from Chicago to the Twin Cities, prohibits the Metropolitan Council from increasing regular-route or Metro Mobility service fares until July of 2011, reduces the appropriation to Mn-

DOT for federal grants and aids related to the I-35W bridge collapse, allows primary enforcement of the seatbelt law and requires the Metropolitan Council to create a pilot program to sell transit passes at half-price to up to 20 charitable organizations for use by homeless individuals.

Murphy also said the federal funds in the bill will allow the state to continue highway construction and maintain roads throughout the state.

Sen. Dick Day (R-Owatonna) offered an amendment that would run the Twin Cities to Chicago high-speed passenger rail line south through Rochester, Owatonna, Faribault Northfield and Eagan instead of through Red Wing. Day said that if the rail runs through Rochester, ridership will increase because more people will be able to access the Mayo Clinic. Murphy said he opposed the amendment and would rather decide where the rail should run based on a study on where it would be most useful. The amendment failed by a vote of 23-41.

Sen. David Senjem (R-Rochester) proposed an amendment that requires a study to determine the route of the Twin Cities to Chicago passenger rail. The amendment failed by a vote of 25-39.

Sen. Patricia Torres Ray (DFL-Mpls.) offered an amendment to mitigate construction projects that might affect small businesses. The amendment was adopted.

Sen. Kathy Saltzman (DFL-Woodbury) sponsored an amendment that establishes the Stillwater lift bridge endowment account for maintenance and preservation of the lift bridge. Members voted to adopt the amendment.

Sen. Michael Jungbauer (R-East Bethel) offered an amendment deleting language providing the Met Council with the authority to levy up to \$9 million in FY 2010-11 and deleting the provision prohibiting transit or Metro Mobility fare increases. The amendment also set forth a method for funding transit operations. The amendment failed by a vote of 28-38.

Sen. David Tomassoni (DFL-Chisholm) moved to amend the bill by requiring the commissioner to allocate money in a way that maximizes the funding from the federal stimulus package. Members adopted the amendment.

An amendment was offered by Sen. Ann Lynch (DFL-Rochester) that would require the Twin Cities to Chicago passenger rail route to be determined by a study. The amendment failed by a vote of 25-41.



Senate Taxes Committee members put the final touches on an omnibus tax bill Wed., Apr. 22.

Photo by A.J. Olmscheid

Sen. John Doll (DFL-Burnsville) offered an amendment that does not allow a commercial driver to mask a traffic violation on his or her record by entering into a diversion program. The amendment was adopted.

Sen. Kathy Sheran (DFL-Mankato) proposed an amendment that forgives any money due on a loan given to the Minnesota Valley Regional Rail Authority. The agreement forgives \$4.5 million in loans, Sheran said. Sen. Julianne Ortman (R-Chanhassen) spoke in favor of the amendment and said that since the rail line is succeeding, it deserves to be rewarded so it can continue to thrive. The amendment failed by a vote of 26-39.

Sen. Amy Koch (R-Buffalo) moved to amend the measure by removing the portion of the bill that sets aside one and one-half percent of the total available in the municipal state-aid street fund to be used for administrative costs. The amendment did not prevail.

An amendment was offered by Jungbauer that adds any remaining money in the state airports fund to the appropriation for airport development and assistance. Members adopted the amendment.

Day proposed an amendment that deletes a requirement for a minimum price for gasoline sales. Day said the amendment helps drivers throughout the state by allowing gas stations to sell below cost. Sen. Charles Wiger (DFL-Maplewood) spoke in opposition to the amendment. He said the amendment will hurt small businesses. Members questioned the germaneness of the amendment, but it was ruled germane. The amendment failed by a vote of 19-44.

Sen. Claire Robling (R-Jordan) offered an amendment that deletes the section of the bill that prohibits the Metropolitan Council from increasing transit fares and changing transit routes before July of 2011. Murphy said he is opposed to the amendment because the prohibition

on transit fare increases is mostly comfort language for transit riders. The motion failed by a vote of 21-40.

Ortman brought forth an amendment that repeals the primary seatbelt provisions. She said that having a primary seatbelt law won't have much of an effect on how many Minnesotans wear seatbelts since 86.7 percent of Minnesotans already wear them.

Sen. Steve Dille (R-Dassel) spoke in opposition to the amendment, saying that a primary seatbelt law would teach teenage drivers to buckle up. Murphy also opposed the amendment. He said that teen drivers make up six percent of drivers in the state, but they comprise 12 percent of traffic fatalities. The amendment failed by a vote of 18-45.

Sen. Ray Vandever (R-Forest Lake) proposed an amendment for a study to analyze the costs associated with the construction of an ultra-high speed rail line from Duluth to the Twin Cities.

# Senate Highlights

An amendment, offered by Sen. Geoff Michel (R-Edina), that allows the commissioner to issue special license plates remembering victims of impaired drivers was not adopted.

Senjem brought forth an amendment that allows the state to issue permits for completion of highway construction in Rochester. Members approved the amendment.

The measure was granted final passage on a 47-18 roll call vote.

## Omnibus environment and natural resources bill passed

Members then turned to consideration of the omnibus environment and natural resources appropriations bill.

S.F. 2099, sponsored by Sen. Ellen Anderson (DFL-St. Paul), makes a total general fund appropriation of \$719.6 million in direct environment and natural resources appropriations for the FY 2010-11 biennium. The bill appropriates \$486.1 million to the Department of Natural Resources, \$166.7 million to the Pollution Control Agency, \$31.3 million to the Board of Water and Soil Resources, \$17.8 million to the Metropolitan Council for regional parks and trails, \$1.9 million to the Minnesota Conservation Corps, \$2.4 million to the Science Museum of Minnesota and \$13.4 million to the Minnesota Zoological Board for operations at the Minnesota Zoo. Anderson said the bill contains very little new spending and reflects a \$24 million cut to the agencies' base budgets.

Sen. Linda Scheid (DFL-Brooklyn Park) proposed a technical amendment providing clarifying language regarding high priority chemical reports. The amendment was adopted.

Sen. Rod Skoe (DFL-Clearbrook) offered an amendment that deletes language requiring the Department of Health to publish in the State Register and on the department's website a list of chemicals of high concern. The amendment was adopted.

Sen. Claire Robling (R-Jordan) proposed an amendment that deletes phase-out language on non-compostable lawn waste bags. The amendment was not adopted.

Sen. David Hann (R-Eden Prairie) offered an amendment deleting a \$200,000 grant program for composting program grants. Hann said the grants are unnecessary and the money used to

fund the program could be used for more important purposes. Anderson said the program is a small cost to something that will make a big difference. She said the program reduces waste that is sent to landfills, which will save taxpayers money in the long run by saving them money in garbage and waste taxes. The amendment failed by a vote of 43 to 16.

Hann moved a second amendment to delete the delay for the merger of the Dept. of Natural Resources Ecological Services and Waters Divisions. The amendment was not adopted.

Sen. Bill Ingebrigtsen (R-Alexandria) offered an amendment to remove the prohibition on sales of certain state outdoors land. Sen. Satveer Chaudhary (DFL-Fridley) said the provision in the bill is supported by numerous natural resources organizations and prohibits the proceeds from the sale of public areas that the DNR deems not useable for recreational purposes from being deposited into the general fund. Ingebrigtsen withdrew his amendment after the language of the bill regarding the DNR's sale of land was clarified.

Sen. Ray Vandeven (R-Forest Lake) proposed an amendment removing a section regarding a \$2,000 fee assessed by the commissioner of natural resources on applications for easements for ingress and egress over trail right-of-way. Anderson said the amendment is out of order because it removes a revenue source from bill and makes the measure fiscally unbalanced. Pursuant to the rules of the Senate, the amendment was deemed out of order by the President of the Senate.

The measure was granted final passage on a 49-15 roll call vote. Members then took the companion bill, H.F. 2123, from the table and repassed the measure.

## Bonding conferees continue work

The Conference Committee on H.F. 855, the capital investment bill, continued negotiations throughout the week. The panel, with alternate meetings chaired by Rep. Alice Hausman (DFL-St. Paul) and Sen. Keith Langseth (DFL-Glyndon), is charged with reconciling the differences between the House and Senate versions of the bill. The Senate version appropriates a total of \$367.675 million from bond proceeds, while the House version appropriates a total of \$247.635 million from bond proceeds. The Senate conferees have made an offer contain-

ing changes in appropriations, which was countered by an offer made by House conferees. The panel is scheduled to continue meetings.

## Senate on the World Wide Web

The Minnesota Legislature's Web site has been updated. A joint effort of the Senate, House of Representatives, Legislative Reference Library, Legislative Commissions, and the Office of the Revisor of Statutes, the site offers easier access to a variety of legislative and government information.

The Legislature's page (<http://www.leg.mn>) includes links to other government agencies and departments, as well as copies of Minnesota Statutes, Session Laws, and Rules. The page also allows one to track legislation and get general information about the legislative process. The site includes a district finder service for those who need to contact their House member or Senator. Other information—about visiting the Capitol, state history and symbols, and employment opportunities with the Legislature—is also available.

Information about joint legislative departments, the various legislative commissions, and task forces is available at <http://www.commissions.leg.state.mn.us>.

The House of Representatives Web page (<http://www.house.mn>) includes membership and committee information. It also has daily news, information, and the daily House schedule. House journals and legislative information are also available.

The Senate Web site (<http://www.senate.mn>) has information about members, committees and Senate staff. The page also has daily and weekly schedules for the Senate, as well as copies of the Journal and Senate Briefly. The status of legislation and confirmation of executive appointments by the Senate is also available.

Both the Senate and House Web sites offer streaming video access to floor and selected committees.

## MyBills system available

The MyBills personalized bill tracking system is now available. Users can add House and Senate bills to their lists by bill number, subject, or author, and view the legislative status of their bills, with items with significant current floor action highlighted. The system is available at: <http://www.house.mn/leg/billslogin.asp>

## Business, Industry and Jobs

### Home purchase loan bill heard

The Business, Industry and Jobs Committee, chaired by Sen. James Metzen (DFL-South St. Paul), met Wed., Apr. 22, to discuss two bills.

Metzen carried a bill, S.F. 2078, that creates a construction loan guarantee program, permits local assessments for energy improvements, provides for home purchase loans, provides a rehabilitation tax credit for historic structures and streamlines some construction projects. The bill also allows the commissioner to issue revenue bonds to a state agency, economic development authority or port authority for a qualified green building and sustainable design project, Metzen said.

Bonnie McDonald, executive director, Preservation Alliance of Minnesota, said that providing a tax credit for historic structures creates jobs because historical sites will be able to afford new employees. She said the bill could prevent more historical sites in the state from closing, whether permanently or temporarily.

Mike Christiansen, director of community planning and economic development, also spoke in favor of the bill. Christiansen said the measure provides a benefit to communities that are hurting because of high foreclosure rates. If individuals are able to get a loan for home purchase assistance, he said, communities might rebound faster from the foreclosure crisis.

The bill was laid over to be discussed further at a later date.

S.F. 1414, authored by Sen. David Hann (R-Eden Prairie), limits the application of collective bargaining provisions, including collective bargaining agreements between an employer and labor organization that require membership in the labor organization as a condition of employment. The bill provides that collective bargaining provisions do not apply to an employee who is under the age of 18, Hann said. Members did not take action on the bill.

## Economic Development and Housing Budget Division

### Unemployed health coverage bill gains

Members of the Economic Development and Housing Budget Division, chaired by Sen. David Tomassoni (DFL-



*Edina High School Senior Dani MacInnes appears in front of the Business, Industry and Jobs Committee Wed., Apr. 22, to promote a bill she helped draft through a school mentoring program. The proposed legislation permits exceptions to collective bargaining agreements, thus allowing high school students to work less than a minimum number of required hours.*

Photo by A.J. Olmscheid

Chisholm), met Wed., Apr. 22, to hear three bills, including a measure to provide health coverage to unemployed Minnesotans.

S.F. 347, carried by Sen. Terri Bonoff (DFL-Minnetonka), establishes temporary MinnesotaCare coverage for individuals who have been laid off from employment. The bill deducts a percentage from the unemployment benefits received by the individual and deposits the amount in a workforce health coverage account, with the cost of the temporary coverage being paid from the account.

Lee Nelson, director of legal affairs, Department of Employment and Economic Development, said individuals applying for unemployment will be asked

if they want to participate in the temporary coverage. If they choose to receive the coverage, 10 percent of their weekly benefits will be deducted and placed into the coverage account and a fee will be assessed on the former employer that will be collected later from the employers' unemployment tax, said Nelson.

The division adopted the committee report from the Health and Human Services Budget Division making technical changes to the bill and clarifying the commissioner of human services as the authority in charge of determining individual eligibility for the temporary coverage. The division approved the bill and re-referred the measure to the Finance Committee.

# Update

S.F. 340, authored by Sen. Linda Scheid (DFL-Brooklyn Park), requires homeowner-lender mediation prior to foreclosure. Scheid said the bill is modeled on the farmer-lender mediation of the 1980s enacted during the farm crisis.

Scheid offered three amendments. The first adds language to the bill requiring homeowners to undergo foreclosure prevention counseling before entering into mediation. The amendment also allows mediation to be conducted over the telephone and removed court supervision requirements tied to bad faith practices outlined in the bill. The second amendment changes the party responsible for the management of the Homestead-Lender Mediation Act account from the attorney general to the Minnesota Housing Finance Authority. Both amendments were adopted by the division.

The third amendment, which was only partially adopted by the division, removed the sections from the bill addressing fees to pay for the act and replaced it with an annual fee of one dollar to be imposed on every parcel of real property for which a property tax statement is mailed. The division adopted the removal of the original language regarding fees but failed to adopt the new language regarding the one dollar fee.

The division approved the bill as amended and re-referred the measure to the Finance Committee.

S.F. 2010, also authored by Scheid, establishes a home values guarantee pilot program to stabilize market values of residential real estate in certain areas. Sen. Dan Sparks (DFL-Austin), co-author of the bill, said the purpose of the program is to provide a five-year guarantee from the state against declining property values in certain areas of the state hardest hit by the economic downturn. Sparks said the bill aims to set the floor for Minnesota home values earlier than the market might have otherwise done so.

Sen. Mary Olson (DFL-Bemidji), along with a number of other Senators, said the pilot program doesn't focus on the correct geographic areas and will likely not prove successful enough to expand the program statewide.

Larry Buegler, former president, Farm Credit Bank of St. Paul, said the bill contains many of the same features of legislation that was passed during the farm crisis of the 1980s, a measure that was successful in reinstalling value in many rural properties around the state.

Scheid offered an amendment enhancing the flexibility of the bill by increasing the appraised value range for property owned by individuals wishing to participate in the program. The division adopted the amendment, approved the bill and re-referred the measure to the Finance Committee.

modifies the Critical Areas Act of 1973 and requires the commissioner of natural resources to administer the Mississippi River corridor critical area program. In addition, the measure requires the commissioner to establish districts within the critical area and establish minimum guidelines and standards for the districts.

S.F. 1629, carried by Sen. Satveer Chaudhary (DFL-Fridley), makes wellhead protection areas eligible for the Reinvest in Minnesota reserve program and requires the Board of Water and Soil Resources to permit the harvesting of native grasses for use in seed production or bioenergy on wellhead protection lands. S.F. 1892, also sponsored by Chaudhary, authorizes the commissioner of the Pollution Control Agency to develop performance and design standards to promote the implementation of low impact development and other storm water management techniques.

Chair Sandy Rummel (DFL-White Bear Lake) authored two bills. S.F. 1915 provides an appropriation to the commissioner of the Pollution Control Agency to establish water monitoring network sites in public waters to assess endocrine disrupting compounds, antibiotic resistant compounds and pharmaceuticals. S.F. 2005 provides an appropriation to the commissioner of health to protect drinking water sources for community source water protection plans, for water protection implementation grants and to address public health concerns relating to drinking water contaminants.

All of the bills were laid over for possible inclusion in the subcommittee's omnibus bill.

## Members discuss appropriations bills

The Environment, Energy and Natural Resources Budget Division Subcommittee on Clean Water Legacy, chaired by Sen. Sandy Rummel (DFL-White Bear Lake), met Tues., Apr. 21, to consider two appropriations bills.

Sen. Dennis Frederickson (R-New Ulm) sponsored S.F. 1913, which appropriates money from the clean water fund for clean water legacy activities. The bill makes a total appropriation of \$151.966 million for FY 2010-11. Of the total appropriation, \$35.958 million is appropriated to the Pollution Control Agency, \$7.087 million to the Dept. of Natural Resources, \$50.536 million to the Board

## Energy, Utilities, Communications and Technology

### PUC commissioners approved

Members of the Energy, Utilities, Technology and Communications Committee, chaired by Sen. Yvonne Prettner Solon (DFL-Duluth), met briefly Tues., Apr. 21, to consider the appointments of three commissioners to the Public Utilities Commission (PUC).

David C. Boyd, J. Dennis O'Brien and Betsy L. Wergin were all confirmed by the committee to fulfill six-year terms. Boyd, a resident of Lakeville, is the current chair of the PUC and a former professor of chemistry at the University of St. Thomas. O'Brien, a former attorney and partner with Littler Mendelson in Minneapolis, is the state's director of strategic planning and a resident of St. Paul. Wergin is a former state Senator and Sherburne County Commissioner and currently lives in Princeton.

The PUC, which is comprised of five commissioners who serve in full-time, paid positions, regulates the rates and services of electric, natural gas and telephone companies. The commission acts through public hearings, contested case hearings, rule-making hearings and informal complaint resolutions.

## Environment, Energy and Natural Resources

### Water bills heard

The Environment, Energy and Natural Resources Budget Division Subcommittee on Clean Water Legacy met Mon., Apr. 20, to hear several measures providing appropriations to a variety of projects relating to clean water.

S.F. 1680, authored by Sen. Keith Langseth (DFL-Glyndon), appropriates money for a Buffalo River watershed water quality pilot project. S.F. 671, carried by Sen. Katie Sieben (DFL-Newport),

of Water and Soil Resources, \$8.205 million to the Dept. of Agriculture, \$3.251 million to the Dept. of Health, \$739,000 to the Metropolitan Council and \$46.19 million to the Public Facilities Authority in the 2010-11 biennium, Frederickson said.

Sen. Satveer Chaudhary (DFL-Fridley) carried S.F. 1836, which is another proposal for how to appropriate funds from the clean water fund for clean water legacy and drinking water protection. The measure makes a total appropriation of \$151 million in FY 2010-11. Chaudhary said the main differences between his bill and Frederickson's bill is that Frederickson proposed more appropriations to the Public Facilities Authority and less to the Pollution Control Agency. Chaudhary said the bill appropriates \$41.7 million to the Pollution Control Agency, \$37.420 million to the Dept. of Natural Resources, \$54.98 million to the Board of Water and Soil Resources, \$12.7 million to the Dept. of Agriculture, \$3.4 million to the Dept. of Health and \$800,000 to the Metropolitan Council in FY 2010-11.

Craig Johnson, League of Minnesota Cities, said 40 percent of the lakes and rivers in Minnesota are too polluted to meet federal requirements, which is why the appropriations of the clean water legacy are so important.

Vern Wagner, MN Bass Federation, said the federation's commitment is to speak about matters affecting habitat. "We believe that healthy lakes are good for fish, and since we like to fish it's important that we speak up about it," he said. Wagner said the clean water legacy will be good for the state's economy because Minnesota already attracts out-of-state anglers, and clean lakes and rivers will attract even more.

Members heard several other testifiers, all of whom agreed that total maximum daily load (TMDL) preparation and implementation is crucial in the quest to clean up the state's water resources in order to make the waters fishable, swimmable and drinkable.

Members voted to lay over both bills for possible inclusion in the omnibus subcommittee bill.

## Finance

### Omnibus bills heard

Members of the Finance Committee, chaired by Sen. Richard Cohen (DFL-St. Paul), met Mon., Apr. 20, to hear omni-

bus budget bills from two different Senate committees.

Sen. David Tomassoni (DFL-Chisholm) presented S.F. 2081, the Economic Development and Housing Budget Division's omnibus budget bill. The bill makes a total general fund appropriation of \$415.265 million for the 2010-11 biennium, an amount that reflects a reduction of \$23 million in the division's general fund budget. The measure makes a general fund appropriation of \$84.364 million to the Dept. of Employment and Economic Development (DEED), \$22.8 million to Explore Minnesota Tourism, \$85.12 million to the Housing Finance Agency, \$34.6 million to the Commerce Dept., \$46.5 million for the Historical Society, \$4.5 million for public broadcasting and \$18.6 million for the Arts Board.

Tomassoni said a variety of programs are included in the DEED appropriation for business and community development and workforce development aimed at spurring economic development in the state and creating jobs.

Sen. Sandra Pappas (DFL-St. Paul) offered an amendment appropriating money to Lutheran Social Services for debt management and debt settlement services. Two additional amendments were offered, one appropriating an additional \$1.6 million to the film board and another designating hockey as the official state sport. The amendments were adopted by the committee.

Sen. Leo Foley (DFL-Coon Rapids) presented S.F. 1627, the Judiciary Budget Division's omnibus budget bill. The bill makes total general fund appropriations of \$740.420 million for the Supreme Court, Court of Appeals, District Courts, the Tax Court, the Uniform Laws Commission, the Board on Judicial Standards and the Board of Public Defense. Foley said the bill appropriates

\$735 million from the general fund to the judiciary. Reductions of \$16.9 million combined with increased revenue of \$35.7 million comprise a net impact of \$52.6 million, a seven percent reduction from base, said Foley. He said increases to revenue come through increases in a variety of court filing fees, an increase in the attorney license fee and a parking violation surcharge increase. Foley said a onetime federal fund appropriation of \$5.6 million to the district courts gives the bill a net reduction of \$47 million for the biennium. Foley said the measure also contains some provisions from the Judiciary Committee's policy bill, S.F. 2018.

Members of the committee approved both bills and advanced the measures to the full Senate.

### Omnibus bills advance

The Finance Committee, chaired by Sen. Richard Cohen (DFL-St. Paul),



Justin Huenemann of the Native Pride Dancers performs a traditional dance in front of the Capitol as part of a HIRE Minnesota campaign rally Mon., Apr. 20.

Photo by A.J. Olmscheid

# Update



Miss Minnesota Angela McDermott, Austin, performs the National Anthem on the front steps of the Capitol Tues., Apr. 21, as part of S.P.A.M. (Special People from Austin, Minnesota) Day at the Capitol.

Photo by A.J. Olmscheid

convened to take action on two omnibus bills Tues., Apr. 21.

S.F. 1276, the transportation omnibus budget bill authored by Sen. Steve Murphy (DFL-Red Wing), makes a total general fund appropriation of \$196.7 million for FY 2010-11. Murphy said that \$35.574 million is appropriated to the Dept. of Transportation, \$145.278 million to the Metropolitan Council for transit, \$6.3 million to the state patrol and \$15.918 million to the Dept. of Public Safety from the general fund in FY 2010-11. The total appropriation of all funds is \$4.285 billion, Murphy said. He said \$30.846 million is appropriated for airport development and assistance, \$509.79 million for infrastructure operation and maintenance, \$1.12 billion for state road construction, \$54.118 million for driver and vehicle services and \$870,000 for traffic safety.

Murphy said the measure reduces the appropriation to MnDOT for federal grants and aids related to the I-35W bridge collapse, allows primary enforcement of the seatbelt law, authorizes the commissioner of transportation to use the design-build contracting method with the high-speed passenger rail line from Chicago to the Twin Cities, prohibits the Metropolitan Council from increasing regular-route or Metro Mobility service fares in excess of fares charged on December 1, 2008 and requires the Metropolitan Council to create a pilot program to sell transit passes at half-price to up to 20 charitable organizations for use by homeless individuals.

Sen. Jim Vickerman (DFL-Tracy) offered an amendment to forgive any money due on loan agreements made to the Buffalo Ridge Regional Railroad Authority. Murphy said the loan forgiveness allows Rock and Noble Counties to purchase and rehabilitate 41.4 miles of rail line that provides transportation service to the counties. The amendment was adopted.

The measure was approved as amended and re-referred to the Taxes Committee.

S.F. 2099, sponsored by Sen. Ellen Anderson (DFL-St. Paul), makes a total general fund appropriation of \$319.194 million for environment, energy and natural resources in FY 2010-11. The measure reduces environment, energy and natural resources appropriations by approximately \$24 million, Anderson said. She also said the only new spending in the bill is for bovine tuberculosis.

Fiscal Analyst Dan Mueller said that for FY 2010-11, the measure appropriates \$21.642 million to the Pollution Control Agency, \$13.136 million to the Minnesota Zoo, \$224.962 million to the Dept. of Natural Resources, \$30.921 million to the Board of Water and Soil Resources, \$10.866 million to the Public Utilities Commission and \$8.25 million to the Dept. of Commerce from the general fund. Legislative Analyst Greg Knopff said the bill prohibits the reorganization of the Environmental Quality Board for the next biennium, creates an application fee for certain easements, transfers \$725,000 each year from the water recreation account to the invasive species account, renames the Northshore Trail as the Northshore/C.J. Ramstad Trail and establishes a grant program for composting grants to political subdivisions. The measure also directs the PCA to create a system for reporting greenhouse gas emissions and directs both the PCA and Dept. of Health to provide reports on high priority chemicals, Knopff said.

Knopff said the portion of the bill regarding energy directs the commissioner of employment and economic development to begin a project to coordinate and mandate state agency collaboration on green economy projects and creates a grant program for eligible businesses to develop renewable energy systems and components for renewable energy systems in the state.

The measure was approved and sent to the Senate floor.

## Health and Human Services Budget Division

### Kids health care coverage bill discussed

Members of the Health and Human Services Budget Division, chaired by Sen. Linda Berglin (DFL-Mpls.), gathered for an evening meeting Tues., Apr. 21, to hear a variety of measures, including a bill to expand health care coverage for children.

S.F. 207, sponsored by Berglin, expands health care coverage to all children. Berglin said the bill outlines two options for proving the extended care—one option reduces current eligibility barriers to cover children under MinnesotaCare and the other option includes delaying verification and creating express lane

eligibility for Medical Assistance and MinnesotaCare. The division discussed the pro's and con's of both options but didn't formally select the pursuit of one over the other.

The division laid the bill over for possible inclusion in the division's omnibus budget bill.

S.F. 1343, also sponsored by Berglin, authorizes a pilot project in Hennepin County to test a protocol for having 911 patients transported by a special transportation services vehicle instead of by ambulance if the responding paramedic and the patient agree that the lower level of service is sufficient.

Berglin offered an amendment stating that Medical Assistance covers ambulance services. The amendment also states that providers are to bill ambulance services according to Medicare criteria and non-emergency ambulance services will not be paid as emergencies.

The division adopted the amendment and laid the bill over for possible inclusion in the omnibus bill.

S.F. 1369, carried by Sen. Steve Murphy (DFL-Red Wing), establishes an exception to the nursing facility construction moratorium for an 80-bed facility at a new site in Goodhue County to replace an existing 84-bed hospital-owned nursing facility and a 65-bed nonprofit facility.

The division approved the bill and re-referred the measure to the Finance Committee.

Before adjourning, Berglin offered an amendment to the omnibus bill that modifies hospital outpatient reimbursement rates. Berglin said the amendment treats repeat visits to the emergency room as urgent care visits and pays emergency rooms at urgent care rates.

The division approved the amendment and laid it over for possible inclusion.

## Judiciary Budget Division

### Guardian, conservators bill gains

The Judiciary Budget Division, chaired by Sen. Leo Foley (DFL-Coon Rapids), met Thurs., Apr. 23, to consider a bill relating to guardians and conservators.

S.F. 951, authored by Sen. Mee Moua (DFL-St. Paul), modifies the definitions of interested person to include a representative of a state ombudsman's office or a federal protection advocacy program,

defines professional guardian or professional conservator as a person acting as a guardian or conservator for three or more individuals not related by blood, adoption or marriage. The bill also establishes a central registration system for guardians and conservators and provides for a registration fee. The measure also outlines a bill of rights for wards and protected persons, adds to the list of priorities of whom may appointed a guardian or conservator and requires a copy of the annual well being report to be given to the ward and interested persons. In addition, the measure requires a conservator to post a bond if the protected person's estate is expected to be at least \$10,000.

Members adopted an amendment specifying that the well being report must include any restrictions placed on the ward's right to communication and visitation with persons of the ward's choice and the factual basis for those restrictions. In addition, the amendment provides that the court, acting in the best interest of the protector person in the initial inventory of the estate filed by the conservator may decline to appoint a person having priority and appoint a person having a lower priority or no priority. Members also adopted an amendment providing that the bond requirement begins with conservators appointed after Aug. 1, 2009 and at the first review of the conservators appointed before the effective date.

The bill was approved and advanced to the full Finance Committee.

## Omnibus budget bill advanced

Members of the Health and Human Services Budget Division, chaired by Sen. Linda Berglin (DFL-Mpls.), gathered Fri., Apr. 24, to review and discuss their omnibus budget bill.

S.F. 695, carried by Berglin, cuts a total of \$625.3 million from the budgets of all health and human services related agencies. Breaking the reductions down by agency, the Department of Human Services saw a cut of \$614 million, the Department of Health was cut \$10.7 million, the Emergency Medical Services Board was cut \$328,000, the Council on Disability was reduced \$52,000, the Ombudsman for Mental Health and Mental Retardation was reduced by \$150,000, the Ombudsman for Families cut \$28,000 and all other smaller agencies cut \$4.7 million. The bill did contain a few appropriations

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including \$4.6 million to the Veterans Nursing Home Board and \$962,000 to other health related boards.

"There were some principals we held in trying to put this bill together and many of those principals we have been able to live up to," said Berglin. She said the bill keeps intact the integrity of the health care access fund while proposing no cuts in medical care eligibility. Berglin said the measure does not accept major cuts to child care nor does it eliminate dental care, therapies, chiropractic or podiatry care. She went on to say that the division tried to mitigate cuts that impact people with mental illness while preserving the safety net for MFIP clients and providing more supportive work for them during this recession.

The bill contains a number of the governor's budget recommendations including a reduction in the general fund administrative operations, group residential housing modifications, FSET revenue enhancement, limitation on customized living service rates and reductions in LTC provider rates but does not include child-permanency- northstar care, investment in early learning or shifts in critical dental care. The bill does recognize the restructuring of TANF funds and the reduction in PCA care, but does not impose as drastic cuts as the governor's original proposal, nor does the bill include the restructuring of GAMC.

Berglin offered a number of technical amendments including modifications to the prescription electronic reporting system, clarification language regarding prescription drug coverage for individuals receiving Medical Assistance and guidelines pertaining to the federal stimulus loan repayment program. The amendments were adopted by the division.

Sen. Michelle Fischbach (R-Paynesville) offered an amendment to include an autism spectrum disorder joint task force in the language of the bill. Fischbach said the task force is directed to examine a number of topics including ways to improve services provided by all state agencies and political subdivisions and sources of public funding available for treatment and ways to improve efficiency in the use of the funds. Sen. Sharon Erickson Ropes (DFL-Winona) offered a language change to the amendment regarding funding for the participation of the commissioners of education, employment and economic development, health and human services

to participate in the task force. Fischbach adopted the language change and the amendment was adopted by the division on a roll call vote of 6-3.

The division approved the bill as amended and re-referred the measure to the Finance Committee.

having jurisdiction over juvenile justice policy by February 15, 2010.

The division approved the bill and re-referred the measure to the Finance Committee.

## Rules and Administration

### Omnibus environment bill discussed

The Rules and Administration Committee, chaired by Sen. Lawrence Pogemiller (DFL-Mpls.) met briefly Mon., Apr. 20, to consider the disposition of S.F. 2099.

The measure, authored by Sen. Ellen Anderson (DFL-St. Paul), was introduced as a division bill containing the language for the omnibus environment, energy and natural resources appropriations. The bill was referred to the Committee on Finance, but Sen. Satveer Chaudhary (DFL-Fridley) object to the committee reference. Chaudhary said the measure contained some policy provisions that had not been reviewed by the Environment and Natural Resources Committee. Anderson said the provisions in question were consistent with past practices for bills introduced by a division and contained appropriations related language.

Pogemiller said a division's omnibus appropriation measure has never been referred back to a policy committee. Sen. Linda Berglin (DFL-Mpls.) moved that the bill be referred to the Finance Committee. Members adopted the motion.

## State Government Budget Division

### Election bills gain

The State Government Budget Division, chaired by Sen. Don Betzold (DFL-Fridley), met Tues., Apr. 21, to consider several bills relating to elections and two additional measures.

S.F. 660, sponsored by Sen. John Marty (DFL-Roseville), provides for automatic voter registration of applicants for a driver's license, instruction permit or identification card. The bill also requires the Office of the Secretary of State to use other government databases to verify voters' eligibility.

Sen. Katie Sieben (DFL-Newport) authored three bills. S.F. 768 prevents candidates in an election from determining validity of an absentee ballot envelope

## Public Safety Budget Division

### Human trafficking bill advances

The Public Safety Budget Division, chaired by Sen. Linda Higgins (DFL-Mpls.), met briefly on Wed., Apr. 22, to discuss and advance two measures.

S.F. 1514, carried by Sen. Sandra Pappas (DFL-St. Paul), is the human trafficking omnibus bill. The bill amends multiple laws, definitions and criminal codes related to prostitution, sex trafficking, sex-related crime, and labor and human trafficking. The bill also requires retail licensees who have been cited by a local licensing authority as a location that has been subject to complaints to law enforcement for sex trafficking activity to post a sign in public and conspicuous locations stating that sex trafficking is a crime under Minnesota law. Furthermore, the measure requires the owner of a hotel, motel or other lodging establishment that was subject to an abatement order relating to sex trafficking activities to post a notice in each unit and portion of the building that was subject to the order. Finally, the bill outlines the rights of a victim of human trafficking in civil court and amends the requirements for the commissioner of public safety to gather, compile and publish statistical data related to human trafficking.

Pappas offered an amendment expanding the definition of a "public place" as it relates to human trafficking. The division adopted the amendment, approved the bill and re-referred the measure to the Finance Committee.

S.F. 561, authored by Sen. Mee Moua (DFL-St. Paul), requires the Criminal and Juvenile Justice Information Policy Group to study the feasibility of collecting and reporting summary data relating to decisions that affect a child's status within the juvenile justice system. The bill also requires the commissioner of public safety to submit the study to the chairs and ranking minority members of the Senate and House of Representatives committees

and clarifies that if a ballot is marked with a voter's signature, an identification number, or a name written completely outside of the space allotted for the names of write-in candidates, the entire ballot is defective. The bill also makes changes to provisions setting the conditions for recounts. Under the bill, a recount is required in a primary or general election if the margin between candidates is less than one-quarter of one percent of the total number of votes counted upon receiving written request from the candidate whose nomination is in question.

S.F. 970 authorizes early voting at designated locations in counties and cities from the 30 days prior to an election until the fourth day prior to the elections. Sieben explained that early voting is different from absentee voting in that the ballot is placed directly in the ballot box. In addition, Sieben said absentee voting is allowed only under specified condi-

tions, but early voting does not have to meet any conditions. Members adopted an amendment, offered by Sen. Claire Robling (R-Jordan), changing the time frame for early voting to 18 days prior to the election until the fourth day prior to the election.

S.F. 1331 makes changes to absentee ballot requirements. Sieben said the most major change is requiring absentee ballots to be processed at the county, city or school district level, rather than at the precinct level. The bill requires counties, cities or school districts to establish ballot boards to process absentee ballots. Further, the bill specifies that if an absentee ballot is rejected by the absentee ballot board, a replacement ballot must be sent out, provided there are five or more days prior to the election, or an attempt must be made to contact the voter prior to the election to tell the person the ballot has been rejected.

S.F. 157, carried by Sen. Ann Rest (DFL-New Hope), establishes a presidential primary and requires major political parties to use the results of the primary to allocate among the candidates any delegates selected to represent the state at national political conventions. The bill also sets forth requirements for operating the presidential primary and outlines provisions for caucuses in non-presidential years.

S.F. 791, also authored by Rest, provides for the holding of a runoff election when the margin between candidates is less than one-eighth of one percent. Under the bill, only the candidates placing within one-eighth percent of the leading candidate of federal, state constitutional or state judicial office will appear on the ballot in the runoff election. The bill also specifies that the runoff election take place during the month of December.



Senators Amy Koch (R-Buffalo), left, and Julie Rosen (R-Fairmont) confer during the Senate's Thurs., Apr. 23, floor session.

Photo by David J. Oakes

# Update



Senators Julianne Ortman (R-Chanhassen) and David Senjem (R-Rochester) closely examine a sheet of monetary figures during Senate floor debate Wed., Apr. 22.

Photo by A.J. Olmscheid

The bill establishing a presidential primary was forwarded to the full Finance Committee without recommendations. All the other election bills were approved and advanced to the Committee on Finance.

The panel considered two additional bills. S.F. 185, authored by Sen. Patricia Torres Ray (DFL-Mpls.), extends the expiration date of the Legislative Coordinating Commission Ethnic Heritage and New Americans Working Group until June 30, 2011. The measure was approved and advanced to the full Finance Committee.

S.F. 702, sponsored by Sen. David Tomassoni (DFL-Chisholm), makes changes to the state employee vacation donation program. Currently, employees may donate up to 12 hours of accrued vacation leave each fiscal year to the sick leave account of one or more state employees whose vacation and sick leave is exhausted. The measure allows the donation of up to 40 hours of accrued vacation or sick leave. Members also considered an amendment allowing prior government service or service in the military to be

counted in determining an employee's vacation time accrual rate. Current law limits the consideration of prior service to a ten-year look-back, but the bill eliminates the ten-year limit. Members laid the bill over in order to obtain a fiscal note.

## Taxes

### E-Fairness bill heard

Members of the Taxes Committee, chaired by Sen. Thomas Bakk (DFL-Cook), gathered Mon., Apr. 20, to hear two measures seeking inclusion in the committee's omnibus bill, including a bill requiring out-of-state merchants with nexus in the state to collect sales tax on purchases made by Minnesota residents.

S.F. 282, authored by Bakk, defines the term "solicitor" for federal nexus and internet sales tax purposes. The bill defines a "solicitor" as a person who enters into a contract to directly or indirectly refer potential customers to a business or the website of the business. The bill states that a business is presumed to have

a solicitor in the state, and therefore has a duty to collect state sales tax, if it has at least \$10,000 annually of sales in Minnesota based on referrals from residents of the state or businesses with a physical presence in the state.

Bakk said the bill is based on a law recently enacted in the state of New York. He said the law is aimed at establishing a duty to collect sales tax on out-of-state internet businesses that enter into contracts with bloggers to put links from their sites to the company's website.

Paul Misener, Amazon.com, said the proposed bill violates the interstate commerce clause and is likely unconstitutional. Misner said the bill will also have unintended consequences of imperiling a broad range of small businesses in Minnesota that obtain advertising revenue from out-of-state businesses. He said many out-of-state businesses that use commission-based advertising would simply move their advertising out of Minnesota to other states, depriving many Minnesota small businesses of important revenue streams in a difficult economy.

Sue Zumberge, Midwest Booksellers Association, said that each year Minnesota loses ten of millions of dollars in sales tax revenue to online retailers, many of which have nexus in the states due to affiliate relationships. She said the shortfall will only grow worse as online shopping continues its robust growth. Zumberge said independent bookstores are competing against out-of-state online retailers that can entice shoppers with so-called "tax-free shopping," which creates an unfair playing field and ultimately hurts Minnesota citizens who could see benefits from the uncollected tax revenue. According to the Minnesota Department of Revenue, Zumberge said the bill will recoup \$22.3 million in lost sales taxes in FY 2010 and \$28 million in FY 2011.

The committee laid the bill over for possible inclusion in the omnibus bill.

S.F. 1158, also authored by Bakk, adjusts a requirement that financial statements submitted to the attorney general by charitable organizations be audited. Bakk said the bill permits more charities to file financial statements with the attorney general's office that are not audited by a certified public accountant. The bill also increases the threshold for the requirement that the annual financial statement that charities are required to file with the attorney general's office be

audited by an independent certified public accountant, he said. Bakk said the current threshold is \$350,000 of revenue for the year, and the bill would increase it to \$750,000.

Sen. Linda Scheid (DFL-Brooklyn Park) offered an amendment to raise the threshold for audits on charitable gambling organizations from \$300,000 to \$500,000. The committee adopted the amendment, approved the bill and laid the measure over for possible inclusion in the omnibus bill.

### Tax proposal unveiled

Chair Thomas Bakk (DFL-Cook) unveiled the Senate's tax proposal at the Tues., Apr. 21, meeting of the Taxes Committee. Bakk said the proposal raises income taxes at all levels in order to raise \$2.188 billion over the course of the next biennium. However, Bakk said the new income tax rates will blink off in 2014. He said the income tax increase will have an impact on most tax filers, but 15 percent of taxpayers will not be affected by the change. Bakk said the bill is weighted toward high income households with 3.5 percent of the highest income taxpayers accounting for 40 percent of the increase.

Bakk said the bill also has significant economic stimulus for business development and job creation. He said the governor's proposal contained about \$600 million in increased property taxes and \$1 billion from the tobacco bond. The governor's proposal raises \$1.6 billion in new revenue, but the Senate bill is much more transparent, Bakk said.

Bakk said the bill is part of the solution to the state's budget crisis. "The appropriation bills all contain seven percent cuts in base spending, but those cuts would be much more severe without the revenue raised in the bill," Bakk said.

Bakk said there are two sources of additional revenue, the income tax and the sales tax and the income tax is more progressive.

The bill also contains a seven percent reduction in spending through aids and credits, Bakk said. He said the revenue raising target was \$2.216 billion, along with a spending reduction target of \$240.48 million, which the bill accomplishes. Finally, Bakk said the bill provides \$259 million for the budget reserve.

Under the bill, income tax rates are set at 6 percent, 7.7 percent and 8.5 percent. The measure also creates a fourth

tier with a rate of 9.9 percent for single taxpayers making \$141,250 in taxable net income and for married couples making \$250,000 in taxable net income. The measure also sets the alternative minimum tax rate at 7 percent for tax years 2009 to 2013 and then returns to the current rate in tax year 2013.

The measure also places a surtax on interest income for persons or organizations that charge more than 15 percent interest on credit issued. The measure provides a credit of up to 20 percent of the total costs for new historic structure rehabilitation projects and provides an upfront sales tax exemption for capital equipment. In addition, the measure provides a credit against the insurance premiums tax for insurance companies that invest in Minnesota small business investment companies and provides for a 25 percent tax credit for qualified taxpayers' investment in a qualified high technology, biotechnology or medical device, or green manufacturing business.

The measure also contains numerous provisions relating to local sales taxes and provisions lowering local government aid. The proposal specifies that in 2010, 2011 and 2012 local government aid is reduced by 0.7 percent of the city's levy plus aid base for the previous year. The proposal also specifies reductions of 0.5 percent for counties.

### Transportation funding bill gains

Members of the Taxes Committee, chaired by Sen. Thomas Bakk (DFL-Cook), held a two-part meeting Wed., Apr. 22. The first portion of the hearing was devoted to discussion and amendments for the omnibus transportation funding bill.

S.F. 1276, carried by Sen. Steve Murphy (DFL-Red Wing), appropriates \$4.28 billion from all funds for highways, bridges and transit. The general fund appropriation is \$189.2 million. The bulk of the funding is from the trunk highway fund, county state-aid highway fund (CSAH) and the municipal state-aid street fund (MSAS).

Under the bill, the Dept. of Transportation receives \$3.835 from all funds for the biennium, the Metro Council receives \$145 million from all funds and the Dept. of Public Safety receives \$152.4 million from all funds.

Murphy said the bill also contains a provision making seatbelt violations a

primary offense and requires all passengers to wear a seat belt. The measure also subjects drivers to a fine of \$25 for each violation of the seat belt law by the driver and any passenger under the age of 15. In addition, the measure imposes a \$25 court surcharge for seat belt violations. Finally, the measure cites the seat belt related provisions as the "Kathryn Swanson Seat Belt Safety Act."

The bill allows the Metro Council to include in the transit tax levy an amount necessary to provide operating assistance for transit and prohibits the council from increasing regular-route or Metro Mobility service fares in excess of fares charged on Dec. 1, 2008. In addition, the council is prohibited from eliminating or substantially reducing regular route or Metro Mobility from the Dec. 1, 2008, levels. Under the bill, the Metro Council is required to establish a pilot program to sell transit passes at half-price to up to 20 charitable organizations for use by homeless individuals.

Members adopted three amendments. The first corrects a head note in the bill and clarifies the sections to be known as the Kathryn Swanson Seat Belt Safety Act. The second amendment establishes a design-build contracting pilot program for local transportation projects. The final amendment prohibits the commissioner of transportation from imposing seasonal weight restrictions on vehicles operating on marked Trunk Highway 11 between the cities of Baudette and International Falls during the period of major construction or reconstruction of the highway.

The bill was approved and advanced to the full Senate.

### Omnibus tax bill gains

The second portion of the Wed., Apr. 22, Taxes Committee meeting was devoted to discussion and amendments to S.F. 2074, the omnibus tax bill. The bill, carried by Chair Thomas Bakk (DFL-Cook), raises income taxes at all levels and introduces a new fourth tier to raise \$2.188 billion in revenue for the biennium. The measure also reduces aids and credits by \$240 million in order to reach a budget reduction target of seven percent.

Sen. Ann Rest (DFL-New Hope) offered an amendment including a ten percent deduction from federal taxable income for business pass through income for S corporations, limited liability companies and partnerships. Rest said the amend-

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ment provides an incentive to businesses to continue doing business in the state. Bakk said the committee received word from the department that a provision eliminating the mortgage interest deduction on second homes raises \$70 million each year and the amendment uses the additional revenue for the pass through deduction. Bakk said the amendment also offsets increases in business property taxes in the bill. The amendment was adopted.

Bakk offered an amendment making corrections in the income tax brackets, clarifying the deletion of the sales tax exemption for the North Star Rail and Central Corridor, and eliminating the

changes in property taxes and rent credit that were in the bill. The amendment also modifies the prohibition on new municipal incorporations, adds an additional five years for tax increment financing districts, deletes the provision relating to drawing down aquifers for a Mall of America project, modifies the taconite tax distribution program, provides for a grant for a wind mill blade manufacturing company, and provides for audits on charitable gambling organizations. The amendment was adopted.

Sen. Lawrence Pogemiller (DFL-Mpls.) offered an amendment providing that the income tax increases draw down

when the economy recovers. Currently in the bill, the increase blinks off in four years but the amendment provides that the increase draws down when the February budget forecast shows a structural balance in the budget. Pogemiller said the idea is to get the state in a fiscal stable condition in order to make the necessary investments after the economy rebounds. He said this is the moment in time when the state should get a handle on the structural imbalance in the budget.

Sen. Julianne Ortman (R-Chanhassen) said a time of economic crisis is not a good time to tackle a long-term budget instability. Ortman said the citizens of the



Senators Steve Murphy (DFL-Red Wing), left, and Scott Dibble (DFL-Minneapolis) look over a proposed amendment to the Senate's omnibus transportation budget bill during the Thurs., Apr. 23, floor session.

Photo by David J. Oakes

state are experiencing financial difficulties and should be the first priority. Pogemiller said the budget cannot be balanced by dismantling the fabric of state services and that the long term instability must be addressed. Ortman said the structural imbalance could be addressed in the next biennium. Bakk said it is irresponsible to not provide fiscal stability. Members adopted the amendment.

Sen. Rod Skoe (DFL-Clearbrook) offered an amendment allowing four school districts, which share a program, to levy across the districts. The amendment was adopted.

Bakk offered an amendment allowing counties to retain current fees to maintain law libraries. However, members determined the amendment belongs with another bill and Bakk withdrew the amendment.

Sen. Scott Dibble (DFL-Mpls.) offered an amendment clarifies provisions of the green acres conference committee report in an earlier bill. The amendment was adopted. Dibble offered a second amendment that provides for tax increment financing for transit improvement areas. The amendment was also adopted.

An amendment, offered by Sen. John Marty (DFL-Roseville), providing for more uniform assessments of condos in housing improvement districts until 2013, was adopted. Marty offered a second amendment that provides for a labor peace agreement for future projects at the Mall of America. The amendment was adopted.

Sen. Debbie Johnson (R-Ham Lake) offered an amendment providing for casinos at both Minnesota racetracks. Johnson said the amendment provides for revenue bonding for the casinos, which would generate \$266 million each year. Johnson said the amendment is an economic stimulus proposal because it creates jobs right away. Rest spoke in opposition to the amendment and said the proposal merely transfers gambling jobs from one sector to another. She said it is not a good risk for the state because gambling revenues are down all across the country. Rest said that gambling is no longer a recession proof activity.

Sen. David Senjem (R-Rochester) spoke in support of the amendment. He said the amendment brings in new revenue and that the time is right for slot machines at Canterbury Downs and Running Aces. Bakk said that he believes the state

should not be involved in gambling. He said gambling revenue is not free because it carries a heavy social costs.

The amendment failed on a 3-9 roll call vote.

Bakk offered an amendment deleting a provision authorizing a Met Council transit tax because the language is in the omnibus transportation bill. Members adopted the amendment.

Sen. Mee Moua (DFL-St. Paul) offered an amendment to address a situation in the city of New Brighton by exempting a narrowly defined piece of property being used to reduce rail traffic from the property tax. The amendment was adopted.

The committee heard from Assistant Commissioner Beth Kadun, Dept. of Revenue, who detailed those items not adopted in the federal conformity provisions of the bill. One item in the governor's proposal, but not in the Senate proposal is an exclusion of up to \$2,400 of unemployment compensation from income, Kadun said. She said the deduction of sales tax on the purchase of a new motor vehicle is not included in the Senate proposal, but is in the governor's proposal. The final item of difference is the deferral of certain discharge of indebtedness income, Kadun said.

Members then turned their attention to hearing testimony on the bill. Representatives from a variety of groups ranging from the Minnesota Chamber of Commerce to Growth and Justice spoke in support in both opposition and support of various provisions in the bill.

After hearing testimony from Greg Copeland, a citizen, the panel adopted a federal conformity measure exempting the first \$2,400 of unemployment compensation from the income tax. A final amendment relating to the extension of tax increment financing districts for an additional five years specifies that the extension is due to the delays caused by the economic downturn.

The bill was approved on a 9 – 4 roll call vote and advanced to the Senate floor.

## Floor action

### Variety of bills gain

The Wed., Apr. 22, floor session was devoted to granting final passage to several bills as well as granting preliminary passage to a number of measures on General Orders.

S.F. 1288, authored by Sen. Rick Olseen (DFL-Harris), regulates filings, forms, records, submissions, motions and orders relating to duties of the secretary of state. S.F. 1849, carried by Sen. Dan Sparks (R-Austin), regulates consumer small loan lenders and residential mortgage originators, regulates life and health guarantee association notices and revises annual credit audit requirements for insurers. Linda Higgins (DFL-Mpls.) sponsored S.F. 936, which requires the Dept. of Corrections to annually report on DWI offenders.

Sen. Kevin Dahle (DFL-Northfield) authored S.F. 1711, which regulates motor sales and distribution. S.F. 694, carried by Sen. Linda Berglin (DFL-Mpls.), modifies the prenatal drug and alcohol prevention appropriation. Sen. Chris Gerlach (R-Apple Valley) sponsored a bill, S.F. 1539, that enacts and modifies the Viatical Settlements Model Act of the National Association of Insurance Commissions.

All bills gained final passage.

Members also granted concurrence and repassage to S.F. 1454. The bill, sponsored by Sen. Kathy Saltzman (DFL-Woodbury), authorizes a shared work plan to provide partial unemployment benefits to employees whose normal weekly hours of work are reduced, with a proportional reduction in total weekly pay, in order to prevent layoffs because of a lack of work.

In other action, members took up a number of measures on General Orders. Bills on General Orders have been approved by one or more committees and are sent to the Senate floor to be acted on by members acting as one large Committee of the Whole.

H.F. 878, authored by Sen. Ann Rest (DFL-New Hope), adds a provision that relocates the highway centerline, modifies county state-aid highway and municipal state-aid street provisions, and regulates advertising device placement. Higgins carried S.F. 457, which modifies provisions for volunteer health practitioners licensed in other states. Sparks sponsored a bill, S.F. 926, that modifies provisions regarding telecommunications service providers reduced rate regulation and promotion activities.

Sen. John Doll (DFL-Burnsville) carried S.F. 477, which is a paint stewardship pilot program that requires manufacturers to recycle paint. Doll said the bill would save counties throughout the state between \$5 million and \$6 million. H.F.

# Update



Senators Rod Skoe (DFL-Clearbrook), left, and David Tomassoni (DFL-Chisom) converse during the Wed., Apr. 22 Senate floor session.

Photo by A.J. Olmscheid

486, authored by Olseen, removes trunk highway system legislative routes #290 and #293. Sen. Amy Koch (R-Buffalo) sponsored a bill, S.F. 1172, that extends the alcohol and controlled substance testing exemption. S.F. 1754, authored by Sen. Gary Kubly (DFL-Grand Rapids), allows a church board to act as a trustee of a trust.

S.F. 1566 is a bill, authored by Berglin, that amends the health care eligibility provisions for Medical Assistance, MinnesotaCare and General Assistance Medical Care. The bill also establishes a Drug Utilization Review Board, Berglin said. Sen. Ann Lynch (DFL-Rochester) carried S.F. 501. The bill expands disabled children's services Medical Assistance services availability for fetal alcohol spectrum disorders. S.F. 806, carried by Dahle, regulates consumer short-term loan lending. Sen. Kathy Sheran (DFL-Mankato) sponsored a bill, S.F. 1323, that modifies the infectious waste control act.

S.F. 640, authored by Sen. Kenneth Kelash (DFL-Northfield), provides for the temporary drawdown of public waters. S.F. 1147, carried by Higgins, requires property maintenance and protection for vacant, abandoned and nuisance property, provides for tenants rights in mortgage foreclosure and contract for deed cancellations and reduces the municipal redemption period. S.F. 1884, authored by Doll, modifies the requirement for notifying parents if a child care center is issued a set aside or variance to eliminate the requirement for a seven year notification period. S.F. 1189, sponsored by Sheran, requires school districts or charter schools to provide eight hours of boiler operator training.

S.F. 1503, carried by Sen. Patricia Torres Ray (DFL-Mpls.), is a child welfare technical bill and modifies provisions relating to child placement. In addition, the bill outlines medical and social history information requests, authorizes

child welfare projects participating native American (Indian) tribes to conduct children's mental health screenings and to establish a local child mortality review panel, allows an exemption to the requirement to search registry before an adoption petition is granted for social services agencies proceeding under the safe place for newborns provisions and modifies the father adoption registry limitations to include termination of parental rights.

The bill also modifies birth parent record information request procedures, requires adoption agency employees and agents to inform birth parents of the requirement to file an affidavit with commissioner of health stating information on the birth record is not to be disclosed, requires birth parents to be informed of the requirement for a completed updated nonidentifying medical history form for the adoption agency, specifies procedures for requests from adopted persons for medical or social history information and regulates medical and social history information requirements after filing of an affidavit by a birth parent.

Higgins offered an amendment that allows a social services agency to contact a putative father who registered with the Minnesota Fathers' Adoption Registry more than 30 days after the child's birth and may consider the putative father for day-to-day care of the child. The amendment also specifies that if a child is the subject of a petition the parents, guardian or legal custodian of the child have the right to participate in all proceeding on the petition and that both parents of the child must be issued a summons to appear at the proceeding. Sen. Don Betzold (DFL-Fridley) objected to the amendment and said the language should have been heard first in committee. The amendment was withdrawn and the bill was approved.

S.F. 1569, authored by Sen. Tarryl Clark (DFL-St. Cloud), requires the Dept. of Employment and Economic Development, the Dept. of Human Services, the Dept. of Education, the Governor's Workforce Development Council, the U of M and the Minnesota State Colleges and Universities to collaborate in developing better the delivery of state workforce employment, training and education services. S.F. 1464, carried by Rest, authorizes the use of state space for state employee fitness and wellness activities. H.F. 334, sponsored by Sen. Linda Scheid (DFL-Brooklyn Park), modifies the instructions, forms, procedures for garnishment.

# Senate Briefly

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A 1941 Ford's highly-polished finish reflects the Capitol building during the Minnesota Street Rod Association's annual display of cars Tues., Apr. 28.  
Photo by A.J. Olmscheid



May 1, 2009

# Highlights

## HHS bill passed

Much of the Mon., Apr. 27, floor session was devoted to debate on the omnibus health and human services appropriations bill. S.F. 695, sponsored by Sen. Linda Berglin (DFL-Mpls.), makes a net cut of \$606.302 million in health and human services spending. Berglin said the bill does contain some good provisions; the bill does not remove more than 100,000 Minnesotans from health care and it does not remove dental services, chiropractic services or rehabilitation services. It softens the cuts to the elderly and those receiving home health services and provides for the inclusion of farm families in MinnesotaCare, Berglin said. She said the federal stimulus money is applied to the Dept. of Human services. The measure limits retroactivity for childcare, provides for fraud investigators, accelerate federal spending in the childcare act, and allows Minnesota family investment program families to be exempt for two years from the 60 month eligibility limit.

Sen. Kathy Sheran (DFL-Mankato) explained two portions of the bill— changes to transportation services and the establishment of a pilot colorectal screening program.

Berglin offered an amendment provides for the post-retirement benefits for employees of nursing homes that convert from public to private pay. Sen. Bill Ingebrigtsen (R-Alexandria) offered an amendment clarifying that for nursing homes under receivership, new owners are not responsible for debts owed by the previous owners. Both amendments were adopted.

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**Editor/Writer:**  
Karen L. Clark

**Writers:**  
Amanda Lillie  
Justin Thiessen

**Photographers:**  
David J. Oakes  
A.J. Olmscheid

Sen. Warren Limmer (R-Maple Grove) offered an amendment prohibiting anyone convicted of a crime of violence to be prohibited from receiving general assistance. Berglin spoke against the amendment and said often people need assistance even after conviction for a crime that may have happened decades ago. The amendment was defeated on a 13-46 roll call vote.

Sen. Julie Rosen (R-Fairmont) offered an amendment containing the governor's proposal for joint county human services. The amendment was ruled not germane.

Sen. David Senjem (R-Rochester) offered an amendment increasing the number of members on the Autism Spectrum Disorders Task Force established under the bill. The amendment increases the number from 15 to 21. Sen. John Marty (DFL-Roseville) said the policy committee had tried to work on the proposal, but that Senjem had insisted on maintaining the number of members, which some members thought was unworkable.

The amendment failed on a 29-34 roll call vote.

An amendment, offered by Sen. Mary Olson (DFL-Bemidji), deletes the requirement that rates for nursing homes be set on a regional basis and, instead, requires the reimbursement rates be based on a statewide analysis, with the cuts aimed at those in the top 24 percent. Berglin urged members to vote against the amendment. She said last year's increase was about \$11 million, but under the bill the decrease amounts to about \$6 million. In addition, Berglin said the bill targets the cuts toward those nursing homes getting lower rates of reimbursement. The amendment failed on a 20-45 roll call vote.

Sen. Claire Robling (R-Jordan) offered an amendment to prohibit funding for state-sponsored health programs to be used for abortion. Berglin spoke in opposition to the amendment and said the purpose of the amendment is to spark another lawsuit to overturn abortion in Minnesota. The amendment failed by a vote of 26-39.

Hann amendment to delete a reduction to Joint Underwriters Association of about \$6 million. Berglin said the amendment is out of order because it causes the bill to be out of balance. The amendment was ruled out of order. Hann appealed the ruling of the chair. The members voted 41-17 to uphold the ruling of the president. Later, Hann offered the amendment

again, but specifying that the funds be taken from the healthcare access fund. The amendment failed on a 26-38 roll call vote.

Sen. Lawrence Pogemiller (DFL-Mpls.) offered an amendment replacing the bill with the governor's proposal. Pogemiller said the amendment helps put into focus facing the Legislature this year. He said the governor's budget cuts spending by more than \$1 billion. Pogemiller said Berglin has tried to bring reform and cost containment to the floor for the last several years. He said the bill provides health care for 24,800 more children, but the governor's proposal cuts coverage for 113,000 individuals. He said the governor's proposal cuts more than 10,000 jobs, while the Senate proposal is substantially less. The choice is real clear, the governor claims making a 12 percent cut is in the best interest of the state, but the Senate believes a seven percent cut is in the best interest of the state. "I am not willing to cut children or adults off from health care, particularly during a time of economic crisis," Pogemiller said. The amendment failed on a 9-54 roll call vote.

Limmer offered an amendment prohibiting anyone receiving benefits from the temporary assistance for needy families (TANF) program or the Minnesota family investment (MFIP) program from working on partisan political campaigns. The amendment failed on a 22-41 roll call vote.

The bill passed on a vote of 40-23.

In other action, members granted final passage to a variety of bills on the Senate Calendar. S.F. 1117, sponsored by Sen. Lawrence Pogemiller (DFL-Mpls.), modifies the definition for legislative day. Sen. Tony Lourey (DFL-Kerrick) authored a bill, S.F. 484, that sets forth the duties of the Food Safety and Defense Task Force duties and modifies the membership and procedures for the Minnesota Organic Advisory Task Force.

S.F. 713, sponsored by Sen. Claire Robling (R-Jordan), establishes an award system for state employee cost savings suggestions. H.F. 523, carried by Sen. Kathy Saltzman (DFL-Woodbury), clarifies school background check disciplinary actions. S.F. 1431, authored by Sen. David Tomassoni (DFL-Chisholm), regulates motor vehicle dealers unreimbursed expenses deduction from wages for uniform rental and cleaning.

Sen. John Marty (DFL-Roseville) sponsored a bill, S.F. 666, that provides for

a transition plan and eligibility for services for young people aging out of the foster care system. S.F. 537, carried by Sen. Ron Latz (DFL-St. Louis Park), requires postsecondary institutions to provide notice of the effects of criminal convictions on future employment options.

S.F. 412, sponsored by Sen. Mee Moua (DFL-St. Paul), makes changes in the Uniform Adult Guardianship and Protective Proceedings Jurisdiction Act. S.F. 1810, sponsored by Sen. Linda Scheid (DFL-Brooklyn Park), is the Uniform Disclaimer of Property Interests Act.

S.F. 1876, carried by Sen. Jim Carlson (DFL-Eagan), makes numerous technical corrections in provisions relating to the Dept. of Transportation, motor carriers and highways. S.F. 532, carried by Sen. Ann Rest (DFL-New Hope), allows the Dept. of Administration to send e-mail notices of rule proposals and hearings. S.F. 122, carried by Sen. Scott Dibble (DFL-Mpls.), requires retailers to post a warning sign that cocoa bean shell mulch is harmful to dogs and cats.

S.F. 1408, sponsored by Sen. James Metzen (DFL-South St. Paul), provides criminal penalties for discharging a laser at an aircraft. S.F. 545, sponsored by Sen. Yvonne Prettner Solon (DFL-Duluth), adds a licensed doctoral level psychologist to health care utilization review organizations and adds a member appointed by the Minnesota Psychological Association to the Health Care Reform Review Council. S.F. 707, authored by Sen. Tom Saxhaug (DFL-Grand Rapids), authorizes 911 system operators to make referrals to mental health crisis teams. S.F. 474, sponsored by Sen. Dan Skogen (DFL-Hewitt), prohibits the sale of recalled unsafe toys. S.F. 1096, carried by Moua, is one of the two annual revisor's bills that makes corrections to statutes.

S.F. 1794, authored by Sen. Tarryl Clark (DFL-St. Cloud), clarifies the conditions for National Guard and reserve members pay differential. S.F. 729, carried by Rest, modifies personnel rules for the Hennepin County Human Resources Board and Hennepin County Dept. of Human Resources. S.F. 1033, sponsored by Marty, modifies municipal rent control provisions.

## Construction stimulus bill approved

Members of the Economic Development and Housing Budget Division, chaired by Sen. David Tomassoni (DFL-

Chisholm), met briefly Thurs., Apr. 30, to discuss a bill that would help stimulate the state's construction industry.

S.F. 2078, authored by Sen. James Metzen (DFL-South St. Paul), streamlines construction projects, creates a construction loan guarantee program, authorizes green energy revenue bonds, provides for home purchase loans and permits local assessments for energy improvements. The measure also provides a historic structure rehabilitation tax credit and provides a low-income housing tax credit. Metzen said the bill is aimed at simply putting Minnesotans back to work and will bring roughly \$3 to \$5 billion worth of construction into the state.

Metzen offered an amendment appropriating \$100 million to the Dept. of Employment and Economic Development from the general fund for FY 2010 for deposit in the construction loan guarantee account. The amendment also appropriates \$3 million from the general fund in FY 2010 to the Minnesota Housing Finance Agency for transfer to the housing development fund to provide loans to first-time homebuyers.

The division adopted the amendment, approved the bill and re-referred the measure to the Finance Committee.

## Dedicated funds appropriations approved

Members of the Environment, Energy and Natural Resources Budget Division, chaired by Sen. Ellen Anderson (DFL-St. Paul), met Tues., Apr. 28, to discuss a bill addressing the division's natural resources dedicated funds appropriations.

S.F. 2106, carried by Anderson, appropriates money for natural resources purposes from constitutionally dedicated funds. Anderson said the bill includes appropriations of \$151 million from the clean water fund, \$69.5 million from the outdoor heritage fund and \$65.2 million from parks and trails fund. Anderson said the bill also appropriates \$50,000 for a legacy website, signage related to projects receiving environmental funding and for the development of a strategic 25-year plan for the expenditures recommended from the heritage, clean water and parks and trails funds.

Sen. Tom Saxhaug (DFL-Grand Rapids), chair of the Subcommittee on Natural Resources, spoke to the division about the appropriations made from the outdoor heritage fund. Saxhaug said the fund provides \$65 million for 18 natural

resources projects throughout the state and \$4 million for statutorily mandated conservation partners small grant program. He said the appropriation protects 210,000 acres, restores or enhances 22,000 acres and protects more than 300 miles of shoreline.

Sen. Sandy Rummel (DFL-White Bear Lake), chair of the Subcommittee on Clean Water Legacy, presented information to the division about the appropriations made from the clean water fund. Rummel said the appropriation includes \$95.1 million for water protection, restoration and preservation, \$37.9 million for assessment, monitoring and planning, \$10.3 million for education, research and tool development and \$7.6 million for ground and drinking water protection and preservation.

Sen. Patricia Torres Ray (DFL-Mpls.), chair of the Subcommittee on Parks and Trails Legacy, spoke about the appropriations made from the parks and trails fund. Torres Ray said the measure appropriates \$28.5 million to the DNR for state parks, \$7.8 million to the DNR for regional parks, \$28.5 million to the Metropolitan Council for metro parks and \$400,000 to the University of Minnesota for a comprehensive statewide parks and trails framework and system inventory in the biennium.

Saxhaug offered an amendment appropriating \$16 million in FY 2011 to the commissioner of natural resources to acquire land or permanent working forest easements on private forests in areas identified through the Minnesota forests for the future program. The amendment was adopted by the division.

Rummel offered two amendments, one shifting appropriation amounts within the Board of Water and Soil Resources and the Public Utilities Authority and the other increasing the appropriation for targeted nonpoint source pollution reduction. The second amendment also gives consideration to contracting with the Minnesota Conservation Corps for restoration and maintenance related to source pollution reduction. Both amendments were approved by the division.

Torres Ray offered an amendment providing some clarifying language regarding the Metropolitan Area distribution formula for the parks and trails fund. The amendment was adopted by the division.

The division approved the bill as amended and referred the measure to the Finance Committee.

# Update

## Business, Industry and Jobs

### Job creation bill gains

The Business, Industry and Jobs Committee convened Wed., Apr. 29, to take action on a measure containing several economic development provisions.

Committee Chair Sen. James Metzen (DFL-South St. Paul) authored S.F. 2078, which provides economic stimulus for construction industry, streamlines construction projects, establishes a construction loan guarantee program, allows for green energy revenue bonds, provides for home purchase loans, provides a rehabilitation tax credit for historic structures and provides a tax credit for low-income housing.

Sen. Julie Rosen (R-Fairmont) offered an amendment to delete language that prohibits the construction of a stadium or arena for professional sports exhibitions or games to be eligible for green building or sustainable design bonds. Some members expressed concern that deleting the language would provide a vehicle for the construction of a new Vikings stadium, but Sen. Thomas Bakk (DFL-Cook) supported the amendment. Bakk said he supports a cap on the amount of bonds and loans, but since the maximum amount would be so small in comparison with the overall price of a stadium, there wouldn't be any reason for individuals to regard the legislation as a vehicle for a new stadium. The amendment was adopted.

The bill was approved as amended and referred to the Finance Committee.

## E-12 Education

### Operating cost study measure gains

The E-12 Education Committee, chaired by Sen. LeRoy Stumpf (DFL-Plummer), gathered Mon., Apr. 27, to take action on two bills.

Sen. Patricia Torres Ray (DFL-Mpls.) authored S.F. 1797, which requires the State Advisory Council on Early Childhood Education and Care to create an inventory of early childhood services. The measure was sent to the Senate floor.



Senators Sharon Erickson Ropes (DFL-Winona), left, and Lisa Fobbe (DFL-Zimmerman) consult during the Senate's Wed., Apr. 29, floor session.

Photo by David J. Oakes

Stumpf carried S.F. 2089, which provides for a study that examines the operating cost differential of school districts in Minnesota. Stumpf said the commissioner of education and the Regional Educational Laboratory Midwest will conduct the study. The study must examine economic factors that contribute to the basic operation of a school district and factors such as class size, poverty, mobility, foreign language options, extracurricular activities and limited English proficiency, Stumpf said. The bill was approved and referred to the Senate floor.

Finally, Sen. Dan Skogen (DFL-Hewitt) gave a report on the recommendations from the Arts Education Subcommittee. Skogen said the subcommittee is asking for \$16 million for the biennium to move the state's arts programs forward. Sen. Sandy Rummel (DFL-White Bear Lake) said the subcommittee proposal is cost effective because it builds on existing programs and the existing Perpich Center for Arts Education. Sen. Gen Olson (R-Minnetrista) moved to support the subcommittee recommendations and the motion was approved.

## Energy, Utilities, Communications and Technology

### Cap and trade presentation heard

Members of the Senate Energy, Utilities, Technology and Communications Committee, chaired by Sen. Yvonne Prettner Solon (DFL-Duluth), and the House Energy Finance and Policy Division, chaired by Rep. Bill Hilty (DFL-Finlayson), gathered jointly on Tues., Apr. 28, for presentations on cap and trade and the Midwestern greenhouse gas reduction accord.

## Environment and Natural Resources

### Appointments approved

The Committee on Environment and Natural Resources, chaired by Sen. Satveer Chaudhary (DFL-Fridley), gathered for a short meeting Mon., Apr. 27, to approve gubernatorial appointments.

Members approved the appointments of Wayne Enger, James Cox, Scott Rall and Robert Schroeder to the Lessard Outdoor Heritage Council.

### Global warming gases bill gains

The Committee on Environment and Natural Resources, chaired by Sen. Satveer Chaudhary (DFL-Fridley), gathered Tues., Apr. 28, to take action on two bills.

Sen. Mee Moua (DFL-St. Paul) authored S.F. 1126, which modifies procedures regarding uses and conveyances of tax-forfeited property. The bill creates new authority to convey parcels that were to be deeded to a local government as part of a development agreement prior to forfeiture and to a common interest community showing it was entitled to the parcel prior to forfeiture, Moua said. She said the measure also creates a 40-year expiration of the use restriction on certain deeds and establishes an application fee of \$250 for use deeds where \$150 is refunded if the application is denied. The measure was approved and re-referred to the Judiciary Committee.

S.F. 1542 was carried by Sen. Ann Rest (DFL-New Hope). The measure directs the Pollution Control Agency to adopt rules to limit emissions of high global warming potential (GWP) greenhouse gases. A high-GWP greenhouse gas can include any gas the agency determines to have a highly negative effect on the environment and contribute to global warming, Rest said. The measure was approved and sent to the Finance Committee.

## Environment, Energy and Natural Resources Budget Division

### Clean water appropriation bill approved

Members of the Environment, Energy and Natural Resources Budget Division Subcommittee on Clean Water Legacy, chaired by Sen. Sandy Rummel (DFL-White Bear Lake), met Tues., Apr. 28, to discuss the Clean Water Legacy appropriations bill.

S.F. 1651, carried by Rummel, appropriates a total of \$151 million from the clean water fund for a variety of programs and projects concerning clean water protection and preservation and modifies provisions relating to the Mississippi River Critical Area. The appropriation includes \$95.1 million for water protection, restoration and preservation, \$37.9 million for assessment, monitoring and planning, \$10.3 million for education, research and

tool development and \$7.6 million for ground and drinking water protection and preservation.

Sen. Dennis Frederickson (R-Ulm) offered an amendment adding language to the education and public engagement portion of the appropriation stating that the Board of Water and Soil Resources must give consideration to civic engagement proposals for basin and sub-basin organizations, including the Mississippi Headwaters Board, the Minnesota Joint Powers Board, Area II Minnesota River Basin Projects and the Red River Basin Commission. The amendment was adopted by the subcommittee.

The subcommittee approved the bill as amended and re-referred the measure to the full budget division.

### Appropriations bill approved

The Environment, Energy and Natural Resources Budget Division Subcommittee on Parks and Trails Legacy met Tues., Apr. 28, to discuss the parks and trails legacy appropriation bill.

S.F. 2043, authored by Chair Sen. Patricia Torres Ray (DFL-Mpls.), appropriates money from the parks and trails legacy fund to the Dept. of Natural Resources and the Metropolitan Council for the restoration, management, maintenance and protection of parks and trails throughout the state. The bill makes a total appropriation of \$65.2 million in FY 2010-11, Torres Ray said. She said the measure appropriates \$28.5 million to the DNR for state parks, \$7.8 million to the DNR for regional parks, \$28.5 million to the Metropolitan Council for metro parks and \$400,000 to the U of M for a comprehensive statewide parks and trails framework and system inventory in the biennium.

Members approved the measure and referred it to the full budget division.

## Finance

### HHS omnibus bill approved

A massive omnibus health and human services appropriations bill, S.F. 695, was the focus of the Sat., Apr. 25, meeting of the Finance Committee. The panel, chaired by Sen. Richard Cohen (DFL-St. Paul), approved the measure and re-referred the measure to the Rules and Administration Committee.

Sen. Linda Berglin (DFL-Mpls.) said the Health and Human Services Budget

# Update

Division had a target of a \$719 million reduction in appropriations. Berglin said the addition of federal stimulus funds resulted in a net cut of \$606.302 million. Berglin said the division had several goals, including keeping the health care access fund intact. Berglin said the bill maintains eligibility in state funded health care programs, because in tough economic times, the state should not turn its back on those most in need. Berglin said the division did not adopt the governor's recommendation to eliminate dental, chiropractic and physical therapy services in nursing homes. She said the governor's plan eliminated a number of services for people with mental illness, but the division chose to not adopt the governor's recommendations. Berglin said some of the federal stimulus funding is used for childcare. She said the division wanted to maintain the safety net for people on MFIP, so the bill provides for supported work programs and extends eligibility. There is some health care reform in the bill, Berglin said. She said federal stimulus funds are directed into housing programs, food shelves and childcare under the bill.

The measure appropriates a total of \$11.508 billion from all funds for Dept. of Human Services operations and programs, Dept. of Health operations and programs, Dept. of Veterans Affairs operations and programs and the health related boards. The total appropriation includes federal revenue increases in the bill, Berglin said.

The measure also establishes a regulatory system for technicians who perform body art procedures and for body art establishments, establishes a 21 member Autism Spectrum Disorder Joint Task Force, provides for a colorectal cancer screening project, provides for patient-centered decision making, provides for birthing centers, provides for a chemical dependency pilot project and provides supportive services for the homeless.

Members adopted several fairly technical amendments. Sen. Sandra Pappas (DFL-St. Paul) offered an amendment reducing the number of members for the Autism Task Force established in the bill. Members adopted the amendment. Sen. Steve Dille (R-Dassel) offered an amendment modifying the reimbursement rate for nursing homes that move from public to private. Berglin said she was reluctant to accept the amendment until a method of paying for the provision was found. The amendment failed to gain adoption.

## Disaster relief bill approved

Members of the Finance Committee, chaired by Sen. Richard Cohen (DFL-St. Paul), gathered Wed., Apr. 29, to discuss a number of bills, including a measure that provides state funding for disaster relief.

S.F. 2113, authored by Sen. Keith Langseth (DFL-Glyndon), appropriates a total of \$57 million for flood and tornado disaster relief. Langseth said the bill provides money to match federal disaster assistance made available through the FEMA public assistance program and individual assistance program and provides aid for costs that are not eligible for assistance through those programs or from other federal government agencies or insurance. He said the bill also provides for flood disaster enrollment impact aid to school districts and for temporary waivers of some program requirements. Langseth said the bill was developed in response to the Hugo tornado disaster of 2008 and the flooding along the Red River seen in early April.

S.F. 1011, carried by Sen. Ron Latz (DFL-St. Louis Park), provides for settlement of various claims against the state. The bill appropriates \$52,552 from the general fund to the commissioner of corrections in FY 2010 for full and final payment of claims against the state for injuries suffered by and medical services provided to persons injured while performing community service or sentence-to-service work for correctional purposes or while incarcerated in a state correctional facility. The bill also appropriates \$13,517 to the Department of Employment and Economic Development to pay an individual from Solway for economic loss cause by a department error and appropriates \$1,412 to the commissioner of revenue for full and final payment of a claim by an individual from Forest Lake for her 2005 property tax refund.

S.F. 711, sponsored by Sen. John Marty (DFL-Roseville), modifies the parental contribution requirements for the cost of services for children with developmental disabilities. The bill requires that all reimbursements include a notice that the amount reimbursed may be taxable income if the parent paid for the fees through an employer's health care flexible spending account, and that the parent is responsible for paying the taxes owed on the amount reimbursed.

S.F. 1445, also sponsored by Marty, makes a number of technical changes in

health occupation provisions including speech-language pathology, audiology, and occupational therapy. The bill also makes changes to the food, beverage and lodging establishment licensure provisions and modifies licensure requirements for applicants for occupational therapist licensure.

S.F. 1481, authored by Cohen, recreates the Office of Strategic and Long-Range Planning as an independent agency and designates the director as the state planning officer. The bill also transfers the Office of Geographic and Demographic Analysis to the Office of Strategic and Long-Range Planning and makes a variety of changes that affect the content of budget documents and the treatment of the budget reserve account.

Members approved all bills and sent them to the full Senate.

## Omnibus transportation policy bill approved

Members of the Finance Committee, chaired by Sen. Richard Cohen (DFL-St. Paul), met Fri., May 1, to discuss a number of measures, including the omnibus transportation policy bill.

H.F. 928, sponsored by Sen. Steve Murphy (DFL-Red Wing), modifies various provisions related to transportation and public safety and contains numerous policy changes from a variety of bills heard by the Transportation Committee this year. The bill contains a provision establishing the Minnesota Council on Transportation Access. The bill also increases the penalty for careless driving resulting in death and implements the DWI ignition interlock program. The measure contains a provision prohibiting gridlock at intersections and another provision allowing the governor to lower the minimum content of biodiesel used in metro transit buses during periods of cold weather.

H.F. 111, carried by Sen. Terri Bonoff (DFL-Minnetonka), specifies conditions under which the State Board of Investment must divest equity and debt holdings in companies subject to federal sanctions because of their active business operations in Iran.

S.F. 1005, authored by Sen. Kathy Saltzman (DFL-Woodbury), establishes the Stillwater lift bridge endowment account in the special revenue fund to pay for operations and routine maintenance of the bridge after it is converted to bicycle/pedestrian use.

S.F. 1331, sponsored by Sen. Katie Sieben (DFL-Newport), reforms numerous aspects of absentee balloting, modifies secretary of state requirements and proposes local government procedures modifications. Sieben said the bill contains provisions from 16 different bills that have been recommended to pass by the State and Local Government Operations and Oversight Committee.

S.F. 1284, carried by Sen. Tony Lourey (DFL-Kerrick), modifies lawful gambling regulation provisions. Lourey said the bill modifies lawful gambling, establishes perpetual licensing and establishes a rating system for charities conducting lawful gambling. Lourey said the bill also allows for an increase in civil penalties imposed on the lawful gambling industry.

S.F. 1155, authored by Sen. Sharon Erickson Ropes (DFL-Winona), changes capacity requirements for adult foster care residential programs. S.F. 1154, also authored by Erickson Ropes, makes technical changes to licensing provisions for social workers.

S.F. 1153, carried by Sen. Sandra Pappas (DFL-St. Paul), requires that health insurance benefits be made available to domestic partners of state employees. Pappas offered an amendment restricting the domestic partnership coverage to same sex partners. The committee adopted the amendment.

S.F. 1036, sponsored by Sen. James Metzen (DFL-South St. Paul), ratifies state labor contracts.

S.F. 798, authored by Sen. Don Betzold (DFL-Fridley), removes a dollar limitation on attorney or agent fees contained in the Minnesota Equal Access to Justice Law. Betzold said the \$125 per hour cap is far below today's market rates for legal practitioners.

All bills were approved by the committee and sent to the full Senate.

## Higher Education

### Appointments approved

The Higher Education Policy Committee, chaired by Sen. Sandra Pappas (DFL-St. Paul), gathered Thurs., Apr. 30, to approve three gubernatorial appointments.

Members recommended that David Paskach be confirmed as a member of the Minnesota State Colleges and Universities Board of Trustees. The committee also recommended that Kathryn Balstad

Brewer and Janet Withoff be confirmed as members of the Higher Education Facilities Authority Board of Trustees.

All recommendations were referred to the full Senate for final confirmation.

## Judiciary

### Tax-forfeited land bill gains

The Judiciary Committee, chaired by Sen. Mee Moua (DFL-St. Paul), devoted their entire Thurs., Apr. 30, meeting to the discussion of S.F. 1126, a measure that modifies procedures relating to uses and conveyances of tax-forfeited property.

The bill, which is authored by Moua, updates land classification provisions for tax-forfeited lands and updates the provi-

sions on the conveyance of tax-forfeited lands to public entities. The bill also updates language on the state's reversionary interest for failure to use tax-forfeited land for an authorized public purpose within three years of conveyance and establishes a conditional use deed application fee of \$250, of which \$150 is refunded if the conditional use deed is denied. Furthermore, the measure provides that tax-forfeited land that is sold under the alternative procedures because of noncompliance with local ordinances may be sold for less than appraised value. Finally, the bill limits the application of the targeted neighborhood lands to cities of the first class and eliminates the statement of facts requirement.



Senate President James Metzen (DFL-South St. Paul), left, consults with Secretary of the Senate (Legislative) Peter Wattson prior to the start of the Senate's Mon., Apr. 27, floor session.

Photo by David J. Oakes

# Update

Moua offered an amendment modifying the process by which county boards are required to give notice to the public regarding meetings addressing the classifying or reclassifying of tax-forfeited lands. The amendment states that the notice must be mailed or otherwise delivered to each person who has filed a request for notice of special meetings with the public body at least 60 days before the meeting. Moua offered a second amendment stating that the public body must publish the notice once, at least ten days before the meeting, in a newspaper within the area of the body's authority. Both amendments were adopted and the bill was approved by the committee.

## Rules and Administration

### Omnibus health and human services bill gains

The Rules and Administration Committee, chaired by Sen. Lawrence Pogemiller (DFL-Mpls.), met very briefly Sat., Apr. 25, in order to process the omnibus health and human services appropriations bill. The bill, carried by Sen. Linda Berglin (DFL-Mpls.), was captured under Joint Rule 2.02, which is the process for dealing with late bills.

Berglin explained that the bill was late because of difficulty in getting accurate fiscal notes from the departments funded by the measure. Members adopted an amendment specifying that the appointments made by Senate to the Autism Spectrum Disorder Joint Task Force be made by the Rules and Administration Subcommittee on Committees. The measure was then referred to the Senate floor.

### Late bills advance

Two measures captured under Joint Rule 2.02 were the focus of the Wed., Apr. 29, meeting of the Rules and Administration Committee. The committee is chaired by Sen. Lawrence Pogemiller (DFL-Mpls.) The panel adopted the committee report for a bill, S.F. 1126, that deals with tax-forfeited property uses and conveyance procedures. The measure, carried by Sen. Mee Moua (DFL-St. Paul), was referred to the Judiciary Committee. The second measure, S.F. 2078, provides a state economic stimulus package for the construction industry. The measure, authored by Sen. James Metzen (DFL-South St. Paul), was advanced to the Finance Committee.



Rally participants gather in the Capitol Rotunda Mon., Apr. 27, in a show of support for legislation that would provide equal access to driver's licenses.

Photo by David J. Oakes

## State and Local Government Operations and Oversight

### Appointments approved

Members of the Committee on State and Local Government Operations and Oversight, chaired by Sen. Ann Rest (DFL-New Hope), met briefly Mon., Apr. 27, for to review several gubernatorial appointments.

John Scanlon was approved for the Campaign Finance and Public Disclosure Board. William Goede and Christine Long were approved as members of the

Gambling Control Board and Michael Charron, Ken Kaffine and Ellen McInnis were approved as members of the Minnesota Arts Board.

## State Government Budget Division

### Veterans preference bill advanced

The State Government Budget Division, chaired by Sen. Don Betzold (DFL-Fridley), met Mon., Apr. 27, to discuss a number of bills, including a measure that will give application preference to veter-



Senator John Marty (DFL-Roseville) reads from the children's book "I Know an Old Teacher" as Swede Hollow Head Start preschoolers listen intently in the Capitol Rotunda Wed., Apr. 29, during the annual Early Childhood Read-a-thon.

Photo by David J. Oakes

ans who apply for vacant positions within state government agencies.

S.F. 1982, carried by Sen. Chris Gerlach (R-Apple Valley), requires an interview for veterans listed as meeting minimum qualifications and claiming veterans preference for positions of state government employment.

S.F. 1016, authored by Sen. Steve Murphy (DFL-Red Wing), authorizes the sale of Minnesota First bonds to encourage individuals to invest in state general obligation bonds. Murphy said the bill allows the commissioner of finance to break down larger bond denominations and sell them off in smaller denominations directly to the public or to financial institutions for prompt resale to the public.

S.F. 278, sponsored by Sen. Ann Rest (DFL-New Hope), provides for the filling of vacancies, including a vacancy in nomination as well as a vacancy in the of-

fice of United States Senator or Representative. The bill requires that if a vacancy occurs in the office of United States Senator, a special election must be held for that office between 10 to 14 weeks after a writ of election is issued. The bill specifies that the writ of election must be issued within five days after the vacancy occurs and exempts late term vacancies from the mandate.

S.F. 2112, authored by Sen. Ellen Anderson (DFL-St. Paul), appropriates money for a statewide sustainable water resources framework and a website for legacy information. The bill appropriates \$301,000 in FY 2010 to the Legislative Coordinating Commission for the costs of developing and implementing a website to contain information on projects receiving appropriations from the outdoor heritage fund, the clean water fund and the parks and trails fund. Anderson said the website

will serve as a portal for the public to get information on statewide projects receiving state funding.

S.F. 1284, carried by Sen. Tony Lourey (DFL-Kerrick), modifies lawful gambling regulation provisions. Lourey said the bill modifies lawful gambling, establishes perpetual licensing and establishes a rating system for charities conducting lawful gambling. Lourey said the bill also allows for an increase in civil penalties imposed on the lawful gambling industry.

Loureys offered an amendment requiring an organization with gross receipts from lawful gambling of more than \$500,000 in any year to have an annual financial audit of its lawful gambling activities for that year. The amendment was adopted by the division.

S.F. 1481, sponsored by Sen. Richard Cohen (DFL-St. Paul), recreates the Office of Strategic and Long-term Planning

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as an independent agency and designates the director as the state planning officer. The bill also transfers the Office of Geographic and Demographic Analysis to the Office of Strategic and Long-range Planning and appropriates money to the office.

All six bills were approved by the division and re-referred to the Finance Committee.

S.F. 93, authored by Sen. Ron Latz (DFL-St. Louis Park), removes the single occurrence total liability cap related to state tort claims and specifies limitations on the payment amount. Latz said currently, the individual cap is \$400,000 and the occurrence cap is \$1.2 million, with the caps scheduled to increase to \$500,000 and \$1.5 million, respectively, on July 1, 2009.

Latz offered an amendment stating that the state will defend, hold harmless and indemnify a municipality against expenses, attorney fees and judgments in excess of the limitation on total liability for claims arising out of a single occurrence based on a challenge to the constitutionality of the limitations because of the enactment of the act. Latz offered two further amendments, one adding clarifying language to the repealer section of the bill and the other stating that the limitation on liability imposed by the bill applies to any claim against a municipality arising out of conduct by the municipality acting as an agent of the state. All three amendments were adopted by the division.

The bill was forwarded to the Finance Committee without recommendation due to concerns expressed by a number of the members regarding financial and insurance coverage aspects of the measure.

## Floor action

### Friday, April 24

#### Tax bill debated

The omnibus tax bill, S.F. 2074, was the focus of the Fri., Apr. 24, Senate floor session. The measure, authored by Sen. Thomas Bakk (DFL-Cook), provides \$2.456 in revenue. The bulk of the revenue comes from an increase in individual income taxes and \$240.5 million in reductions of aids and credits.

Bakk said the bill provides more than \$600 million in business tax relief. He said the bill increases the tax rates for all tax brackets and adds a fourth tier. The

measure raises income taxes by \$2.188 billion over the biennium, Bakk said. The measure also provides a tax credit for angel investors, those who invest in early stage business development. In addition, the measure reduces the corporate tax rate, provides a tax credit for historic building renovation, provides an upfront exemption from the sales tax on the purchase of capital equipment, reduces local government aid, and removes levy limits on local units of government. In addition, the bill excludes up to \$2,400 of unemployment compensation from the state income taxes, provides for a film investment credit, reduces the rate for renter property tax refunds from 19 percent to 15 percent and eliminates the mortgage interest deduction for a second home.

Bakk offered an amendment to phase out the income tax increases, with the lowest tier blinking off first, then the second tier, then the third tier and final tier, once the state achieves structural balance. The amendment also provides a sales tax exemption for the Central Corridor and North Star rail line. The measure also transfers the budget reserve to the Minnesota Management and Budget Dept. Bakk said having the lowest tier blink off first, all the other tiers will benefit as well.

Sen. Julianne Ortman (R-Chanhassen) said the amendment places more value on balancing the state's budget than allowing Minnesotans to balance their own budgets during the economic crisis. She said there has been a pattern of overspending in the past few years and now is not the time to try and solve the entire budget crisis. Sen. Lawrence Pogemiller (DFL-Mpls.) said the bill is an attempt to curb the pattern of structural deficits that are a recent phenomenon. He said both Gov. Carlson and Gov. Ventura left the state in structural balance. Bakk said the bill does not increase taxes on all Minnesotans; about 15 percent will have no increase at all. Ortman said the lowest income families will see a double digit increase in their income taxes.

The amendment was adopted.

Sen. Paul Koering (R-Fort Ripley) offered an amendment to repeal a provision allowing school districts to levy for post-retirement benefits. Bakk said the idea behind the original provision was to spread the costs over time through bonds, rather than having to pay the benefits each year. The amendment failed on a 22-44 roll call vote.

Sen. Dick Day (R-Owatonna) offered an amendment providing a JOBZ extension until 2011 for a company in Faribault for a business, which is engaged in manufacturing products that increase the efficiency of the use of energy resources, to construct or improve a facility in the zone. The amendment failed on a 31-35 roll call vote.

An amendment, offered by Sen. Julie Rosen (R-Fairmont), reinstates the JOBZ program and uses funds from an economic development project for wind energy blades in Northern Minnesota that is currently in the bill. In addition, Rosen said the amendment applies statewide and is for green jobs—renewable energy, green services and energy conservation. Rosen said the amendment is crucial for the development of green jobs in the state. Bakk said the bill makes cuts in aids and credits throughout and that the JOBZ program is one of the items that is cut. He said the state has a huge deficit situation and that all kinds of cuts are being implemented. Bakk said the bill's \$10 million from the D.J. Johnson trust fund may only be used in the taconite relief area. Sen. Claire Robling (R-Jordan) said the bill provides economic development in one area, but that the amendment spreads the development all around the state.

Bakk said JOBZ had not worked and that it is a failed strategy. Rosen said requiring prevailing wage stunted the growth of JOBZ, but that the program has succeeded in parts of the state. The amendment failed on a 30-35 roll call vote.

Sen. David Hann (R-Eden Prairie) offered an amendment to delete the section providing for the grant to the manufacturer of windmill blades. Hann said a partnership between government and an unnamed company is a bad policy direction for the state. Bakk said the state is hemorrhaging jobs, but the project employs a new technology that will provide good paying jobs. Bakk said if the provision is taken out, the manufacturing company will likely go to another state. The amendment failed on a 24-41 roll call vote.

Sen. Ray Vandever (R-Forest Lake) offered an amendment making technical clarification in green acres provisions. Bakk supported the amendment. The amendment was adopted. Vandever offered a second amendment clarifies the commissioner's role in appeals relating to



Gathered around a wagon containing postcards voicing parents' concerns over the use of the chemical bisphenol A in children's products, left to right, Lucy McCallum, Sophie Earl-Moseley and her brother Ben, all of St. Paul, visit with Representative Karen Clark (DFL-Mpls.), center, and Senator Sandy Rummel (DFL-White Bear Lake), right, prior to the start of a Healthy Legacy Coalition sponsored press conference in the State Office Building Wed., Apr. 29. Also present, at far right, was Mary Quinn-McCallum and her daughter Mimi, also from St. Paul.

Photo by A.J. Olmscheid

changes in classification in horse boarding facilities. The amendment was adopted. A third amendment, sponsored by Vandever, requires county boards to approve watershed district levies. The amendment on a 18-45 roll call vote.

Vandever offered a fourth amendment to reinstate levy limits on local units of government. Vandever said the amendment will help keep property taxes down. The amendment failed on a 22-44 roll call vote.

Sen. Steve Murphy (DFL-Red Wing) offered an amendment exempting construction materials for a meat processing facility in St. Charles that burned down earlier in the month and increasing the city aid base in the city of St. Charles. The amendment was adopted.

An amendment, offered by Sen. Patricia Torres Ray (DFL-Mpls.), provides that the governing body of a municipality may abate the taxes, in whole or in part, on the property of a business with an estimated market value of less than \$250,000 if access to the property has been impeded for three or more months because of a public transportation project. The amendment was adopted.

Sen. John Marty (DFL-Roseville) offered an amendment to delete the provisions for the Minnesota business investment company tax credit. Marty said the proposal, which provides a credit against the insurance premiums tax for insurance companies that invest in small businesses. He said the provision crowds out other venture capital investments and that the

provisions puts the state at risk. Sen. Kathy Saltzman (DFL-Woodbury) said the small business need capital to bring new ideas to the marketplace. The amendment failed.

Bakk said the bill provides tax incentives for businesses that will help create jobs. He said the tax increases prevent even deeper cuts in spending and position the state for fiscal stability. Rosen said the bill is not good for business and sends the message that the state does not want businesses to flourish and grow. Ortman said, "Minnesota's economy is on life support and we keep providing the wrong medicine by raising taxes."

Sen. Satveer Chaudhary (DFL-Fridley) said property taxes have grown exponentially and contributed to the

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Senators Mary Olson (DFL-Bemidji), left, and Debbie Johnson (R-Ham Lake) partake of some of the multitude of food offerings during the annual Senate Potluck in the Capitol Great Hall Tues., Apr. 28.

Photo by David J. Oakes

housing crisis and the economy's decline. He said the bill and the cuts contained in the appropriations bills are the responsible thing to do.

The bill was granted final passage on a vote of 35-31 roll call vote.

In other action, Senators granted final passage to more than 20 bills on the Senate Calendar. S.F. 657, authored by Sen. Ellen Anderson (DFL-St. Paul), provides direction for the use of the federal stimulus funds for energy programs. H.F. 1301, carried by Sen. Mee Moua (DFL-St. Paul), is the omnibus public safety policy bill. S.F. 878, carried by Sen. Ann Rest (DFL-New Hope), adds a provision governing the relocation of highway centerlines, modifies provisions relating to county state-aid highways and municipal state-aid streets and provides procedures

for plats of lands abutting state rail bank property. H.F. 801, authored by Sen. Joe Gimse (R-Willmar), reduces the number of copies of reports and documents that must be sent to the Legislative Reference Library.

S.F. 457, carried by Sen. Linda Higgins (DFL-Mpls.), modifies provisions for volunteer health practitioners. S.F. 926, sponsored by Sen. Dan Sparks (DFL-Austin), modifies provisions relating to reduced rate telecommunications regulation and promotion activities. S.F. 477, carried by Sen. John Doll (DFL-Burnsville), requires a pilot program to be implemented to recycle paint. H.F. 486, authored by Sen. Rick Olseen (DFL-Harris), removes routes on the state's trunk highway system. S.F. 1172, sponsored by Sen. Amy Koch (R-Buffalo), extends the exemption

from alcohol and controlled substances testing for specific persons.

S.F. 1754, carried by Sen. Gary Kubly (DFL-Granite Falls), permits a church benefits board to act as a trustee of a trust. S.F. 1566, authored by Sen. Linda Berglin (DFL-Mpls.), modifies health care eligibility provisions for Medical Assistance, MinnesotaCare and General Assistance Medical Care and establishes a Drug Utilization Review Board. S.F. 501, sponsored by Sen. Ann Lynch (DFL-Rochester), expands the definition of services available under Medical Assistance for disabled children's services.

S.F. 806, authored by Sen. Kevin Dahle (DFL-Northfield), regulates payday lending and provides penalties and remedies. S.F. 1323, carried by Sen. Kathy Sheran (DFL-Mankato), modifies the

Infectious Waste Control Act by modifying provisions relating to the disposal of sharps. S.F. 640, sponsored by Sen. Kenneth Kelash (DFL-Mpls.), provides for the temporary drawdown of public waters. S.F. 1147, carried by Higgins, requires property maintenance and protection for vacant, abandoned and nuisance property, provides for tenants rights in mortgage foreclosure and contract for deed cancellations and reduces the municipal redemption period. S.F. 1884, authored by Doll, modifies the requirement for notifying parents if a child care center is issued a set aside or variance to eliminate the requirement for a seven year notification period. S.F. 1189, sponsored by Sheran, requires school districts or charter schools to provide eight hours of boiler operator training.

S.F. 1503, carried by Sen. Patricia Torres Ray (DFL-Mpls.), is a child welfare technical bill and modifies provisions relating to child placement. S.F. 1569,

authored by Sen. Tarryl Clark (DFL-St. Cloud), provides for local collaborative projects to deliver employment, training and education services. S.F. 1464, sponsored by Rest, authorizes the use of state space for state employee fitness and wellness activities. H.F. 334, sponsored by Sen. Linda Scheid (DFL-Brooklyn Park), modifies instructions, forms, procedures, and exemptions for garnishment.

Senators also added the language of S.F. 1328, the omnibus education funding appropriation bill, to H.F. 2. Members then granted final passage to H.F. 2 and sent the bill to the other body.

## Saturday, April 25

### Variety of bills gain

The Sat., Apr. 25, Senate floor session was devoted entirely to processing bills on General Orders.

S.F. 1117, sponsored by Sen. Lawrence Pogemiller (DFL-Mpls.), modifies

the definition for legislative day. Under the constitution, a legislative day is defined as any day either the House or Senate meets in floor session and there is a limit of 120 days for each biennium, Pogemiller said. The bill redefines legislative day as a day on which there is a second or third reading of a bill or resolution, he said. Pogemiller said by changing the definition, there will be more flexibility in scheduling floor sessions. He said there will still be a constitutional deadline in May.

Sen. Tony Lourey (DFL-Kerrick) authored a bill, S.F. 484, that sets forth the duties of the Food Safety and Defense Task Force duties and modifies the membership and procedures for the Minnesota Organic Advisory Task Force. Lourey said the bill is a noncontroversial Dept. of Agriculture proposal.

S.F. 713, sponsored by Sen. Claire Robling (R-Jordan), establishes an award system for state employee cost savings



Senators Joe Gimse (R-Willmar) and Michelle Fischbach (R-Paynesville) look over a spreadsheet as debate commences on the health and human services omnibus budget bill during the Mon., Apr. 27, Senate floor session.

Photo by David J. Oakes

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suggestions. Robling said similar systems have been successful in the private sector. H.F. 523, carried by Sen. Kathy Saltzman (DFL-Woodbury), clarifies school background check disciplinary actions. S.F. 1431, authored by Sen. David Tomassoni (DFL-Chisholm), regulates motor vehicle dealers unreimbursed expenses deduction from wages for uniform rental and cleaning.

Sen. John Marty (DFL-Roseville) sponsored a bill, S.F. 666, that provides for a transition plan and eligibility for services for young people aging out of the foster care system. Robling urged support of the measure and said that often, the young people come from troubled situations and need a little extra support. Sen. David Hann (R-Eden Prairie) said the bill encourages dependency on government services and places an increased burden on counties. Marty countered that the extra support early in adulthood ultimately saves money in reducing corrections cost, reducing unwanted pregnancies and increasing educational achievement.

S.F. 537, carried by Sen. Ron Latz (DFL-St. Louis Park), requires postsecondary institutions to provide notice of the effects of criminal convictions on future employment options. Sen. Warren Limmer (R-Maple Grove) offered an amendment specifying that the educational institution is not liable for failing to provide the notice. The amendment was adopted.

Loureysponsored a bill, S.F. 556, prohibiting the dumping of household waste or commercial waste, the draining or dumping of refuse from any trailer or recreational vehicle, or consuming of alcoholic beverages at highway rest areas. Lourey said the measure was proposed by the Dept. of Transportation. Sen. David Senjem (R-Rochester) said it is outlandish to prohibit someone from having a beer at a picnic at a rest stop. He offered an amendment deleting the language relating to alcohol consumption at highway rest areas. Lourey responded that the language in the bill is a clarification of current law and that it has always been illegal to drink at highway rest areas. The amendment was adopted 26-25. The measure was then progressed.

S.F. 412, sponsored by Sen. Mee Moua (DFL-St. Paul), makes changes in the Uniform Adult Guardianship and Protective Proceedings Jurisdiction Act. S.F. 1810, sponsored by Sen. Linda Scheid (DFL-Brooklyn Park), is the Uniform Disclaimer of Property Interests Act. Scheid

said a number of states are adopting the uniform provisions to help in estate planning.

S.F. 1876, carried by Sen. Jim Carlson (DFL-Eagan), makes numerous technical corrections in provisions relating to the Dept. of Transportation, motor carriers and highways. Sen. Steve Murphy (DFL-Red Wing) offered an amendment that exempts cargo tank vehicles delivering home heating fuel from seasonal weight restrictions. The amendment was adopted.

S.F. 532, carried by Sen. Ann Rest (DFL-New Hope), allows the Dept. of Administration to send e-mail notices of rule proposals and hearings. S.F. 122, carried by Sen. Scott Dibble (DFL-Mpls.), requires retailers to post a warning sign that cocoa bean shell mulch is harmful to dogs and cats.

S.F. 1408, sponsored by Sen. James Metzen (DFL-South St. Paul), provides criminal penalties for discharging a laser at an aircraft. S.F. 545, sponsored by Sen. Yvonne Prettner Solon (DFL-Duluth), adds a licensed doctoral level psychologist to health care utilization review organizations and adds a member appointed by the Minnesota Psychological Association to the Health Care Reform Review Council. S.F. 707, authored by Sen. Tom Saxhaug (DFL-Grand Rapids), authorizes 911 system operators to make referrals to mental health crisis teams. S.F. 474, sponsored by Sen. Dan Skogen (DFL-Hewitt), prohibits the sale of recalled unsafe toys. S.F. 1096, carried by Moua, is one of the two annual revisor's bills that makes corrections to statutes.

S.F. 1794, authored by Sen. Tarryl Clark (DFL-St. Cloud), clarifies the conditions for National Guard and reserve members pay differential. S.F. 729, carried by Rest, modifies personnel rules for the Hennepin County Human Resources Board and Hennepin County Dept. of Human Resources. S.F. 1033, sponsored by Marty, modifies municipal rent control provisions.

All of the measures were granted preliminary passage, except for the measure relating to prohibited activities at highway rest areas.

## Tuesday, April 28

### Governor's appointments approved

The first portion of the Tues., Apr. 28, floor session was devoted to the confirmation of several gubernatorial

appointments. Steven G. Hoffmeyer was approved as commissioner of the Bureau of Mediation Services and William M. Hoskins was approved as a member of the Board of Electricity. Joseph B. Johnson, III, was approved for the Minnesota Housing Finance Agency.

Members also approved David R. Metzen as director of the Minnesota Office of Higher Education. Cheryl Dickson, Jacob Englund, Clarence Hightower, Allyson Lueneburg, Louise Sundin and Terri Thomas were all confirmed as members of the Board of Trustees of the Minnesota State Colleges and Universities. The Senate also approved the appointments of Mary Ives, Raymond VinZant and Gary Benson to the Higher Education Facilities Authority.

Two members were approved as members of the Public Utilities Commission. David C. Boyd and Betsy L. Wergin were both approved.

The balance of the floor session was devoted to considering bills on General Orders. S.F. 247, sponsored by Sen. Sandy Rummel (DFL-White Bear Lake), prohibits the use of Bisphenol-A in products such as baby bottles and sippy cups. Rummel said the bill is very limited in scope, but it protects very young children from Bisphenol-A. She said Bisphenol-A is an endocrine disrupter that is harmful to babies. However, Sen. David Hann (R-Eden Prairie) said Bisphenol-A has not been proven to be harmful. He said Minnesota would be the only state to have banned the product. Rummel countered that the studies that show no harm were done by companies with a financial interest in the product. The measure was granted preliminary approval on a 54-11 roll call vote.

S.F. 1489, sponsored by Sen. Bill Ingebrigtsen, provides for the dissolution of the Central Lakes Regional Sanitary District. S.F. 140, carried by Sen. Ron Latz (DFL-St. Louis Park), restores consumer rights to bring an action under the state's Consumer Fraud Act. Latz said the "private attorney general" right of action was removed because of a Supreme Court decision, but the bill restores the right by declaring actions under the bill as being in the public interest. Sen. Julianne Ortman (R-Chanhassen) said last year the bill carried a fiscal note of nearly \$1 million and that the bill will lead to more court cases. Latz responded that the private attorney general right of action worked well in the past and that it would continue to do so. He also said that this year, no one had

determined there was a fiscal note needed for the bill. The measure was granted preliminary passage on a 37-26 roll call vote.

Sen. Linda Higgins (DFL-Mpls.) sponsored a bill, S.F. 536, that allows the state, the higher education system and cities to establish hiring practices that encourage the hiring of low income individuals and ex-offenders. Higgins said the bill does not require that anyone hire low income individuals or ex-offenders, just that the entities may establish the practices.

S.F. 1462, sponsored by Sen. Yvonne Prettner Solon (DFL-Duluth), modifies provisions relating to public health emergencies and pandemics. Prettner Solon said the bill updates provisions relating to quarantine, mass dispensation of medications and transportation. Prettner Solon offered two amendments. The first picks

up language approved in committee. The second amendment clarifies the definition of household representative and provides for an immediate effective date.

Prettner Solon also sponsored a bill, S.F. 1399, that allows the Spirit Mountain recreation to use water from Lake Superior to make snow. Prettner Solon said current law requires legislative approval for using the water.

S.F. 1009, sponsored by Sen. Patricia Torres Ray (DFL-Mpls.), clarifies the prostitution penalty enhancement provision for repeat offenders, broadens the prostitution in a public place crime, makes driving records relating to prostitution offenses public for repeat offenders and ensures that driving records are available to law enforcement for first-time offenders. Members adopted an amendment, offered by Torres Ray, adding steam rooms,

saunas, massage parlors, shopping malls, and other public shopping areas to the list of public places for the purposes of prostitution in a public place offenses.

S.F. 1217, authored by Higgins, modifies emergency medical transportation guidelines. Higgins offered an amendment containing the language of S.F. 230. The amendment changes the physician assistant registration system to a license system. Prettner Solon offered a similar amendment, changing the dental assistant registration system to a licensing system. Both amendments were adopted.

S.F. 1425, carried by Sen. Rod Skoe (DFL-Clearbrook), requires a study of grain elevator and feed mills manlifts. S.F. 556, carried by Sen. Tony Lourey (DFL-Kerrick), outlines prohibited activities, such as littering, at highway rest areas.

## Wednesday, April 29

### Medical marijuana debated

The Wed., Apr. 29, floor session was devoted to primarily to debate on a bill providing for the medical use of marijuana.

S.F. 97, authored by Sen. Steve Murphy (DFL-Red Wing), provides for the medical use of marijuana. Murphy said the bill allows patients, who have gotten a recommendation from a physician, to use medicinal marijuana. He said the bill defines the conditions and standards that must be met before marijuana may be used, most of which are very severe in nature. Murphy said in some cases, marijuana is the difference between life and death. He said the bill, as crafted this year, goes a long way to addressing the concerns of law enforcement. Murphy said, at the end of the day, this is a health issue with little or nothing to do with law enforcement.

Under the bill, a person may possess up to two and one half ounces of marijuana or 12 plants. The bill also specifies the conditions for which a person may obtain marijuana and provides a felony penalty for submitting false records or documentation required by the commissioner of health to certify an organization for distribution of medicinal marijuana.

Murphy offered an amendment specifying that caregivers must be age 21, rather than age 18. The amendment was adopted.

Sen. David Hann (R-Eden Prairies) said, "I am not opposed to the use of this



*Senators Leo Foley (DFL-Coon Rapids) and Terri Bonoff (DFL-Minnetonka) greet each other prior to the start of the Senate's Thurs., Apr. 30, floor session.*

Photo by A.J. Olmscheid

# Update



**Senator John Doll (DFL-Burnsville) looks over a copy of the health and human services omnibus budget bill in the Senate Chamber prior to the start of the Mon., Apr. 27, floor session.**

product medically, but I think the bill is too vague and should not be supported at this time.” Sen. Bill Ingebrigtsen (R-Alexandria) said the law enforcement community is opposed to the measure, particularly in that the medicinal marijuana could make it onto the streets as an illegal drug.

Sen. Paul Koering (R-Fort Ripley) urged support of the bill and said, “This bill is about preventing suffering during a person’s dying days, why wouldn’t we support this bill?”

Sen. Mary Olson (DFL-Bemidji), however, argued that there is a growing

problem with the abuse of prescription drugs and the bill opens the door to the abuse of marijuana. She said the bill does not limit the use of marijuana to terminal illnesses and does not limit the types of pain for which marijuana may be used.

Murphy offered a second amendment specifying that the fees in the bill are directed to the Dept. of Health to administer the program. The amendment was adopted.

Sen. Scott Dibble (DFL-Mpls.) spoke in support of the bill and said, “The bill is not about gateway drugs or criminal drug activities, but about the compassionate

Photo by David J. Oakes

and controlled distribution of a product that may have a very beneficial effect on peoples’ lives.”

Ingebrigtsen said the bill will lead to more criminal activity and to more addiction. He said marijuana is gateway drug and the bill provides a way for individuals to increase their abuse of drugs.

Sen. Geoff Michel (R-Edina) spoke in support and said if a group had discovered a new pain medication we’d be giving the awards, this is simply a bill about relieving pain and nausea.

Murphy said the illegal use of marijuana is happening now and will continue whether or not the bill is passed, but the bill is about the medical use to ease suffering.

Yvonne Prettner Solon (DFL-Duluth) said we are not talking about drug abuse, we are talking about end of life issues. “Why are we so afraid to alleviate pain at the end of life?” Solon asked.

The bill was granted preliminary passage on a 36-28 roll call vote.

One additional bill was granted preliminary passage. S.F. 1447, carried by Sen. Tony Lourey (DFL-Kerrick), is a departmental technical bill making changes in provisions relating to human services licensing, data practices, license disqualifications and background checks. Sen. Yvonne Prettner Solon (DFL-Duluth) offered an amendment that includes independent contractors in the definition of children’s service worker. The amendment was adopted. Sen. Scott Dibble (DFL-Mpls.) offered an amendment providing for the licensing of respiratory therapists. Dibble said the measure replaces registration with licensure. The amendment was adopted and the bill granted preliminary approval.

Senators also acted on several gubernatorial appointments. Members approved the appointment of John J. Scanlon to the Campaign Finance and Public Disclosure Board, and William B. Goede and Christine Long to the Gambling Control Board. In addition, the appointments of Michael Charron, Ken Kaffine and Ellen McInnis to the board of the Arts, were also approved.

## Thursday, April 30

### Missing persons bill gains

The Thurs., Apr. 30, floor session was spent granting final passage to several measures on the Senate Calendar and

granting preliminary passage to a number of bills on General Orders.

Sen. Dennis Frederickson (R-New Ulm) carried H.F. 1242, which establishes Brandon's Law. The bill sets forth procedures for investigating adult missing person cases, Frederickson said.

The bill changes the name of the Minnesota Missing Children's Act to the Minnesota Missing Persons Act, Frederickson said. In addition, the bill modifies missing persons report requirements, sets forth the duties of the commissioner of public safety and law enforcement agencies in missing persons cases. The bill specifies the types of information to be

provided by law enforcement agencies to the family or person filing the missing person report and requires standardized reports and procedures. Frederickson said the bill is designed to help families undergoing the extreme stress involved in missing persons cases. Members granted the bill final passage by unanimous vote after designating it as a Special Order.

Senators also granted final passage to bills on the Senate Calendar. Sen. Sandy Rummel (DFL-White Bear Lake) authored S.F. 247, which prohibits Bisphenol-A in products for children. S.F. 1489, sponsored by Sen. Bill Ingebrigtsen (R-Alexandria), exempts bonds from elec-

tor approval in the Central Lakes Region Sanitary District. Sen. Ron Latz (DFL-St. Louis Park) carried a bill, S.F. 140, that regulates consumer fraud and provides for the right of private attorney general actions.

S.F. 536, sponsored by Sen. Linda Higgins (DFL-Mpls.), that authorizes the state, MnSCU, the U of M and cities to adopt hiring practices aimed at low-income and ex-offenders in construction contracts. S.F. 1462, sponsored by Sen. Yvonne Prettner Solon (DFL-Duluth), authorizes the mass dispensing of medication for public health emergencies and pandemics. Prettner Solon also carried



*Senator Ann Lynch (DFL-Rochester) carefully examines a fiscal document during floor debate in the Senate Chamber Wed., Apr. 29.*

Photo by David J. Oakes

# Update

S.F. 1399, which approves the consumptive use of water for snowmaking in St. Louis County.

Sen. Patricia Torres Ray (DFL-Mpls.) sponsored S.F. 1009. The bill expands the criminal penalty for prostitution. S.F. 1217, authored by Higgins, modifies emergency medical transport provisions. Sen. Rod Skoe (DFL-Clearbrook) carried S.F. 1425, which provides for a study of elevators in grain elevators and similar structures. S.F. 556, authored by Sen. Tony Lourey (DFL-Kerrick), prohibits activities such as littering at highway rest areas.

In other action, members granted preliminary passage to a number of bills on General Orders. Sen. Lisa Fobbe (DFL-Zimmerman) authored S.F. 1302, which modifies provisions regarding the eviction of tenants in property subject to mortgage foreclosure or termination of contract for deed. The bill also modifies provisions for sheriff's sale postponement and perpetuating evidence of sale, Fobbe said. Sen. Linda Scheid (DFL-Brooklyn Park) offered an amendment clarifying the approval of authorizes agencies to provide foreclosure counseling. The amendment was adopted.

S.F. 492, carried by Sen. Dan Skogen (DFL-Hewitt), regulates the use and operation of mini-trucks on public roadways. Sen. Don Betzold (DFL-Fridley) sponsored S.F. 431. The measure prohibits the participation in clinical drug trials while under a stay of commitment, Betzold said.

S.F. 1887, authored by Sen. John Marty (DFL-Roseville), provides for the release of information to health care agents and provides for access to health care agents.

S.F. 1469, also authored by Marty, prohibits an individual health plan from refusing coverage to a woman because of a previous cesarean delivery. Marty said five other state have already passed a similar law.

Sen. David Hann (R-Eden Prairie) spoke against the measure and said the state has no business telling insurance companies who they should and shouldn't cover. Sen. Mary Olson said exclusions and pre-existing conditions imposed by insurance providers have gotten out of hand and haven't lowered the costs of health care, but have allowed providers to charge individuals more for coverage.

The bill was approved on a roll call vote of 54-5.

S.F. 538, carried by Sen. Ron Latz (DFL-St. Louis Park), prohibits public

employers from considering the criminal record or criminal history of an applicant for public employment until the applicant has been selected for an interview. Latz said the Department of Corrections or public employers who have a statutory duty to conduct a criminal history background check or otherwise take into consideration a potential employee's criminal history are exempted from the bill.

S.F. 574, sponsored by Sen. Kevin Dahle (DFL-Northfield), authorizes the Public Utilities Commission to require any public utility to refund to its customers any revenues the commission finds were collected as a result of an unlawful utility rate.

S.F. 1494, authored by Sen. James Metzen (DFL-South St. Paul), prohibits a number of specific activities in preparation for radiological technology examination and establishes civil liability for examination subversion practices. Metzen said the bill is aimed at the sale of tests or other fraudulent activities concerning licensing examinations. S.F. 1476, carried by Sen. Thomas Bakk (DFL-Cook), makes several technical modifications to workers' compensation provisions.

S.F. 863, sponsored by Sen. Mary Olson (DFL-Bemidji), is the omnibus data practices bill. The measure classifies government data, modifies provisions governing temporary classifications and personnel data, extends the effective date of the law governing business screening services and rewrites the informed consent requirements for insurance purposes. Olson offered an amendment adding supplementary language to numerous definitions cited in the bill. The amendment was adopted.

Sen. Scott Dibble (DFL-Mpls.) offered an amendment to Olson's amendment deleting new language defining criminal record data from the amendment. The amendment to the amendment was not adopted.

Sen. Don Betzold (DFL-Fridley) offered a technical amendment regarding data collected by the Department of Agriculture. The amendment was adopted.

S.F. 341, authored by Sen. Yvonne Prettner Solon, amends the state tort claims law to include a reference to wrongful death notices by a surviving domestic partner. The bill adds domestic partner to the list of persons who have the responsibility for the disposition of a person's remains. In addition, the measure defines domestic partners as persons who

are the same sex, are adults, have assumed responsibility for each other's basic common welfare, financial obligations and well beings, share a common domicile, have a committed interdependent relationship with each other and are not related by blood or adoption. The measure also provides that a domestic partner may enter into a wrongful death suit.

Sen. Warren Limmer (R-Maple Grove) said the measure challenges and confuses the definition of marriage. Sen. Scott Dibble (DFL-Mpls.) countered that the bill simply attempts to provide equal rights to all individuals involved in committed relationships. The bill was approved on a roll call vote of 37-24.

S.F. 1611, carried by Sen. Dan Sparks (DFL-Austin), authorizes the Nonprofit Insurance Trust to self-insure. S.F. 910, sponsored by Sen. David Tomassoni (DFL-Chisholm), clarifies the definition of independent contractor. S.F. 1479, carried by Sen. John Doll (DFL-Burnsville), makes modifications to the electronic prescription drug program.

S.F. 663, authored by Sen. Sharon Erickson Ropes (DFL-Winona), allows a person who is a United States citizen, but who has never resided in Minnesota and is living permanently outside the United States to vote for federal offices in a Minnesota election if the person has a parent who maintained residence in Minnesota for at least 20 days immediately prior to departure from the United States. The bill also provides for the electronic transmittal of ballots to overseas voters, who would still be required to return the ballots by mail.

S.F. 1435, authored by Sen. Tony Lourey (DFL-Kerrick), changes provisions on licensure for nutritionists. S.F. 908, also authored by Prettner Solon, expands eligibility for the peace office reciprocity examinations based on military experience.

All bills were granted preliminary passage.

## MyBills system available

The MyBills personalized bill tracking system is now available. Users can add House and Senate bills to their lists by bill number, subject, or author, and view the legislative status of their bills, with items with significant current floor action highlighted. The system is available at: <http://www.house.mn/leg/billslogin.asp>

# Senate Briefly

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A lone daffodil basks in the  
spring sunshine on the west side  
of the Capitol Mon., May 4.  
Photo by A.J. Olmscheid



May 8, 2009

# Highlights

## Conference committees at the forefront

Most of the week's activities centered around conference committees on the major appropriations and tax bills. Three of the major appropriations bills were finished and sent to the governor. However, S.F. 2081, the omnibus economic development and housing appropriations bill was vetoed Thurs., May 7. In his veto message the governor cited provisions in the bill, carried by Sen. David Tomassoni (DFL-Chisholm), that allows the forgiveness of a loan to the city of St. Paul for the St. Paul RiverCentre in order for the city to build an outdoor ice hockey pond. In addition, the governor cited a provision allowing non-registered practitioners of alternative medicine to be compensated under the workers' compensation system as problematic.

H.F. 1309, the conference committee report on the omnibus transportation appropriations bill, was signed by the governor, but the third omnibus appropriations bill, H.F. 2123, the omnibus environment, energy and natural resources appropriations measure, is still awaiting signature.

The other major conference committees are in various stages of negotiations with several expected to finish work quickly.

Conferees on H.F. 885, a combination tax and appropriations bill, wrapped up negotiations very late Thurs., May 7. The conference committee report, carried in the Senate by Sen. Thomas Bakk (DFL-Cook), provides for a new top tier income tax bracket of nine percent for married couples earning more than \$250,000 and

single filers earning more than \$141,250. The new bracket is scheduled to expire in 2013, under the bill. The measure also provides for inflation adjustments of brackets. In addition, the bill places a surtax on interest income of more than 15 percent and raises the excise tax on liquor, wine and beer. The measure also appropriates \$986 million to education, nursing homes and hospitals. According to Bakk, the bill is an alternative to a proposal by the governor to borrow nearly \$1 billion on the receipts from tobacco company payments.

## Transportation conference report passed

H.F. 1309, the conference committee report on transportation funding, was the first item to be considered when the Senate began the evening portion of the Mon., May 4, floor session. The conference committee report provides for a total appropriation of \$4.3 billion from all funds for transportation, transit and public safety. Of that amount, \$194.27 million is from the general fund, \$1.021 billion is from the county state-aid highway fund and \$2.637.6 billion is from the trunk highway fund. The measure appropriates \$3.8 billion for transportation, \$144.4 million to the Metro Council for transit in the Metro Area, and \$305 million to the Dept. of Public Safety. The bill also contains provisions requiring the mitigation of construction projects on small businesses, establishes a Stillwater Lift Bridge endowment account, and prohibits any agency or court from masking, deferring the imposition of judgment or allowing an individual to enter a diversion that would prevent the conviction of a traffic control law from appearing on a commercial driver's license record. The measure provides for free transit service for disabled veterans, provides for a pilot program to give transit passes to homeless individuals, and establishes a Design-Build Project Selection Council.

Sen. Steve Murphy (DFL-Red Wing), chief author, said that the biggest difference in the bill from when it left the Senate is that the governor's office has indicated the governor will sign the measure. Murphy said the provision in the bill allowing the Metro Council to raise property taxes for transit was removed from the bill. The measure still contains a seven percent cut, but it accelerates the payment of motor vehicle sales tax

(MVST) funds that go to transit, which results in about \$19 million, Murphy said. He said the measure accelerates the payment to take care of the \$2.4 million shortfall in Greater Minnesota Transit and the shortfall for Metro Transit. In return, Metro Transit said there will be no increase in fares or changes in service, Murphy said. He said the payment comes from road construction funds, but all the construction stakeholders supported the measure because of the infusion of federal funds into transportation construction.

In addition, the bill provides for \$40 million in bonding, Murphy said. He said a growing proportion of the population is using transit and it was necessary to make some changes to fund transit.

Sen. Michael Jungbauer (R-East Bethel) said the conference committee report contains something for everyone to like and something for everyone to dislike. He said the part of the bill providing for a property tax increase for transit was the most onerous and it is no longer in the measure. A provision making seatbelt violations a primary offense is also not longer in the bill, Jungbauer said.

The conference committee report was adopted and the bill repassed on a 63-4 roll call vote.

## Economic development conference report passed

S.F. 2081, the economic development and housing conference committee report, was the second conference report to be passed Mon., May 4.

Sen. David Tomassoni (DFL-Chisholm), chief author, said the measure was all about compromise because all parties needed to negotiate. He said the conference committee report cuts \$21 million from agency base budgets. However, the measure adds \$12 million for workforce training. Tomassoni said the measure also partially restores governor's cut to the Minnesota Historical Society, the State Arts Board and the Minnesota Humanities Commission. Tomassoni said the measure contains about a seven and one half percent cut in general fund appropriations. The bill also includes some of the federal stimulus funding for the unemployed, Tomassoni said. He said the bill also provides for the separation of Barber and Cosmetology Boards.

Sen. Amy Koch (R-Buffalo) said she did not sign the conference committee report because of the loan forgiveness for

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**Editor/Writer:**  
Karen L. Clark

**Writers:**  
Amanda Lillie  
Justin Thiessen

**Photographers:**  
David J. Oakes  
A.J. Olmscheid

the Xcel Energy Center, and because there is a business tax increase through the unemployment insurance premiums for the workforce development fund. "The fund would be solvent were it not that we've been transferring money from the workforce development fund to the general fund," Koch said.

The measure appropriates a total of \$349.383 million from all funds. Under the conference committee report, \$116.154 million is appropriated for the Dept. of Employment and Economic Development, \$1.86 million is appropriated for the Public Facilities Authority, \$21.434 million is appropriated to Explore Minnesota Tourism, \$86.768 million is appropriated to the Housing Finance Agency, \$45.56 million to the Dept. of Labor and Industry, \$3.366 million is appropriated to the Bureau of Mediation Services and \$3.406 million for the Workers Compensation Court of Appeals. In addition the bill appropriates \$45.958 million for the Minnesota Historical Society, \$17.248 million for the State Arts Board, \$500,000 for the Humanities Commission, and \$4.31 million for public broadcasting.

In addition, the bill contains provisions for green energy assistance, delaying the repayment of the loan for the Xcel Energy Center, providing a loan for a new company manufacturing blades for windmills, and for a project at the Minneapolis-St. Paul International Airport refurbishing planes.

The conference committee report was adopted and the bill repassed on a 38-28 roll call vote.

## Environment conference report passed

Sen. Ellen Anderson (DFL-St. Paul) described the contents of the conference committee report on H.F. 2123, the environment, energy and natural resources budget bill. The measure was the final conference committee report repassed at the Mon., May 4, floor session. The bill appropriates a total of \$737.029 million from all funds. It appropriates \$181.462 million to the Pollution Control Agency, \$489.126 million for the Dept. of Natural Resources, \$30.961 million for the Board of Soil and Water Resources, \$17.76 million for the Metro Council, \$1.89 million for the Minnesota Conservation Corps, \$13.456 million for the Minnesota Zoological Garden and \$2.374 million for the Science Museum of Minnesota.

Anderson said the difference between the House and Senate version was about \$15 million and the House accepted about \$8 million in additional cuts. She said there were very significant agency cuts in the measure. Anderson said the Dept. of Commerce and Public Utilities Commission were difficult to cut because the funding for those agencies is primarily from assessments. Anderson said the other body had \$20 million in new fees, but the conference report only has about \$5 million in fees.

The big difference between the governor and the conference committee report is in the area of payment in lieu of taxes, Anderson said. She said the measure does not include those cuts because the burden would fall on property owners. The bill also contains provisions relating to identifying priority chemicals that impact health, reducing green house gas emissions, requiring biodegradable bags for yard waste and providing for grants for composting, Anderson said. She said the report also takes out the provision prohibiting the merger of Division of Waters. The measure also requires fish consumption warnings to be posted in different languages, Anderson said. She said the measure also contains a number of commerce provisions relating to banking, debt settlement, and insurance technical changes.

The conference committee report was adopted and the bill repassed on a 52-15 roll call vote.

## Clean water, economic dev gain

The Finance Committee, chaired by Sen. Richard Cohen (DFL-St. Paul), gathered Fri., May 8, to take action on the clean water fund appropriations bill.

The bill, authored by Sen. Sandy Rummel (DFL-White Bear Lake), appropriates money for clean water legacy and drinking water protection. The bill, S.F. 1651, Rummel said the measure makes a total appropriation of \$151 million in FY 2010-11. The measure appropriates approximately \$34 million to the Pollution Control Agency, \$15 million to the Dept. of Natural Resources, \$43 million to the Board of Water and Soil Resources, \$8 million to the Dept. of Agriculture, \$4 million to the Dept. of Health and \$44 million to the Public Facilities Authority in FY 2010-11.

Rummel said the bill represents partnerships and cooperation between agencies that are working towards clean-

ing the water in the state. "The success of this bill will be built on broad community understanding," Rummel said.

The measure was approved and referred to the Senate floor.

The panel also took action on a bill that replaces the omnibus economic development and housing appropriations bill, S.F. 2081, that was vetoed by the governor.

S.F. 1, carried by Sen. David Tomassoni (DFL-Chisholm), is the revised version of the omnibus economic development and housing budget bill. Tomassoni said the bill is fairly similar to the original, but contains a few changes that were vetoed by the governor. Provisions regarding loan forgiveness for the Xcel Energy Center in St. Paul were removed from the measure along with provisions addressing workers compensation and construction mitigation. A technical correction was also made to a project in the city of Cook and a provision to appropriate \$50,000 to the commissioner of administration to construct a workers' memorial on the Capitol grounds was added.

Sen. Don Betzold (DFL-Fridley) offered an amendment removing a provision requiring the Management Analysis Division of the Department of Finance to study and submit a report on possible co-location of the minority councils. The amendment was adopted by the committee. Betzold offered an amendment to delete a provision declaring ice hockey as the official state sport of Minnesota. The amendment was not adopted.

Tomassoni moved to amend the contents of S.F. 1 onto H.F. 2088 and have the bill proceed as a house file. The motion was adopted and the bill was approved.

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# Committee update

## Commerce and Consumer Protection

### Preventive health care bill gains

The Commerce and Consumer Protection Committee, chaired by Sen. Linda Scheid (DFL-Brooklyn Park), gathered Mon., May 4, to take action on a bill regarding health care.

S.F. 1599, carried by Sen. Mary Olson (DFL-Bemidji), encourages preventive health care by requiring high deductible health plans used with a health savings account to cover preventive care with no deductible.

David Renner, Minnesota Medical Association, spoke in support of the bill. He said the bill does not prohibit high deductible plans, as many members were concerned, but requires that high deductible plans cover preventive care. Renner and many committee members agreed that preventive care is cost-effective for both insurance companies and the state.

Members approved the measure and sent it to the Senate floor.

## Economic Development and Housing Budget Division

### Legacy appropriation advanced

Members of the Economic Development and Housing Budget Division, chaired by Sen. David Tomassoni (DFL-Chisholm), met briefly Mon., May 4, to discuss a proposal that appropriates money on behalf of the legacy amendment.

S.F. 2060, carried by Tomassoni, appropriates a total of \$91.7 million to all agencies receiving funding under the new constitutional amendment. The bill includes an appropriation of \$47.5 million to the Board of Arts, \$25 million to the Minnesota Historical Society, \$11.8 million for public broadcasting, \$3 million to the Humanities Commission, \$1 million for both the Science Museum and Explore Minnesota Tourism, \$1 million to the Indian Affairs Council and the Perpich Center for the Arts and \$200,000 for both the Minnesota Children's Museum and the Duluth Children's Museum.

Sen. Scott Dibble (DFL-Mpls.) and Sen. Kenneth Kelash (DFL-Mpls.) both spoke in favor of the proposal and praised the efforts made in the measure to secure funding for arts and heritage programs that have previously seen substantial reductions in their budgets. Tomassoni

said a considerable portion of the legacy appropriation is being given to public broadcasting because it is one of the largest cultural services provided to the citizens of Minnesota. He said more than 1.5 million Minnesotans tune into public broadcast station every week for arts, culture, news and educational programming, a service that is provided to citizens absolutely free of charge.

The division approved the bill and referred the measure to the full Finance Committee.

## Environment, Energy and Natural Resources Budget Division

### Land sale bill gains

Members of the Environment, Energy and Natural Resources Budget Division, chaired by Sen. Ellen Anderson (DFL-St. Paul), met Fri., May 8, to discuss two measures, the omnibus DNR state land sales bill and the omnibus game and fish bill.

S.F. 1123, carried by Sen. Dan Skogen (DFL-Hewitt), provides for the public and private sale of particular state lands. The bill also modifies previous sale authorizations and land descriptions and provides for various state park additions and deletions.

Sen. Tom Saxhaug (DFL-Grand Rapids) offered an amendment allowing local units of government to issue conditional use permits in a wild and scenic river districts for home-based businesses.

Sen. Satveer Chaudhary (DFL-Fridley) offered an amendment regarding conservation easements for the private sale of surplus state land bordering public water in Cass County.

The division adopted both amendments. Members approved the bill as amended and referred the measure to the Finance Committee.

S.F. 1116, sponsored by Chaudhary, modifies a variety of game and fish and aquaculture provisions.

Chaudhary offered an amendment appropriating \$15,000 in FY 2010 from the game and fish fund for the development of an online fishing contest permit application process. He offered a second amendment allowing for night bow fishing along the Mississippi River within the Metro Area. Both amendments were adopted by the division.

Sen. Gary Kubly (DFL-Granite Falls) offered an amendment provid-

ing for temporary winter importation of golden shiner minnows that are certified free of disease and invasive species by a testing facility recognized by the United States Department of Agriculture. Kubly withdrew the amendment to make further revisions to the language.

Because of time constraints, the division did not have time to finish work on the measure and laid the bill over.

## Finance

### Mental health bill gains

The Finance Committee, chaired by Sen. Richard Cohen (DFL-St. Paul), met Sat., May 2, to consider a variety of measures.

S.F. 702, carried by Sen. David Tomassoni (DFL-Chisholm), modifies the state employees vacation donation program. The bill allows state employees to donate up to 40 hours each fiscal year to the sick leave account of one more state employees.

Sen. Chris Gerlach (R-Apple Valley) sponsored two measures. S.F. 1982 requires an interview for veterans listed as meeting minimum qualifications and claiming veterans preference for positions in state government. S.F. 1889 requires state settlements and recovery payments be directed to the general fund.

S.F. 1867, authored by Sen. Don Betzold (DFL-Fridley), creates the Geospatial Information Office under the Dept. of Administration. S.F. 1504, sponsored by Sen. Linda Berglin (DFL-Mpls.), changes Medical Assistance (MA) reimbursement and eligibility for mental health services, modifies admission criteria to an acute care hospital, modifies MA payment requirements for intensive rehabilitative mental health services and provides for adjustments based on actual costs and units.

All of the measures were recommended to pass and advanced to the full Senate.

### Construction stimulus bill gains

Members of the Finance Committee, chaired by Sen. Richard Cohen (DFL-St. Paul), met Tues., May 5, to discuss a variety of bills, including a measure to stimulate Minnesota's construction industry.

S.F. 2078, authored by Sen. James Metzen (DFL-South St. Paul), streamlines construction projects, creates a construction loan guarantee program, authorizes

green energy revenue bonds, provides for home purchase loans and permits local assessments for energy improvements. The measure also provides a historic structure rehabilitation tax credit and provides a low-income housing tax credit. Metzen said the bill is aimed at putting Minnesotans back to work by jumpstarting the construction industry.

Metzen offered an amendment adding clarifying language to both the construction loan guarantee program and the green energy projects program. The amendment was adopted. The committee approved the bill as amended and referred the measure to the Taxes Committee.

S.F. 203, authored by Sen. Gary Kubly (DFL-Granite Falls), establishes oversight for health cooperative arrangements. The bill establishes a \$2,000 fee for the review and monitoring of arrangements and directs the revenue generated from the fee to cover the administrative costs associated with arrangements.

S.F. 915, sponsored by Sen. Scott Dibble (DFL-Mpls.), requires school districts to obtain employee health coverage through the public employees insurance program. The bill also appropriates money from the insurance trust fund to the commissioner of Minnesota management and budget for the administrative responsibilities created by the bill.

Dibble offered an amendment adding clarifying language to the provisions related to enrollment eligibility and appropriating money for the administrative costs associated with enrolling individuals in the program. The amendment was adopted by the committee.

S.F. 1053, carried by Sen. Tony Lourey (DFL-Kerrick), appropriates \$225,000 in both FY 2010 and 2011 from the lottery prize fund to the commissioner of human services for a grant to increase public awareness of problem gambling, education and training for individuals and organizations providing effective treatment services to problem gamblers and their families and research relating to problem gambling.

S.F. 1436, also carried by Lourey, modifies provisions relating to the Minnesota sex offender program.

S.F. 1890, sponsored by Lourey, changes provisions for health information technology and infrastructure. The bill establishes an e-health advisory committee, modifies electronic health records provisions, modifies electronic health



Senators Debbie Johnson (R-Ham Lake) and Michael Jungbauer (R-East Bethel) examine content displayed on a laptop computer screen during the Senate's Thurs., May 7, floor session.

Photo by David J. Oakes

record system provisions, modifies the revolving account and loan program and alters electronic prescribing provisions.

S.F. 1600, carried by Sen. Ann Rest (DFL-New Hope), establishes technology accessibility standards for government operations. The bill also establishes an advisory committee for technology standards to determine accessibility and usability of technology.

S.F. 727, sponsored by Sen. Linda Berglin (DFL-Mpls.), transfers an existing appropriation from the Council on Developmental Disabilities in the Dept. of Administration to a disabilities self-advocacy group, Advocating Change Together. Berglin said the appropriation transfer allows Advocating Change Together to leverage additional federal funding against the grant awarded to them.

S.F. 1369, authored by Sen. Steve Murphy (DFL-Red Wing), establishes an exception to the nursing facility construction moratorium for an 80-bed facility at a new site in Goodhue County to replace

an existing 84-bed hospital-owned nursing facility and a 65-bed nonprofit facility.

S.F. 2127, also authored by Murphy, reimburses the city of St. Charles for lost revenues and adjusts pupil unit aid in response to the North Star Foods fire. Murphy offered an amendment modifying the compensation limits related to pupil unit aid. The amendment was adopted by the committee.

S.F. 1514, carried by Sen. Sandra Pappas (DFL-St. Paul), is the human trafficking omnibus bill. The bill amends multiple laws, definitions and criminal codes related to prostitution, sex trafficking, sex-related crime, and labor and human trafficking. The bill also requires retail licensees who have been cited by a local licensing authority as a location that has been subject to complaints to law enforcement for sex trafficking activity to post a sign in public and conspicuous locations stating that sex trafficking is a crime under Minnesota law. Furthermore, the measure requires the owner of a hotel,

# Committee update



**Senators Keith Langseth (DFL-Glyndon), left, and Dan Sparks (DFL-Austin) enjoy a lighter moment during Senate floor debate Wed., May 6.**

Photo by David J. Oakes

motel or other lodging establishment that was subject to an abatement order relating to sex trafficking activities to post a notice in each unit and portion of the building that was subject to the order. Finally, the bill outlines the rights of a victim of human trafficking in civil court and amends the requirements for the commissioner of public safety to gather, compile and publish statistical data related to human trafficking.

S.F. 2060, sponsored by Sen. David Tomassoni (DFL-Chisholm), appropriates a total of \$91.7 million to all agencies receiving funding designated for the arts under the legacy constitutional amendment. The bill includes an appropriation of \$47.5 million to the Board of Arts, \$25 million to the Minnesota Historical Society, \$11.8 million for public broadcasting, \$3 million to the Humanities Commission, \$1 million to the Indian Affairs Council and the Perpich Center for the Arts and \$200,000 for both the Minnesota Children's Museum and the Duluth Children's Museum Arts Board appropriation.

Tomassoni offered a technical amendment modifying the manner in which

the appropriations get distributed among the agencies. Tomassoni offered a second amendment directing a portion of the money appropriated to the Indian Affairs Council to a program addressing native language revitalization and preservation. Both amendments were adopted by the committee.

Sen. Patricia Torres Ray (DFL-Mpls.) carried S.F. 2043, the parks and trails appropriation from the legacy amendment, which provides \$28.5 million to the DNR for state parks, \$7.8 million to the DNR for regional parks, \$28.5 million to the Metropolitan Council for metro parks and \$400,000 to the University of Minnesota for a comprehensive statewide parks and trails framework and system inventory in the biennium.

Sen. Tom Saxhaug (DFL-Grand Rapids) sponsored S.F. 1927, the outdoor heritage appropriation from the legacy amendment, which provides \$85.5 million for numerous natural resources projects throughout the state. He said the appropriation protects 210,000 acres, restores or enhances 22,000 acres and protects more than 300 miles of shoreline.

All bills were approved by the committee and, with the exception of S.F. 2078, were sent to the full Senate.

## Automatic voter registration bill gains

The Finance Committee, chaired by Sen. Richard Cohen (DFL-St. Paul), convened Thurs., May 7, to take action on a variety of measures.

Sen. Patricia Torres Ray (DFL-Mpls.) authored a bill, S.F. 185, that extends the expiration date for a Legislative Coordinating Commission Working Group on Ethnic Heritage and Cultural Diversity. The working group was set to expire June 30, 2009, and the bill extends the date to June 30, 2011, Torres Ray said.

Sen. Kevin Dahle (DFL-Northfield) sponsored S.F. 249, which authorizes school boards to form business entities solely for a wind energy project.

Sen. Mee Moua (DFL-St. Paul) carried several bills. Moua said S.F. 561 requires the collection and reporting of specified summary data relating to decisions that affect a child's status in the

juvenile justice system. H.F. 818 allows the disclosure of financial records to law enforcement, a lead agency or prosecuting authority that is investigating financial exploitation of a vulnerable adult, Moua said. S.F. 951 creates a central registration system for guardians and conservators and requires that guardians and conservators must undergo a certification process and pay a fee for the certification process, Moua said.

Sen. John Marty (DFL-Roseville) authored S.F. 660, which provides for automatic voter registration of applicants for a driver's license. The measure also directs some public officials to provide additional data to the secretary of state for use in maintaining the voter registration system, Marty said. The automatic voter registration list would be scanned for ineligible voters and individuals would be unregistered upon death based on Social Security lists, he said.

Sen. Tom Saxhaug (DFL-Grand Rapids) sponsored a measure, S.F. 805,

that directs the commissioner of natural resources to increase timber sales based on appraised value only. Saxhaug offered an amendment that limits the amount any person can lease to 2,000 acres instead of the 10,000 acres in the original bill. The amendment was adopted.

S.F. 1679, authored by Sen. Thomas Bakk (DFL-Cook), authorizes retirement incentives in the interest of preventing lay-offs. Bakk said that if a person is given incentive to retire, younger individuals on a lower pay-scale are less likely to get laid off, which will have a significant salary savings for employers. Sen. LeRoy Stumpf (DFL-Plummer) and other members expressed concern about how the Legislature would be able to pay for the incentive program. Cohen said that funds from recently passed legislation eliminating assistant commissioners in the coming fiscal year will be at the bottom line and could potentially be used for the incentive program.

Stumpf carried S.F. 635. The measure allows the Board of Animal Health to make onetime grants to certain beef cattle producers taking part in the bovine tuberculosis herd buyout and states that a buyout participant is eligible for payment if the Board of Animal Health quarantined the herd with a requirement to sell young cattle at slaughter instead of as feeder cattle, Stumpf said. He said the bill requires that the Board of Animal Health pay the difference between the fair market feeder cattle value and the documented slaughter price received by the participant for each head of cattle sold at slaughter.

Sen. Steve Murphy (DFL-Red Wing) sponsored a bill, S.F. 1016, that authorizes the sale of Minnesota First bonds.

All measures were approved and referred to the Senate floor.

S.F. 1224, authored by Sen. Don Betzold (DFL-Fridley), regulates secretary of state business entities filings and fees. The bill was laid over.



From left, Senators Dick Day (R-Owatonna), David Tomassoni (DFL-Chisom), Ann Lynch (DFL-Rochester) and Katie Sieben (DFL-Newport) carefully examine omnibus bonding bill numbers during a conference committee hearing on Wed., May 6.

Photo by David J. Oakes

# Committee update

## Health, Housing and Family Security

### H1N1 influenza discussed

The Joint Senate Health, Housing and Family Security Committee and House Health Care and Human Services Policy and Oversight Committee, chaired by Sen. John Marty (DFL-Roseville) and Rep. Paul Thissen (DFL-Mpls.), gathered Tues., May 5, to discuss the H1N1 novel influenza virus.

Assistant Commissioner John Stine, Health Protection, Minnesota Dept. of Health, said the lab staff at the Dept. of Health is continually developing procedures to find ways to recognize the H1N1 influenza virus. He said all of the probable and confirmed cases in Minnesota have been relatively mild. "Our goal is to maintain, protect and improve the health of all Minnesotans," Stine said.

Division Director Kristen Ehresmann, Infectious Disease Epidemiology, Prevention and Control, Minnesota Dept. of Health, said the department is pleased that the outbreak has been very mild in the state so far. Nevertheless, she said, "We've enhanced our case detection efforts." Ehresmann said that if individuals are concerned that they may have contracted the virus, they should call their health care provider and make arrangements to come in a separate or designated door of the clinic so as not to possibly infect other patients. Ehresmann also said, "We want businesses to allow their employees to stay home if they're ill" as a precautionary measure.

## Rules and Administration

### Cooperative purchasing bill gains

The Rules and Administration Committee, chaired by Sen. Lawrence Pogemiller (DFL-Mpls.), met briefly Sat., May 2, to direct several measures to the Senate floor.

S.F. 1459, authored by Sen. Terri Bonoff (R-Minnetonka), require municipalities to use state cooperative purchasing for supplies, materials or equipment. S.F. 1125, sponsored by Sen. Sandra Pappas (DFL-St. Paul), provides for the appointment and consolidation of county auditor-treasurer offices. Under the bill the consolidation is subject to public notice, public hearings and a reverse referendum.

S.F. 2, authored by Sen. Richard Cohen (DFL-St. Paul), makes a number of changes relating to the development of state budget recommendations, reduces the number of deputy and assistant commissioners positions throughout state governments and provides additional whistleblower protections to state employees. S.F. 182, sponsored by Pogemiller, establishes principles for legislative and congressional districting and provides for a Redistricting Commission.

All of the bills were recommended to pass and sent to the full Senate.

### Resolutions gain

The Rules and Administration Committee, chaired by Sen. Lawrence Pogemiller (DFL-Mpls.), met briefly to consider

several resolutions and to advance two measures to the floor.

H.F. 928, carried by Sen. Steve Murphy (DFL-Red Wing), contains numerous provisions relating to transportation and transit policy. Murphy said the measure was before the committee because of a provision requiring the appointment of legislative members to the Minnesota Council on Transportation Access. Murphy said an informal group has been working on transit issues for some time, but the bill provides a more formal structure to study access to transportation and transit. The bill was approved and advanced to the Senate floor.

S.F. 986, sponsored by Sen. Ann Lynch (DFL-Rochester), provides for the reduction of human services mandates.



*With heads bowed in prayer, numerous Senators participate in a National Day of Prayer celebration in front of the Capitol Thurs., May 7.*

Photo by David J. Oakes

Lynch said the bill contains the same language as that included in the larger mandate reduction bill, S.F. 3, but that the other body's bill does not include human services. The bill was approved and sent to the full Senate.

Pogemiller said the resolutions before the committee were all part of a larger, national movement coordinated by the National Council of State Legislatures and the Council on State Government to provide the states' position on some issues before Congress.

S.F. 1778, carried by Sen. Linda Scheid (DFL-Brooklyn Park), urges congressional opposition of enactment of proposed optional federal insurance charter legislation. Scheid said the resolution tells the state's congressional delegation that the state should be the regulator for insurance, rather than the federal government.

Sen. Ann Rest (DFL-New Hope) sponsored a resolution, S.F. 1708, urging the state's congressional delegation to sponsor and support the Main Street Fairness Act. Rest said the act relates to the collection of sales tax from out of state vendors.

S.F. 358, sponsored by Sen. Kevin Dahle (DFL-Northfield), memorializes the Congress of the United States not to reauthorize the No Child Left Behind Act in its current form.

Sen. Steve Dille (R-Dassel) carried a resolution, S.F. 133, urging Congress to oppose federal legislation interfering with the ability of the state to direct the transport or processing of horses.

All four resolutions were sent to the full Senate with a recommendation to pass.

## Tax, appropriation bill okayed

The Rules and Administration Committee met Thurs., May 7, to process a bill containing technical changes to numerous tax provisions.

H.F. 885, carried by Sen. Thomas Bakk (DFL-Cook), was amended to contain the language of S.F. 681, which is the technical tax bill. Chair Lawrence Pogemiller (DFL-Mpls.) explained that the amendment, offered by Sen. Tarryl Clark (DFL-St. Cloud), also contains placeholder language for general education aid, special education aid, excess costs special education aid, Medical Assistance basic health care grants for families and children, Medical Assistance basic health



Senators Thomas Bakk (DFL-Cook) and Richard Cohen (DFL-St. Paul) converse in the Senate Chamber during the Thurs., May 7, floor session.

Photo by David J. Oakes

care grants for the elderly and disabled, an inpatient hospital rate increase and Medical Assistance long-term care facilities grants.

Pogemiller explained that the measure is a vehicle that will provide additional options intended to assist in breaking the logjam in several of the larger conference committees.

Members adopted the amendment and sent the bill to the full Senate.

The panel also discussed a concurrent resolution from the other body removing the deadline for conference committee reports to reach the floor. The deadline is midnight Thurs., May 7. Members took no action because the resolution had not yet reached the Senate.

## Taxes

### Construction stimulus bill approved

Members of the Taxes Committee, chaired by Sen. Thomas Bakk (DFL-Cook), met Wed., May 6, to discuss three bills and approve a governor's recommendation for an appointment.

S.F. 2078, authored by Sen. James Metzen (DFL-South St. Paul), proposes miscellaneous economic development provisions that provide for a statewide stimulus for the construction industry. The bill streamlines construction projects, creates a construction loan guarantee program, authorizes green energy revenue bonds, provides for home purchase loans and permits local assessments for energy improvements. The measure also provides a historic structure rehabilitation tax credit and provides a low-income housing tax credit.

"This is one of the most exciting, positive bills the Legislature will be looking at this session. The bill will go a long ways in stimulating economic development in Minnesota," said Metzen. He said the bill is designed to generate \$3.5-5 billion dollars in new construction projects around the state and addresses numerous projects that won't see much of the federal assistance stimulus plan.

Sen. Rod Skoe (DFL-Clearbrook) offered an amendment cleaning up the tax increment financing provisions in the bill. Metzen offered an amendment that modifies the low income housing credit

# Committee update

program addressed in the measure. Sen. Keith Langseth (DFL-Glyndon) offered an amendment to incorporate the language of S.F. 2128 into the measure. S.F. 2128 provides property tax abatement for newly-constructed residential structures in flood-damaged areas. Langseth said the measure is meant to help some of those hardest hit by the flooding along the Red River. All three amendments were adopted by the committee.

Sen. Mee Moua (DFL-St. Paul) offered an amendment adding language to the measure regarding labor peace contracts for hotel construction projects. Members argued that the amendment added an unnecessary complication to the bill and any language addressing labor peace agreements could be worked out in conference committee. The amendment was not adopted.

Members approved the bill as amended and sent the measure to the full Senate.

S.F. 681, carried by Bakk, makes policy, technical, administrative and clarifying changes to various tax and tax-related provisions. Bakk offered an amendment putting the bill in a form that incorporates

both the Department of Revenue articles of the Senate omnibus bill and updated language related to conditional use deeds. The committee adopted the amendment, approved the bill as amended and sent the measure to the full Senate.

S.F. 1257, also carried by Bakk, provides for bond issuance and sets the terms and conditions for the financing of public improvements. Bakk offered an amendment incorporating language related to Cook County bonding provisions into the bill. The committee adopted the amendment, approved the bill and sent it to the full Senate.

Before adjourning, the committee approved the governor's recommendation to appoint Sheryl Ramstad to the Tax Court.

## Floor Action

### Monday, May 4

#### Final passage granted

The daytime portion of the Mon., May 4, floor session was devoted to granting final passage to a number of bills on the Senate Calendar.

S.F. 1447, sponsored by Sen. Tony Lourey (DFL-Kerrick), makes numerous changes in human services licensing provisions. S.F. 97, authored by Sen. Steve Murphy (DFL-Red Wing), provides for the use of medical marijuana. S.F. 1302, carried by Sen. Lisa Fobbe (DFL-Zimmerman), modifies provisions governing the eviction of tenants in property subject to mortgage foreclosure or termination of contract for deed. S.F. 492, carried by Sen. Dan Skogen (DFL-Hewitt), regulates the use of mini-trucks on public roadways.

S.F. 431, authored by Sen. Don Betzold (DFL-Fridley), prohibits individuals who have been civilly committed from participating in clinical drug trials. Sen. John Marty (DFL-Roseville) authored S.F. 1887, which provides for the release of information to health care agents and provides health care agents quarantine access. S.F. 538, sponsored by Sen. Ron Latz (DFL-St. Louis Park), addresses the consideration of a job applicant's criminal history during the public employment hiring process.

S.F. 574, authored by Sen. Kevin Dahle (DFL-Northfield), authorizes the



CASA Minnesota members set up life-sized representations of children on the Capitol mall as part of their "forgotten children" rally to raise awareness for area foster youth Mon., May 4.

Photo by A.J. Olmscheid



**Senators Kevin Dahle (DFL-Northfield) and Patricia Torres Ray (DFL-Minneapolis) converse in the Senate Chamber during the Tues., May 5 floor session.**

Photo by David J. Oakes

Public Utilities Commission to require any public utility to refund to its customers any revenues the commission finds were collected as a result of an unlawful utility rate. Sen. James Metzen (DFL-South St. Paul) carried S.F. 1494, which prohibits a number of specific activities in preparation for radiological technology examination and establishes civil liability for examination subversion practices. S.F. 1476, carried by Sen. Thomas Bakk (DFL-Cook), makes several technical modifications to workers' compensation provisions.

Sen. Mary Olson (DFL-Bemidji) sponsored S.F. 863, which is the omnibus data practices bill. The measure classifies government data, modifies provisions governing temporary classifications and personnel data, extends the effective date of the law governing business screening

services and rewrites the informed consent requirements for insurance purposes.

S.F. 341, authored by Sen. Yvonne Prettner Solon (DFL-Duluth), defines domestic partners, permits surviving domestic partners to present notice of death by a wrongful act or omission, allows domestic partners of decedents the right to control decedent remains disposition and authorizes a domestic partner to recover damages caused by a wrongful death act or omission.

S.F. 1611, carried by Sen. Dan Sparks (DFL-Austin), authorizes the Nonprofit Insurance Trust to self-insure. S.F. 910, authored by Sen. David Tomassoni (DFL-Chisholm), clarifies the definition of independent contractor for truckers for purposes of unemployment compensation and workers compensation. S.F. 1469,

sponsored by Sen. John Marty (DFL-Rossville), prohibits the denial of health plan coverage on the basis of a prior cesarean delivery.

Sen. John Doll (DFL-Burnsville) authored a bill, S.F. 1479, that makes technical changes to the electronic prescription drug program and enrolling licensed pharmacies or pharmacists as providers in the pediatric vaccine administration program. S.F. 1435, authored by Lourey, changes provisions on licensure for nutritionists. S.F. 908, authored by Prettner Solon, expands eligibility for the peace office reciprocity examinations based on military experience.

Members recessed until early evening in order to allow time for the other body to process conference committee reports.

# Committee update

Tuesday, May 5

## STOLI bill repassed

Senators met for a businesslike floor session Tues., May 5, to take action on a conference committee report, provides concurrence and repassage to several bills and to consider several measures on General Orders.

The one conference committee report that was ready, S.F. 166, was adopted and repassed on a 64-0 roll call vote. The bill, authored by Sen. Linda Scheid (DFL-Brooklyn Park), prohibits stranger-originated life insurance policies. Scheid said, "We had a very strong position going into conference committee and the other body had a very strong position; the compromise was to combine both bills. The bill provides a regulatory framework for those types of policies, Scheid said.

The Senate also granted concurrence and repassage to four bills. S.F. 245, sponsored by Sen. Linda Berglin (DFL-Mpls.), provides equal access for acupuncture practitioners by group policies and subscriber contracts. In addition, the bill requires claim determinations regarding acupuncture services to be made or reviewed by acupuncture practitioners, requires reporting on referrals to acupuncture practitioners and provides for reimbursement rates.

S.F. 412, sponsored by Sen. Mee Moua (DFL-St. Paul), enacts the Uniform Adult Guardianship and Protective Proceedings Jurisdiction Act and changes jurisdiction transfer provisions. S.F. 640, carried by Sen. Kenneth Kelash (DFL-Mpls.), provides for a temporary drawdown of public waters. S.F. 729, authored by Sen. Ann Rest (DFL-New Hope), modifies personnel policies for the Hennepin County Human Resources Dept. and the Hennepin County Board.

Majority Leader Lawrence Pogemiller (DFL-Mpls.) said the bills to be considered on General Orders were needed to provide a Senate position on several topics. He said the other body's omnibus bills contained some of the measures and that members on conference committees needed to get a feeling for the Senate's position on the bills.

S.F. 1504, authored by Sen. Linda Berglin (DFL-Mpls.), makes numerous technical changes in mental health provisions. Berglin said the measure contains the maintenance of effort provisions by simplifying the process and making the

process more predictable. S.F. 1867, carried by Sen. Don Betzold (DFL-Fridley), provides for the establishment of the Minnesota Geospatial Information Office within the Dept. of Administration.

S.F. 1889, carried by Sen. Chris Gerlach (R-Apple Valley), requires state settlements and recovery payments to be deposited into the general fund. S.F. 1459, sponsored by Sen. Terri Bonoff (DFL-Minnetonka) requires that, when practicable, local units of government use state cooperative purchasing contracts. Bonoff said the measure was suggested by the Dept. of Administration to increase efficiency and save money.

S.F. 2, authored by Sen. Richard Cohen (DFL-St. Paul), sets requirements for the development of state budget recommendations. Cohen said the measure is a budget reform bill to ensure Legislators have enough information in the appropriations process. The bill requires uniform fiscal notes, provides for local impact information, requires a review of the statewide system of economic, social and environment performance measures known as Minnesota milestones, imposes a deadline for notice of deficiency requests and requires a searchable database of state expenditures. The measure also requires a map of money used to support children, reduces the number of deputy commissioners and eliminates assistant commissioner positions in the unclassified service. Cohen said the bill also provides additional whistleblower protection to state employees, requires a budget working group and creates a pilot program for driver's license reinstatement diversion for individuals charged with driving without valid license.

Sen. Geoff Michel (R-Edina) offered an amendment to require the Legislature to pass an omnibus tax bill before passing appropriation bills. Cohen said in practical terms, the amendment is unworkable and would lead to chaos. Michel said passing a tax bill first would help define everything else. The amendment failed on a 19-36 roll call vote.

An amendment, offered by Sen. Julianne Ortman (R-Chanhassen), defines a legislative day as a calendar day and prohibits the Legislature from meeting on Sundays. Current law defines legislative day as any day in which either body meets in floor session and begins a 7 a.m. and ends at 7 a.m. the next day. The amendment failed on a roll call vote.

Sen. Amy Koch (R-Buffalo) offered an amendment that reduces the size of the Minnesota Senate from 67 members to 45 members. Koch said the state Senate is the largest in the country. In addition, the bill adds one member to the House of Representatives and provides for three House districts in each Senate district. The amendment failed on a 24-27 roll call vote.

Sen. David Senjem (R-Rochester) offered an amendment to eliminate the Legislative Commission on Planning and Fiscal Policy. Senjem said the commission is redundant, ineffective and a waste of time. The amendment failed on a 16-34 roll call vote.

Sen. David Hann (R-Eden Prairie) offered an amendment includes the employees of the attorney general in the classified service in the scope of the bill relating to employees. Cohen said he supported the amendment. The amendment was adopted. Hann offered a second amendment to limit the attorney general to one deputy attorney general and four assistant attorneys general. In addition, the amendment requires the employees to be part of the classified service. Cohen said the amendment would prevent work from being carried forward by the office. The amendment failed on an 18-32 roll call vote.

All of the bills were granted preliminary passage.

One measure, S.F. 1125, authored by Sen. Sandra Pappas (DFL-St. Paul), failed to gain preliminary passage on a 26-29 roll call vote. The bill allows county boards to combine the offices of treasurer, auditor and recorder and to make the position appointive rather than elective. Sen. Bill Ingebrigtsen (R-Alexandria) said the bill takes away the power of voters by making the offices appointive.

Wednesday, May 6

## Preliminary passage granted

The Wed., May 6, floor session was devoted to adopting conference committee reports and granting preliminary passage to bills on General Orders.

Members also granted concurrence and repassage to a bill, S.F. 1467, authored by Sen. Lisa Fobbe (DFL-Zimmerman), after it was amended by the other body. Fobbe said the bill amends provisions regarding speed limits on rural residential roadways. The measure was amended to



From left, Josie Winship, Minneapolis, Mary Lourel True, Minneapolis, and Terry Burke, St. Louis Park, participate in a Minnesotans for Personal Responsibility press conference on the Capitol steps Tues., May 5.

Photo by A.J. Olmscheid

specify that a residential roadway is specifically a city street, Fobbe said.

H.F. 1301, the conference committee report on public safety provisions, was repassed by members. The bill, carried by Sen. Mee Moua (DFL-St. Paul), modifies policy provisions relating to public safety, the courts and corrections. The measure includes a provision prohibiting sex offenders and predatory offenders from having personal web sites or making electronic solicitation. The measure also provides for training materials on the dangers of predatory offenders. In addition, the bill includes provisions for domestic fatality review teams, a driver's license reinstatement diversion pilot program, a study of evidence-based practices for community supervision, financial crimes, recalled toys, peace officer employment, trespassing in peace officer cordoned-off areas and the Bureau of Criminal Apprehension Information Services, Moua said. Moua said

that the House bill included much more than the Senate bill, but members were willing to include a good amount of the House language since it was legislation that members found important.

S.F. 936, the conference committee report on communities for a lifetime, was also repassed. The measure, sponsored by Sen. Kathy Sheran (DFL-Mankato), specifies criteria for communities for a lifetime and requires the Minnesota Board on Aging to report on communities for a lifetime.

S.F. 819, carried Sen. Ron Latz (DFL-St. Louis Park), prohibits unfair Internet ticket sales by original sellers and resellers. The conference committee report, which adopted the Senate amendments to the bill, was approved and the bill was repassed.

In other action, members took up a number of bills on General Orders. Sen. Linda Scheid (DFL-Brooklyn Park) car-

ried H.F. 1056, which requires prompt payment to construction subcontractors. Sen. James Metzen (DFL-South St. Paul) sponsored a bill, S.F. 1036, that ratifies state labor contracts.

S.F. 1481, authored by Sen. Richard Cohen (DFL-St. Paul), modifies priorities for additional revenue in general fund forecasts. Sen. Chris Gerlach (R-Apple Valley) offered an amendment to include estimated expenditures projected to occur as a result of deflation in general fund forecasts. The amendment was adopted. Sen. David Senjem (R-Rochester) also offered an amendment to the measure. The amendment provides that the commissioner's report must be presented to the chair of the Finance Committee and also to the ranking minority member, Senjem said. The amendment was adopted.

All measures on General Orders were granted preliminary passage by the members.

# Committee update



From left, Norman Barrett Wick, Shoreview, Russell Allieu, Eagan, Tom Riddering, St. Paul, and George Kane, St. Paul, participate in a National Day of Reason rally in the Capitol Rotunda Thurs., May 7.

Photo by A.J. Olmscheid

## Thursday, May 7

### Vehicle bill gains

The early portion of the Thurs., May 7, floor session was devoted to granting final passage to a variety of bills on the Senate Calendar and to concur on amendments from the other body on four measures.

S.F. 1504, authored by Sen. Linda Berglin (DFL-Mpls.), modifies numerous mental health provisions. S.F. 1867, carried by Sen. Don Betzold (DFL-Fridley), establishes the Minnesota Geospatial Information Office. S.F. 1889, sponsored by Sen. Chris Gerlach (R-Apple Valley), requires state settlements and recovery payments to be made to the general fund. S.F. 1459, authored by Sen. Terri Bonoff (DFL-Minnetonka), sets forth requirement for local government state cooperative purchasing contracts.

S.F. 2, carried by Sen. Richard Cohen (DFL-St. Paul), provides for the develop-

ment of state budget recommendations. H.F. 1056, sponsored by Sen. Linda Scheid (DFL-Brooklyn Park), requires prompt payment of construction subcontractors. S.F. 1036, authored by Sen. James Metzen (DFL-South St. Paul), ratifies several state labor contracts. S.F. 1481, also carried by Cohen, modifies provisions relating to the state's budget reserve.

All bills were granted final passage.

Members also concurred on amendments from the other body regarding four bills.

S.F. 1539, sponsored by Gerlach, regulates viatical settlements and enacts and modifies the Viatical Settlements Model Act of National Association of Insurance Commissions. Gerlach said the other body made a few minor technical changes to the bill that provided clarification regarding language addressing rescission periods.

S.F. 1910, carried by Sen. Kevin Dahle (DFL-Northfield), provides for

the licensing and continuing education requirements for insurance producers and adjusters. Dahle said the other body made a few minor changes in definitions.

S.F. 1876, authored by Sen. Jim Carlson (DFL-Eagan), modifies and updates provisions relating to motor carriers. S.F. 1569, sponsored by Sen. Tarryl Clark (DFL-St. Cloud), provides for education and workforce development collaborations.

All four measures were granted concurrence and repassage.

During the late afternoon portion of the floor session, the body took up H.F. 885. The bill, carried by Sen. Thomas Bakk (DFL-Cook), contains policy, technical, administrative and clarifying changes related to taxes. The bill was amended in the Rules and Administration Committee to contain the language of S.F. 681, which is the technical tax bill.

Sen. Lawrence Pogemiller (DFL-Mpls.) said that the bill also contains

place-holder language for general education aid, special education aid, excess costs special education aid, Medical Assistance basic health care grants for families and children, Medical Assistance basic health care grants for the elderly and disabled, an inpatient hospital rate increase and Medical Assistance long-term care facilities grants.

Pogemiller moved to suspend the rules in order to process the bill.

Pogemiller said the bill allows taxes and expenditures to be processed in the same vehicle in an attempt to proceed in a timely fashion and avoid a special session. Pogemiller said the bill creates multiple avenues to achieve compromise between the two bodies and the governor and will provide another conference committee to break down the work of the larger committees into more manageable pieces.

Sen. Julianne Ortman (R-Chanhassen) and Sen. Paul Koering (R-Ft. Ripley)

both raised concern about the process of suspending the rules related to H.F.885 and questioned the need for the suspension. Sen. Geoff Michel (R-Edina) said suspending the rules allows the Legislature to break deadlines that have been purposely developed and laid out in the state constitution.

Bakk said the Legislature should not be borrowing money to resolve the budget deficit and the bill provides an alternative to the borrowing against the future in the governor's bond proposal.

Sen. Warren Limmer (R-Maple Grove) said the bill is basically a blank check appropriation and doesn't properly adhere to the process required by law for bills to pass through the appropriate committees.

The motion to suspend the rules was approved on a roll call vote of 46-20.

Sen. David Tomassoni (DFL-Chisholm) offered an amendment to add

language to the bill legalizing video slots gaming. Michel offered an amendment restricting members from receiving per diem payments for any special session of the Legislature called to enact any of the omnibus appropriation bills. Both amendments failed to gain adoption by the body.

Members granted final passage to the bill as amended on a roll call vote of 43-23.

Before adjourning, the body adopted a concurrent resolution from the other body removing the May 7 deadline for conference committee reports to reach the floor.

## Schedule available online

The Senate committee and floor schedule for next week is available at the following address: <http://www.senate.mn/schedule/schedule.php?date=5/11/2009&type=weekly&ls=86#header>



Senators Jim Vickerman (DFL-Tracy), left, and Steve Dille (R-Dassel) consult during the Senate's Tues., May 5, floor session.  
Photo by David J. Oakes

# Senate Briefly

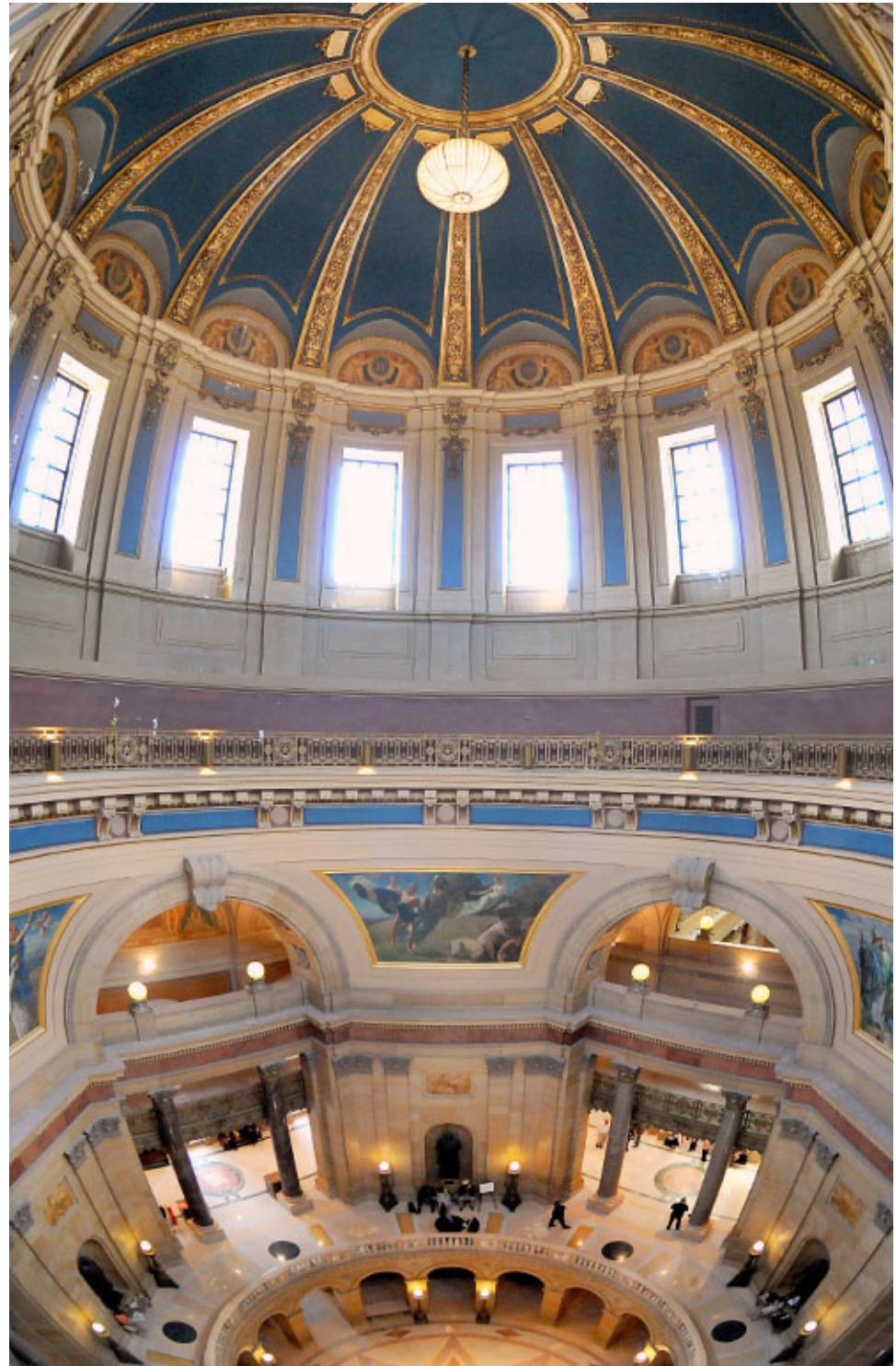
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*High above the Capitol Rotunda,  
the chandelier shines brightly  
in celebration of Statehood Day  
Mon., May 11.*

*Photo by A.J. Olmscheid*



**May 15, 2009**

# Highlights

## Lights on bill repassed

In the early evening portion of the Wed., May 13, floor session, Senators processed the "lights on bill," S.F. 2141. The bill, which allows for the funding of state agencies should an appropriation bill for the agency not be passed, was granted concurrence an repassage. Sen. Lawrence Pogemiller (DFL-Mpls.), chief sponsor, said the changes made by the other body were very minor and technical in nature. Pogemiller said the bill is a precaution and avoids the possibility of a state government shutdown. Sen. Julianne Ortman (R-Chanhassen) said the bill is an admission the Legislature cannot get its work done. Pogemiller countered that the measure was more like an insurance policy, and that work is continuing to be done to bring the session to a successful close. Sen. Dick Day (R-Owatonna) moved to lay the bill on the table. The motion failed on a 19-44 roll call vote. Day then moved to not concur with the House amendments and send the bill to conference committee. The motion failed on a 19-42 roll call vote. Members repassed the measure on a vote of 45-18.

## Higher ed, state government bills repassed

The afternoon portion of the Wed., May 13, was devoted to processing conference committee reports and to considering a number of bills on general orders.

S.F. 2083, the omnibus higher education bill, carried by Sen. Sandra Pappas (DFL-St. Paul), makes a total appropriation of \$3.1 billion to higher education to the University of Minnesota, the Minnesota State Colleges and Universities

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**Editor/Writer:**  
Karen L. Clark

**Writers:**  
Amanda Lillie  
Justin Thiessen

**Photographers:**  
David J. Oakes  
A.J. Olmscheid

and the Office of Higher Education. Pappas said the changes recommended by the conference committee include adjusting limits for federal Pell grants, evaluating the teacher education program, changing standards for dental therapist and oral health practitioner programs and modifying the governor's Achieve program in an attempt to provide more dollars to low income students.

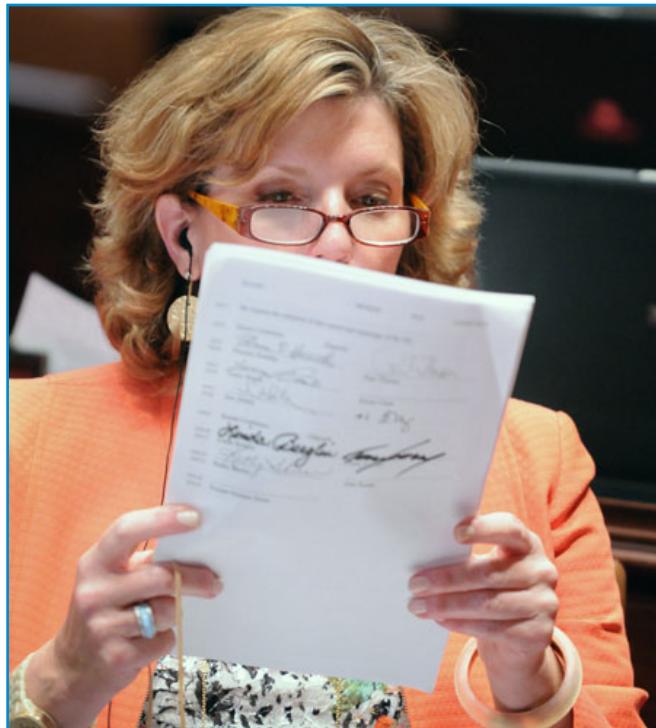
Senators adopted the conference committee report and repassed the bill on a vote of 54-12.

S.F. 2082, the omnibus state government budget bill, sponsored by Sen. Don Betzold (DFL-Fridley), modifies provisions for the general legislative and administrative expenses of state government and makes a total appropriation \$669 million to various state agencies. Betzold said the conference committee recommended a number of small changes to the bill originally passed by the Senate including the addition of various bills that have already passed on their own on the Senate floor. The omnibus bill now contains the Minnesota False Claims Act, modifies provisions relating to preferences for bidding for state contracts, provides for various name changes and consolidations of state agencies, provides for the establishment of the e-licensing program, provides for a searchable database addressing state expenditures and makes alterations to campaign finance provisions. The bill also includes new requirements for the State Board of Investment, modifies provisions relating to the budget reserve and cash flow accounts and restores previously reduced funding to the Office of the Legislative Auditor.

The body adopted the conference committee report and repassed the bill on a vote of 58-8.

## Bonding, energy, ag and vets bills repassed

S.F. 550, the omnibus energy conservation and utility regulation bill, carried



**Senator Julie Rosen (R-Fairmont) examines a health and human services appropriations conference committee report during debate in the Senate Chamber Mon., May 11.**

Photo by David J. Oakes

by Sen. Yvonne Prettner Solon (DFL-Duluth), provides various energy conservation standards and regulations related to utilities and utility rates. Prettner Solon asked the body to adopt the conference committee report, which makes numerous minor modifications to the bill as it was originally passed by the Senate.

Sen. David Senjem (R-Rochester) said the bill does not contain the provision to lift the nuclear power moratorium that was approved by the Senate. Senjem moved to reject the report and have the bill sent back to conference committee. The motion failed on a vote of 24-43.

Sen. Ellen Anderson (DFL-St. Paul) said the bill contains legislation that will put Minnesota at the forefront of the solar power industry.

The body adopted the conference committee report and granted final passage to the bill on a vote of 50-16.

H.F. 855, the omnibus capital investment bill, sponsored by Sen. Keith Langseth (DFL-Glyndon), appropriates \$343 million for capital improvements to state and local facilities, \$24 million less than when it was originally passed by the Senate. Major cuts made by the conference committee include reductions for

higher education asset preservation at the University of Minnesota and the Minnesota State Colleges and Universities and reductions for improvements and expansions at the Minnesota Zoo, the Gillette Children's Hospital and the St. Cloud Civic Center. Langseth also said the committee report also includes increased funding for passenger rail projects and disaster recovery for the cities of Hugo, St. Charles and areas along the Red River basin.

Members adopted the conference committee report and granted final passage to the bill on a vote of 59-8.

H.F. 1122, the omnibus agriculture, veterans and military affairs bill, carried by Sen. Jim Vickerman (DFL-Tracy), appropriates \$91.4 million to various state agencies related to agriculture, veterans and military affairs. Vickerman said the conference committee report increases numerous agriculture related fees, shifts certain ethanol payments and increases funding for Minnesota veterans homes.

Sen. Linda Berglin (DFL-Mpls.) said the committee report does not reflect the same provisions regarding veterans homes that were in the omnibus health and human services bill.

The body adopted the conference committee report and granted final passage to the bill on a vote of 62-5.

Members also granted final passage to one bill on Special Orders. H.F. 2251, sponsored by Sen. Richard Cohen (DFL-St. Paul), which provides an appropriation for the Minnesota Management and Budget Dept. and the State Auditor to oversee the administration federal stimulus funds.

## **Health and human services funding passed**

The early evening portion of the Mon., May 11, floor session began with processing the conference committee report on H.F. 1362, the omnibus health and human services appropriations bill.

Sen. Linda Berglin (DFL-Mpls.), chief sponsor, said the measure differs from the Senate bill in that the reduction is \$100 million less than the original bill. She said the bill contains a reduction of six, rather than seven, percent. Berglin said the conferees accepted the governor's provisions on the diversionary work program. In addition, conferees accepted the governor's use of more federal money for childcare and of reduced appropriations for department operations. The

bill does not allow families to stay on the MFIP program if the five year time period expires as the Senate proposal did, but the measure doesn't cut the program, Berglin said. She said supported work grants are increased by \$2 million in order to draw down more federal monies.

Under the conference committee report, some counties will join together to provide human services programming, Berglin said. She said the House did not accept a provision for transition housing counseling. In addition, the measure delays rebasing in 2010, 2011 and 2012. She said the compromise bill contains a slight change in the adult foster care cap, lessened the cut to home health care providers, and funded the chemical dependency share for counties to meet federal compliance. Berglin said the measure provides for a small pilot project for MA coverage of asthma equipment, a standard form for exceptions to the formulary, coverage for chiropractic exams in MinnesotaCare and for the simplification of forms for MinnesotaCare and MA. She said the measure contains a provision for a MinnesotaCare buydown of COBRA coverage for individuals who are laid off. The measure drops a Senate provision for patient centered decision making and a plan for reducing managed care emergency room visits.

Berglin said the measure funds a child and adolescent mental health program in Willmar and restores cuts to the sex offender program. Berglin said conferees also accepted a governor's proposal for tuberculosis prevention and control. She said the bill also drops the idea of birthing centers, but does provide for a study of licensing birthing centers for the future. Berglin said the compromise language also dropped the body art licensing provisions and moved the appropriations for the Veterans Home Board to the omnibus agriculture and veterans conference committee.

Berglin said, "I am pleased that the House did not take their level of cuts to hospitals, but instead accepted Senate levels." She said the other body had three times the level of cuts as the Senate bill's \$17.6 million. Berglin said the governor's proposal had \$91.1 million in cuts for hospitals.

Berglin said the measure eliminates the broker in the Metro Area for non-emergency transportation, did not eliminate the brokers for rural Minnesota or for need assessments.

Sen. John Marty (DFL-Roseville) said the cuts in the bill are too deep and are unacceptable. Berglin countered that the bill is better than when it left the Senate and that the measure should be signed by the governor. Sen. Julie Rosen (R-Fairmont) said spending reduction is only 5.25 percent, but that health care expenditures are growing at unsustainable levels. She said there will be a problem next year because with the federal money we have locked ourselves in to specific appropriations. She said there is fine tuning that needs to happen for counties sharing human services programs, but the sharing of service delivery may result in significant savings.

Members repassed the bill on a 47-18 roll call vote.

## **E-12 conference report passed**

A highlight of the early evening portion of the Wed., May 13, floor session was adoption and repassage of the omnibus E-12 education appropriations conference committee report. Sen. LeRoy Stumpf (DFL-Plummer), chief sponsor of H.F. 2, said when the bill left the Senate the measure had a 3.3 percent cut in E-12 education funding for the next biennium. However, the conference committee did not include any cut and maintains the current biennium's base funding. Stumpf said the base funding means the measure contains about \$500 million more than the Senate bill. The bill provides for a total appropriation of \$13.394 billion with an addition \$500 million in federal stabilization funds. He said the Senate bill contained a number of reforms that remain in the bill. The measure includes programs for early learning, special education compliance, on-line learning and charter school reform, he said. Stumpf said that some reforms were not adopted, but provisions for district created site governance of schools remains in the bill. He said the House conferees wanted to change the funding formula to take effect in 2014, but there was no way to fund the proposal. A Senate provision for childcare allowances was not adopted, but conferees did adopt a section providing for an early childhood rating system. A proposal for consolidated levy advocated by the Senate was also dropped. "The overall package is a very positive outcome given the financial situation we are in," Stumpf said.

The conference committee report was adopted and the bill repassed on a 49-16 roll call vote.

# Committee update

## Environment, Energy and Natural Resources Budget Division

### Omnibus policy bill amended

The Environment, Energy and Natural Resources Budget Division, chaired by Sen. Ellen Anderson (DFL-St. Paul), gathered Tues., May 12, to take action on two bills, both authored by Sen. Satveer Chaudhary (DFL-Fridley).

S.F. 1116 modifies game and fish and aquaculture provisions. Sen. Gary Kubly (DFL-Granite Falls) offered an amendment that provides for temporary winter importation of golden shiner minnows that are certified to be disease and invasive species free. The amendment was adopted. Chaudhary offered an amendment that prohibits a person from taking an antlered deer in the last two days of the extended season in Zone 3 unless the deer has at least four points on one side. Members adopted the amendment. Sen. Tom Saxhaug (DFL-Grand Rapids)

proposed an amendment providing that if a local government demonstrates a public safety issue that is not addressed by the rules of the commissioner of a wildlife management area, the local government may file an appeal with the commissioner to amend the rules. Members adopted the amendment.

The measure was approved as amended and referred to the full Finance Committee.

The omnibus environment policy bill, S.F. 1110, modifies several natural resources, state park and outdoor recreation provisions. Chaudhary proposed an amendment to make a one-time appropriation of \$20,000 from the natural resources fund for the start-up costs of the off-highway vehicle administrative forfeiture processes. The amendment was approved. Sen. Mary Olson (DFL-Bemidji) offered an amendment to establish an Environment and Natural Resources Organization Advisory Committee for the purpose of advising the Legislature and governor on an organization for state agencies and local

governments to administer environment and natural resource policies. Chaudhary moved the amendment for Olson but the motion did not prevail.

Anderson offered an amendment that deletes language defining native prairie and grassland and provides that an individual conducting native prairie or grassland restoration with state money must plant vegetation or sow seed only of ecotypes native to Minnesota. Members adopted the amendment. Saxhaug offered an amendment that directs the commissioner of finance, in conjunction with representatives from the Dept. of Natural Resources, Pollution Control Agency, Board of Water and Soil Resources, Environmental Quality Board, Dept. of Health and the Dept. of Agriculture, to conduct a study regarding water management in the state. However, Saxhaug withdrew the amendment.

Sen. Dennis Frederickson (R-New Ulm) offered an amendment that adds carbon sequestration to the list of determining factors for the public value of



A frenzy of activity ensues following the release of a House of Representatives' proposal during an omnibus K-12 appropriations conference committee hearing Tues., May 12.

Photo by David J. Oakes

wetlands. The motion prevailed and the amendment was adopted.

Chaudhary moved that the contents of the game and fish bill, S.F. 1116, be amended onto the omnibus policy bill, S.F. 1110. The motion was approved and S.F. 1110 was then approved as amended and referred to the full Finance Committee.

## Finance

### Unemployment health coverage bill approved

Members of the Finance Committee, chaired by Sen. Richard Cohen (DFL-St. Paul), met Mon., May 11, to discuss a variety of bills, including a measure to provide temporary health care coverage to unemployed individuals.

S.F. 347, sponsored by Sen. Terri Bonoff (DFL-Minnetonka), establishes temporary MinnesotaCare coverage for individuals who have been laid off. The bill deducts ten percent from the person's unemployment benefits and deposits the amount in a workforce health coverage account, with the cost of the temporary coverage being paid from the account.

S.F. 1235, authored by Sen. John Marty (DFL-Roseville), establishes youth violence prevention programs for at-risk youth as a means of addressing youth aggression from a public health standpoint. Marty said the bill requires the commissioner of health to apply for private, state and federal funding to support the development of the prevention and intervention programs associated with the bill.

Sen. Mee Moua (DFL-St. Paul) carried S.F. 407, which requires a map of federal and state funding used to support children. The bill, as amended by the State Government Budget Division, requires the commissioner to use existing resources available to the department to design and oversee a pilot project to map all state expenditures that serve the primary function of supporting the health, safety, permanence, growth, development and education of children in the state. The bill also specifies that the commissioner must solicit public input on the project and seek suggestions from individuals in higher education and the nonprofit sector with relevant experience. Finally, the measure requires state agencies to assist the commissioner with the pilot project and directs the commissioner



Senators Pat Parisieu (R-Farmington) and Chris Gerlach (R-Apple Valley) look over proposed legislation during the Thurs., May 14, Senate floor session.

Photo by David J. Oakes

to submit the results of the project to the Legislature in 2010.

Sen. Scott Dibble (DFL-Mpls.) authored S.F. 1208, which modifies provisions governing Medical Assistance claims and liens. Dibble said the bill attempts to remedy a potential problem for individuals who outlive significant others that are receiving Medical Assistance and have a lien against their residence. The bill allows a surviving spouse to maintain residence in the home if the spouse is a joint owner in the property. Dibble said the bill applies to both same sex and opposite sex couples as well as domestic partnerships.

S.F. 1509, sponsored by Sen. Patricia Torres Ray (DFL-Mpls.), makes changes

to the Child Care Assistance Program to align payment policies with implementation of MEC2 state-wide child care assistance system. The bill lifts the ban on charging for development and maintenance of county-initiated projects aimed at providing more integrated services to clients and creating more efficient county workflow. The bill also makes technical changes to General Assistance, simplifies Group Residential Housing (GRH) licensing and proposes technical changes to update the location of a GRH provider.

S.F. 1512, carried by Sen. Sharon Erickson Ropes (DFL-Winona), increases the fee for heritable or congenital disorders testing to help sustain the program.

# Committee update

The bill also requires the commissioner of health to contract with a nonprofit organization to provide support and assistance to families with children who are deaf or have a hearing loss.

S.F. 704, authored Kevin Dahle (DFL-Northfield), requires the commissioner of health, in consultation with the Minnesota Administrative Uniformity Committee and the commissioner of human services to study and make recommendations on the feasibility and barriers to simplifying health care administrative transactions through electronic data interchange.

Members approved all bills and sent them to the full Senate.

S.F. 963, carried by Sen. Julianne Ortman (R-Chanhassen), modifies duties and responsibilities of the Forensic Laboratory Advisory Board. The bill also establishes immunity from liability for board members, clarifies the availability of investigation reports to the public and requires the Department of Administration to provide office space and services to the board.

Ortman offered an amendment removing the appropriation for the board for an executive secretary and one full-time staff person. The amendment was adopted by the committee and the bill was approved as amended and sent to the full Senate.

S.F. 340, sponsored by Sen. Linda Scheid (DFL-Brooklyn Park), requires notice and mandatory mediation prior to commencement of mortgage foreclosure proceedings on homestead property.

Scheid offered an amendment allowing the attorney general to appoint mediators who agree to provide mediation services on a voluntary basis or for a reduced fee. Scheid offered a second amendment outlining fees assessed to individuals and counties to help fund the program. The amendments were adopted by the committee and the bill, as amended, was approved and sent to the full Senate.

## False Claims Act advances

Members of the Finance Committee gathered for a late afternoon meeting Mon., May 11, to discuss a measure that allows the attorney general to bring civil action and assess penalties against individuals knowingly making false or fraudulent claims against the state.

S.F. 82, carried by Sen. Ron Latz (DFL-St. Louis Park), enacts the Minnesota False Claims Act (FCA), which establishes civil liability and remedies for claims against persons who make certain



Prior to the start of the Senate's Mon., May 11, floor session, jockey Albert Kelly stands outside the Senate Chamber in support of the expansion of gambling at Canterbury Park.

Photo by David J. Oakes

false claims against the state or political subdivisions of the state. Latz said the attorney general considers fraudulent claims submitted to the state to be a serious matter, and the attorney general's office aggressively prosecutes persons that engage in such activity under existing law. The proposed bill complements and expands existing law by offering a lucrative financial reward to whistleblowers who report a violation of the FCA, said Latz.

Latz said both bodies have come to an agreement with the governor's office

regarding the policy language and the amendments to the bill are meant to deal with the fiscal impact of the measure.

Latz offered four amendments to the bill. The first amendment provided additional language regarding liability and the assessment of civil penalties for false or fraudulent claims. The next amendment outlines exclusions for individuals who report claims that turn out to be false as long as they reported them with the thinking the claims were true. The amendment also sets the effective date

of the FCA as July 1, 2010. The third amendment summarizes the responsibilities of the prosecuting attorney involved in a claim and the fourth amendment appropriates \$2.05 million for the establishment of a false claims account, which will be used to fund operations at the attorney general's office related to processing the claims. All four amendments were adopted by the committee, and on a 9-7 vote members approved the bill and sent the measure to the full Senate.

### Bills sent to floor

The Finance Committee, chaired by Sen. Richard Cohen (DFL-St. Paul), gathered Tues., May 12, to take action on three bills.

Sen. Patricia Torres Ray (DFL-Mpls.) authored S.F. 1799, which requires the Board on Aging to convene an Alzheimer's Disease Working Group. The measure was approved and referred to the Senate floor.

Sen. Ann Rest (DFL-Newport) carried a bill, S.F. 1219, that establishes licensing standards for firefighters. The bill requires that full-time firefighters become licensed by July 1, 2011, Rest said. She also said that part-time firefighters are not required to be licensed, but may do so if they wish. The bill was okayed and sent to the Senate floor.

S.F. 1123, sponsored by Sen. Dan Skogen (DFL-Hewitt), resolves trespass issues by providing for private sales of land and authorizes public and private sales and leases of tax-forfeited land. The bill was laid over and will be discussed further at a later date.

### Multiple omnibus bills approved

Members of the Finance Committee, chaired by Sen. Richard Cohen (DFL-St. Paul), gathered Thurs., May 14, for their final meeting of the session. The omnibus natural resources bill and the omnibus retirement and pension bill topped the agenda.

H.F. 1237, sponsored by Sen. Satveer Chaudhary (DFL-Fridley), is the omnibus natural resources policy bill. Chaudhary said the omnibus game and fish has been recently added to the measure.

Sen. Jim Vickerman (DFL-Tracy) offered an amendment requiring the commissioner of natural resources to work with trail groups in planning and developing both the Des Moines River Valley Trail and the extension of the Casey Jones

Trail. Sen. Steve Murphy (DFL-Red Wing) offered an amendment deleting a provision that allows persons with one-ton pickup trucks to use critical habitat license plates. Both amendments were adopted by the committee.

H.F. 925, carried by Sen. Scott Dibble (DFL-Mpls.), regulates the dissemination and calculation of the state unemployment rate. The bill requires the Department of Employment and Economic Development to design and implement a comprehensive measure of unemployment and underemployment in the state and to analyze and produce estimates of total unemployment.

Dibble offered an amendment specifying that \$120,000 of the funds collected for unemployment insurance administration be used to fund the activity proposed in the bill. The amendment was adopted by the committee.

S.F. 1797, authored by Sen. Patricia Torres Ray (DFL-Mpls.), requires the State Advisory Council on Early Childhood Education and Care to create an inventory of early childhood services.

Sen. LeRoy Stumpf (DFL-Plummer) offered an amendment leaving the bill's funding source open-ended with the specification that any federal or private money appropriated to the council can be used for the inventory.

S.F. 1123, carried by Sen. Dan Skogen (DFL-Hewitt), provides for the public and private sale of specific state lands. The bill also modifies previous sale authorizations and land descriptions and provides for various state park additions and deletions.

Sen. Ellen Anderson (DFL-St. Paul) offered amendment removing a provision from the bill that allows the commissioner of natural resources to sell a certain portion of land in Cass County by private sale to the previous owner or heir. Anderson said the United States Department of Interior submitted a letter to the DNR stating that the sale of the land could result in a penalty assessed by the government that would cost the state millions of dollars. She said leaving the provision in the bill could result in the loss of significant federal dollars and should be removed. The committee adopted the amendment.

S.F. 42, authored by Murphy, makes Minnesota's seat belt law a primary offense. The bill allows law enforcement to enforce the seat belt violation in the same manner that they enforce other laws. Murphy said the bill not only saves lives

but saves the state a considerable amount of money.

Murphy offered an amendment removing the establishment of a \$25 court surcharge for seat belt violations. Because of the removal of the \$25 charge, seat belt violations will be assessed the same surcharge as all other traffic violations, which is \$75, Murphy said. The amendment was adopted by the committee.

S.F. 191, carried by Sen. Don Betzold (DFL-Fridley), is the omnibus retirement and pension bill that makes numerous changes to public employee retirement plans.

Sen. David Tomassoni (DFL-Chisholm) offered an amendment regarding eligibility guidelines for individuals who transfer between the unclassified program and the general program. The amendment was adopted by the committee.

All bills were approved by the committee and advanced to the full Senate.

## Judiciary

### Judicial appointments approved

Members of the Judiciary Committee, chaired by Sen. Mee Moua (DFL-St. Paul), met briefly on Tues., May 12, to confirm two appointments made by the governor and to approve a resolution.

The committee approved the appointment of Douglas Fuller and Patrick Sexton to the Board of Judicial Standards.

S.F. 1623, carried by Sen. Steve Dille (R-Dassel), is a resolution urging repeal of 1863 federal legislation ordering removal of Dakota people from Minnesota.

Members unanimously approved the bill and re-referred it to the Rules and Administration Committee.

## Rules and Administration

### Continuing operations proposal heard

The Rules and Administration Committee met briefly Mon., May 11, to process two late bills and a bill providing for the reduction of state mandates on local units of government. The panel, chaired by Sen. Lawrence Pogemiller (DFL-Mpls.) also considered a proposal providing for the continued operation of state government agencies, even if omnibus appropriations bills are not signed into law.

Pogemiller said that because of the method in which the other body processes

# Floor action



Senators Scott Dibble (DFL-Minneapolis) and Ellen Anderson (DFL-St. Paul) study a laptop computer screen during debate on the Senate floor Thurs., May 14.

Photo by David J. Oakes

bills, he was bringing the proposal forward early in the week. "At this point, there is no intention of not getting our work done," Pogemiller said. He said it is simply prudent to have the proposal started on its legislative progress just in case it is needed. Under the measure, if a major appropriation bill to fund a specific state agency for the biennium beginning July 1, 2009, has not been enacted by then, amounts sufficient to continue operation of that agency and the programs administered by that agency through the fiscal year ending June 30, 2010 at the base level are to be appropriated from the appropriate funds and accounts in the state treasury.

In addition, the bill specifies that the appropriations must not be reduced below the base level, except as required to balance expenditures with revenue and after consultation with the Legislative Advisory Commission. The proposal also specifies that federal fiscal stabilization money must not be spent except pursuant to a direct

appropriation by law. Other federal money that has not been appropriated by law may not be used except in accordance with the procedure used for review by the Legislative Advisory Commission.

Members approved the proposal for introduction as a committee bill on a divided voice vote.

The two late measures, S.F. 2089, carried by Sen. LeRoy Stumpf (DFL-Plummer) and S.F. 1797, sponsored by Sen. Patricia Torres Ray (DFL-Mpls.), were both advanced to the full Senate. S.F. 2089 provides for a study to examine the operating cost differential of schools districts. Stumpf said the bill is needed because of language in the other body's omnibus E-12 education appropriations bill relating to inflation adjustments. Stumpf said the House language is too narrow and that it is necessary for the Senate to develop a position on the issue. S.F. 1797 provides the State Advisory Council on Early Childhood Education and Care to create an inventory of early childhood

services throughout the state. Torres Ray said the inventory is needed to determine where and how much is needed for early childhood services.

Members also advanced S.F. 1544 to the full Senate. The bill, sponsored by Sen. Ann Rest (DFL-New Hope), contains language from S.F. 3, the mandate reduction bill, relating to local units of government. Rest said the language needed to travel separately from the omnibus mandate reduction bill.

## Floor Action

### Friday, May 8

#### Tax, appropriation conference report passed

A conference committee report providing an alternative to the governor's proposal to issue bonds for nearly \$1 billion against future tobacco payments was repassed during the evening portion of

the Fri., May 7, floor session. H.F. 885, a combination tax and appropriations bill, was granted repassage on a 44-20 roll call vote.

The conference committee report, carried in the Senate by Sen. Thomas Bakk (DFL-Cook), provides for a new top tier income tax bracket of nine percent for married couples earning more than \$250,000 and single filers earning more than \$141,250. The new bracket is scheduled to expire in 2013, under the bill. The measure also provides for inflation adjustments of income tax brackets. In addition, the bill places a surtax on interest income of more than 15 percent and raises the excise tax on liquor, wine and beer. The measure also appropriates \$986 million to education, nursing homes and hospitals.

Bakk said, "We've spent a great deal of time since early January trying to figure out how to solve the shortfall." Bakk said many were disappointed with the governor's proposal for an appropriation bond. He said the bill is an alternative to that proposal. The bill provides the needed revenue in three ways—through a fourth tier income tax bracket, through additional excise taxes on liquor, beer and wine and through a surcharge on credit card interest income over 15 percent. He said the fourth tier bracket blinks off when a February forecast indicates there will be a \$500 million unencumbered balance at the end of a fiscal year. He said the measure also creates three accounts and allocates the revenue raised by the bill among the three accounts. Bakk said the revenue will ease the cuts in the three budget areas. Under the bill, Bakk said, \$585.784 million is allocated for E-12 education, \$287.566 million is allocated for a nursing home and long-term care account and \$144.130 million is allocated to a hospital account.

Bakk said borrowing against future tobacco payments is a bad idea and will result in having to pay \$1.8 billion to retire the debt. Bakk said those members who do not want to raise taxes or cut spending must present some alternatives. He said H.F. 885 is an alternative.

Sen. Geoff Michel (R-Edina) said the bill will lead to the fastest veto in history. Michel said the bill is asking for another \$1 billion from taxpayers in the midst of the worst recession since World War II. Sen. Satveer Chaudhary (DFL-Fridley) said it is a tall tale to say that

taxes haven't been raised—because local property taxes have been increased as the result of state cuts. Chaudhary said the alternative is a huge increase in property taxes. He said the bill is the least objectionable of a lot of bad choices. Sen. Julianne Ortman (R-Chanhassen) said the bill does not balance the budget. It is just a part of the budget and we don't know what the whole picture is going to be, Ortman said. Sen. Linda Berglin responded that if new revenue isn't found, nursing home budgets will need to be cut 33 percent and hospitals an additional 23 percent. Berglin said that for every 40 cents the state spends on human services, the state receives 60 cents in federal funds. In addition, Berglin said the spending in human services represent jobs for Minnesotans in every member's district.

Another highlight of the Fri., May 8, floor session was the passage of another omnibus economic development and housing appropriations bill. Members suspended the rules in order to consider H.F. 2088, carried by Sen. David Tomassoni (DFL-Chisholm), a second omnibus economic development appropriations package. Tomassoni said the measure contains most of the language from S.F. 2081, which was vetoed by the governor. Tomassoni said the provisions the governor found unacceptable were removed from the bill. He said those provisions include forgiveness of a loan to the city of St. Paul for the Xcel Energy Center and some workers compensation provisions. He said the bill does contain a \$50,000 appropriation for a workers memorial on the Capitol Mall.

The measure appropriates a total of \$349.383 million from all funds. Under the conference committee report, \$116.154 million is appropriated for the Dept. of Employment and Economic Development, \$1.86 million is appropriated for the Public Facilities Authority, \$21.434 million is appropriated to Explore Minnesota Tourism, \$86.768 million is appropriated to the Housing Finance Agency, \$45.56 million to the Dept. of Labor and Industry, \$3.366 million is appropriated to the Bureau of Mediation Services and \$3.406 million for the Workers Compensation Court of Appeals. In addition the bill appropriates \$45.958 million for the Minnesota Historical Society, \$17.248 million for the State Arts Board, \$500,000 for the Humanities Commission, and \$4.31 million for public broadcasting.

The bill was granted final passage on a 47-13 roll call vote.

The Fri., May 8, floor session began with members granting concurrence and repassage to several measures. S.F. 1408, sponsored by Sen. James Metzen (DFL-South St. Paul), makes it a crime to shine a laser into the cockpit of an airplane. Metzen said the other body changed the penalty from a felony to a gross misdemeanor. S.F. 1217, authored by Sen. Linda Higgins (DFL-Mpls.), modifies emergency medical transport provisions. S.F. 1476, carried by Sen. Thomas Bakk (DFL-Cook), modifies provisions relating to workers compensation. S.F. 1425, sponsored by Sen. Rod Skoe (DFL-Clearbrook), provides for a study of grain elevator, feed mill and church steeple manlifts.

The Senate, acting as one large Committee of the Whole, considered a number of bills for preliminary passage.

S.F. 1890, authored by Sen. Tony Lourey (DFL-Kerrick), changes provisions for health information technology and infrastructure, establishes an e-health advisory committee, changes electronic health records provisions, makes changes to the electronic health record system and modifies electronic prescribing provisions. Lourey said the bill positions Minnesota to take advantage of federal funds for health technology.

Sen. Linda Berglin (DFL-Mpls.) sponsored a bill, S.F. 727, that transfers an appropriation for Advocating Change Together from the Dept. of Administration to the Dept. of Human Services. Berglin said the transfer opens up the possibility of matching funds being obtained.

S.F. 915, carried by Sen. Scott Dibble (DFL-Mpls.), requires school districts to obtain employee health coverage through the public employees insurance program. Dibble said by having school districts join the public employees insurance program spreads the risk over a larger pool, reduces costs and provides more efficiency. Sen. Claire Robling (R-Jordan) offered an amendment making the bill permissive rather than mandatory. Dibble spoke against the amendment and said the amendment defeats the goal of the legislation of creating a larger pool to reduce risk. The amendment failed on a divided voice vote.

Robling offered a second amendment including the employer in the choice of whether to join the public employees insurance program. The amendment failed.

# Floor action

S.F. 1331, carried by Sen. Katie Sieben (DFL-Newport), makes numerous changes in elections laws. Sieben said there is a heightened interest in the elections process because of the Coleman-Franken race. She said the race highlighted several areas that needed reform and the bill addresses those areas. Sieben said the measure includes provisions for early voting, moves the primary from September to June, provides for overseas and military voting, sets forth ballot and voting system requirements and changes absentee ballot provisions.

Robling offered an amendment deleting the provision moving the primary from September to June. Robling said no one wants a longer campaign season and that the effect of the change is to make some elected officials lame ducks for a longer period of time. Sen. Terri Bonoff (DFL-Minnetonka), the original sponsor of the provision, said there is a long history of trying to move the primary to June. Bonoff said the reason is the current system is not best for all Minnesotans because from February to September candidates campaign inside the respective parties to the party faithful, thus not allowing the broader public to get to know the candidates. Sen. John Marty (DFL-Roseville) spoke in support of the amendment and said a longer campaign season has no appreciable effect on citizen participation and leads to candidates needing to spend too much time fund raising. Sen. Linda Higgins (DFL-Mpls.) said the Office of the Secretary of the State wants the change to allow more members of the military to be able to participate in the elections process. The amendment failed on a 24-38 roll call vote.

Sen. Warren Limmer (R-Maple Grove) moved to recommend that the bill be sent back to the State and Local Government Operations and Oversight. Limmer said that processing the bill before the U.S. Senate race is decided is ill-advised and should be delayed. Sen. Ann Rest (DFL-New Hope) said the reforms in the bill have no effect on the current court case and are needed before the 2010 election season. The motion failed on a 21-41 roll call vote.

Robling offered an amendment moving the primary to August, rather than the June date specified in the bill. Robling said the change enables military personnel to have adequate time to participate in the elections process. Bonoff said the state

has a summer culture in which many citizens are away or taking time off in August and that June is a better time period for the primary. The amendment failed on a 26-35 roll call vote.

Sen. Chris Gerlach (R-Apple Valley) offered an amendment to delete the provision authorizing early voting. Gerlach said early voting overlaps campaigning and voting. He said, "It is a recipe for disaster because several times very dramatic events have occurred just before an election," Gerlach said. Sieben said 38 other states have early voting and that early voting reduces the need for absentee voting. The amendment failed on a 16-44 roll call vote.

Limmer offered an amendment that requires a photo identification card or driver's license in order to be able to register to vote. Sieben said there are a large number of senior citizens who don't have a driver's license or photo identification cards and who would be disenfranchised by the amendment. The amendment failed.

Sen. Sandra Pappas (DFL-St. Paul) offered an amendment that allows campaigning in apartment houses, dormitories, nursing homes manufactured home parks and other multiple unit facilities used as a residence. The amendment was adopted. Higgins offered an amendment, which was adopted, that provides for major political party caucuses within cities of the first class.

The bill was granted preliminary passage on a 41-22 roll call vote.

S.F. 80, sponsored by Rest, removes unconstitutional provisions governing independent expenditures in political campaigns, authorizes electronic filing of items with the Campaign Finance and Public Disclosure Board, provides contribution limits for judicial candidates, and increases contribution limits for candidates for secretary of state, state auditor and the Legislature. Rest said much of the bill is the result of suggestions made by the Campaign Finance and Public Disclosure Board. Rest offered three amendments, both of which were adopted. The first requires that total cash on hand be included in the report candidates must file with the board and provides for notice for failure to file reports. The second excludes unreimbursed expenses related to the use of a personal vehicle from campaign expenses. A third amendment provides for third party reimbursement.

Sen. David Hann (R-Eden Prairie) prohibits the acceptance of campaign contributions from tribal governments. Rest urged members to vote against the amendment. She said Minnesota law follows federal law that requires tribal governments be treated as individuals for purposes of campaign contributions. The amendment failed on a 16-41 roll call vote.

S.F. 1927, sponsored by Sen. Tom Saxhaug (DFL-Grand Rapids), is the first set of recommendations of the Lessard Outdoor Heritage Council. Saxhaug said the measure provides \$85.5 million for numerous natural resources projects throughout the state. He said the appropriation protects 210,000 acres, restores or enhances 22,000 acres and protects more than 300 miles of shoreline. The bill also provides for native prairie and grasslands, wildlife protection, forests and wetlands. Other members of the council, including Sen. Ellen Anderson (DFL-St. Paul) and Sen. Bill Ingebrigtsen (R-Alexandria) spoke in support of the measure. Sen. Dennis Frederickson (R-New Ulm) said the consideration of the bill is historic, because one year ago the Heritage Council and the appropriations did not even exist.

Sen. Steve Murphy (DFL-Red Wing) carried H.F. 928, the Senate's transportation policy bill. Murphy said the bill includes pedestrian and bicycle components in the bridge improvement program, removes the sunset of corporate deputy registrars, provides for impounded vehicle contents retrieval, removes the four-hour towing waiting period, provides for enhanced driver's licenses, modifies driving after suspension provisions, expands the DWI ignition interlock device pilot program, requires the commissioner to apply for railroad safety technology grants and directs the commissioner of transportation to study mandatory 24-hour vehicle lighting. Murphy said the enhanced driver's license provisions have nothing to do with the federal government's Real ID initiative.

Murphy offered a series of amendments aligning the bill with the omnibus appropriations bill passed earlier in the week. Murphy also offered an amendment lifting weight restrictions of fuel vehicles making deliveries on seasonally weight restricted roads. The amendment was adopted.

Marty offered an amendment deleting a section of the bill removing the sunset of corporate deputy registrars. Marty said

deputy registrars who have incorporated have sold the appointments for a great deal of money, thus a sunset was placed on the practice. The amendment failed on a voice vote.

Sen. Pat Pariseau (R-Farmington) offered an amendment authorizing a deputy registrar in the city of Farmington. The amendment was adopted. Sen. James Metzen (DFL-South St. Paul) offered an amendment allowing the city of Rochester to complete the construction of a new interchange at the intersection of Highway 52 and 65th St. NW. Metzen said the amendment will provide for a number of permanent construction jobs. The amendment was adopted.

An amendment, offered by Sen. Scott Dibble (DFL-Mpls.), requiring the Metro

Council to consult with the Park Board when providing bus service on parkways, was also adopted.

Sen. Julianne Ortman (R-Chanhassen) offered an amendment deleting language making it a goal to reduce vehicle miles driven in order to reduce greenhouse gas emissions. Ortman said under the provision the state will mandate that Minnesotans must drive less. Dibble said the provision is a way to provide options for reducing green house gas emissions by emphasizing transit. The amendment failed on a 15-45 roll call vote.

Sen. Patricia Torres Ray (DFL-Mpls.) sponsored a bill, S.F. 2043, that provides appropriations for parks and trails. The funds are from revenue derived by the legacy amendment, Torres Ray said. .

Torres Ray said the measure appropriates \$28.5 million to the DNR for state parks, \$7.8 million to the DNR for regional parks, \$28.5 million to the Metropolitan Council for metro parks and \$400,000 to the University of Minnesota for a comprehensive statewide parks and trails framework and system inventory in the biennium.

Torres Ray also sponsored S.F. 185. The bill extends the activities of the Legislative Coordinating Commission Working Group on Ethnic Heritage and Cultural Diversity until 2011.

S.F. 1651, authored by Sen. Sandy Rummel (DFL-White Bear Lake) makes appropriations for clean water legacy and drinking water protection. Rummel said the bill is based on science and had input



Dozens of participants in an Invest in Minnesota rally gather in the Capitol Rotunda Mon., May 11, to voice their support for revenue raising options to solve the budget deficit.

Photo by David J. Oakes

# Floor action

from many stakeholders. She said the measure is dependent on citizen involvement and volunteer activity. Rummel said the bill appropriates a total of \$151 million to take a statewide, long-term approach to cleaning up and protecting Minnesota's waters.

Sen. Satveer Chaudhary (DFL-Fridley) offered an amendment appropriating \$5 million to acquire permanent easements and restore wetlands under the reinvest in Minnesota (RIM) program to address water quality protection under a total maximum daily load (TMDL) plan. Chaudhary said the program actually cleans water and will leverage federal funds.

Sen. Ellen Anderson (DFL-St. Paul) said the amendment was not necessary. She said other bills contain over \$18 million for the RIM program and that the bill is balanced as it is. The amendment failed on a 23-39 roll call vote. Chaudhary

sponsored a second amendment specifying that the Board of Soil and Water Resources may adjust the technical and administrative assistance portion of the funds to leverage federal or other nonstate funds or to address oversight responsibilities or high-priority needs identified in local water management plans. The amendment was adopted.

S.F. 2060, authored by Tomassoni, appropriates money from the arts and cultural heritage fund. Tomassoni said the division decided it would be best to allow organizations that currently handle grants to be the ones to distribute the appropriations. The measure appropriates about 50 percent to the State Arts Board and about 25 percent to the Minnesota Historical Society with the balance being split among a number of smaller arts organization. Tomassoni said the bill is an investment in the future as well as maintaining the state's quality of life.

Ingebrigtsen offered an amendment appropriating \$200,000 for the Kensington Area Heritage Society to showcase the Kensington Runestone. He said the amendment takes the funds from the appropriation for the Minnesota Historical Society. Tomassoni opposed the amendment and said the community could apply to the Historical Society for a grant for the project. The amendment failed on a voice vote.

An amendment, offered by Sen. David Senjem (R-Rochester), requiring half of the grants to be distributed to counties outside the Metro Area, also failed.

Metzen authored a bill, S.F. 2078, a bill aimed at providing stimulus to the state's construction industry. The bill streamlines construction projects, creates a construction loan guarantee program, authorizes green energy revenue bonds, provides for home purchase loans, provides a low-income housing tax credit



Senators Linda Berglin (DFL-Minneapolis), left, and Patricia Torres Ray (DFL-Minneapolis) consult during the Mon., May 11, Senate floor session.

Photo by A.J. Olmscheid

and provides tax abatement for newly constructed residential structures in flood-damaged areas. Metzen said the bill will spur job creation throughout the state and provide needed economic development statewide.

Members adopted several amendments. Metzen sponsored an amendment providing clarifying language and limiting the loan guarantee to projects under \$1 million rather than the original \$5 million in the bill. Anderson sponsored an amendment providing for green energy standards.

Sen. Kenneth Kelash (DFL-Mpls.) sponsored an amendment requiring a copy of an executed labor peace agreement between the developers of a hotel project and the labor organization that is most actively engaged in representing hotel workers in the county where the project will be located before becoming eligible for a loan guarantee. Metzen asked that the amendment not be adopted because the language has been negotiated by numerous stakeholders. Kelash withdrew the amendment.

Kelash sponsored two measures. S.F.722 requires that information on persons civilly committed, found not guilty by reason of mental illness or incompetent to stand trial be transmitted to the federal National Instant Criminal Background Check System in order to be in compliance with federal law. The measure also provides for persons prohibited under state law from possessing a firearm to petition a court for restoration of this right, Kelash said. Kelash offered, and members adopted, an amendment clarifying the petition process. S.F. 1705 modifies the Commuter Rail Corridor Coordinating Committee membership by adding two members representing labor.

H.F. 111, authored by Sen. Terri Bonoff (DFL-Minnetonka), requires the State Investment Board to divest from companies doing business in the energy sector in Iran. S.F. 848, sponsored by Sen. Tony Lourey (DFL-Kerrick), modifies requirements for town elections. Sen. Rick Olseen (DFL-Harris) offered, and members adopted two amendments. The first specifies that a municipality having fewer than 1,000 registered voters and not located in a metropolitan county may provide balloting by mail at any municipal, county or state election. The second clarifies who may serve as election judges.

S.F. 203, sponsored by Sen. Gary Kubly (DFL-Granite Falls), establishes

Dept. of Health oversight for health cooperative arrangements and establishes an application fee. The measure was granted preliminary passage on a 48-14 roll call vote. S.F. 1155, carried by Sen. Sharon Erickson Ropes (DFL-Winona), modifies the maximum license capacity requirements for adult foster care providers.

S.F. 548, authored by Sen. Don Betzold (DFL-Fridley), makes technical changes to provisions relating to marriage. Betzold said the measure makes no substantive changes, but rather clarifies terms and procedures and specifies forms. Hann offered an amendment specifies that a marriage may be solemnized only if it is between a man and a woman. Betzold said the amendment goes beyond the scope of the bill by defining marriage. Betzold questioned the germaneness of the amendment and said the amendment has a difference purpose than the underlying bill. Metzen ruled the amendment not germane. Limmer appealed the ruling of the chair. The ruling of the chair was upheld on a 43-15 roll call vote.

S.F. 1436, sponsored by Lourey, makes changes to the Minnesota sex offender program, creates additional oversight for the program, creates a client grievance process, allows access to the statewide supervision system, makes changes to the vocational work programs and requires reports. Lourey said the measure is aimed at making the program as effective as possible. Members adopted an amendment providing for data classification.

H.F. 1677, sponsored by Sen. Mee Moua (DFL-St. Paul), makes changes to the safe at home program. Moua explained that the program is for victims of domestic violence. The measure excludes registered sex offenders from the program and limits the use of protected addresses by landlords and local government entities.

All of the measures discussed on General Orders were granted preliminary approval.

## Monday, May 11

### Agency operations bill gains

In addition to taking action on the health and human services omnibus appropriations bill Mon., May 11, members also granted final passage under suspension of the rules to S.F. 2141. The bill, introduced as a Rules and Administration Committee bill, provides for the continu-

ing operation of state agencies in the event the omnibus appropriations bills for the agencies are not enacted. Minority Leader David Senjem (R-Rochester) said suspending the rules in order to consider the bill was premature. However, members suspended the rules on a 45-18 roll call vote.

Majority Leader Lawrence Pogemiller (DFL-Mpls.) said the bill allows for the continuation of an agency for the next fiscal year. Pogemiller said the bill is a precautionary major to prevent any agencies having to shut down. Obviously, our preference is to pass all the omnibus bills and have the governor sign them, Pogemiller said. He said because of the other body's lie over rules, the bill was being sent over in order to facilitate the process should the bill become necessary.

Sen. Amy Koch (R-Buffalo) said the bill sends the message that the Legislature is giving up and that is the totally wrong message. Several other members questioned why the bill requires the governor to consult with the Legislative Advisory Commission prior to allocating federal funds. The bill was granted final passage on a 45-19 roll call vote.

Members also suspended the rules in order to grant final passage to H.F. 1988. The measure was amended to include the language of S.F. 1924. The bill, sponsored by Sen. Linda Berglin (DFL-Mpls.), requires the commissioner of human services to collect and report information on managed care plans and county based purchasing plan providers reimbursement rates. Berglin said the bill is trying to provide accountability for the increases to plans and whether the increases have been passed on to providers. The bill gained final passage on a 49-13 roll call vote.

Senators also granted preliminary passage to a number of bills on General Orders.

H.F. 1760, carried by Sen. Tony Lourey (DFL-Kerrick), makes a variety of technical changes relating to continuing care programs. Lourey said the measure contains recommendations by the department. Sen. Ann Lynch (DFL-Rochester) offered an amendment containing the language of S.F. 501, which includes fetal alcohol syndrome disorders under Medical Assistance. Sen. Yvonne Prettner Solon (DFL-Duluth) offered an amendment that further defines psychologist practice and activities. Marty offered an amendment prohibiting health plans from

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refusing to offer, sell or issue an individual health plan to a Minnesota resident solely on the basis that the individual had a previous cesarean delivery. Sen. Linda Higgins (DFL-Mpls.) offered an amendment containing the language of S.F. 230, which provides for physician assistant licensure. Lynch offered a second amendment that allows employees of local governments to purchase long-term care insurance under the state's long term insurance program. Prettner Solon offered a second amendment that provides for licensed dental assistants and revises the scope of practice to provide that teeth whitening is within the scope of practice. All of the amendments were adopted.

S.F. 1679, authored by Sen. Thomas Bakk (DFL-Cook), provides incentives early retirement for public employees. Bakk said the bill is permissive and allows the appointing authorities to provide up to 36 months of medical insurance for persons eligible for retirement. Bakk said the current difficult budget times may lead to lay-offs and to the extent we can allow older employees to retire and save the jobs of younger employees who would otherwise be laid off, we should do so. He said the bill also prohibits persons who accept the incentive from becoming re-employed by the state. Bakk said there will be salary savings in that more senior employees would be replaced by less senior employees. The measure was granted preliminary passage on a 43-21 roll call vote.

H.F. 988, sponsored by Sen. Warren Limmer (R-Maple Grove), prohibits the implementation of the federal REAL ID Act.

S.F. 776, sponsored by Sen. Ron Latz (DFL-St. Louis Park), modifies statutory implied residential construction warranties provisions. Latz said the bill is part of a homeowner protection package against builder or remodeler mistakes. Latz said homeowners need to obtain a lawyer and go to court in order to seek compensation from builders and remodelers, which results in out-of-pocket expenses even if the homeowner prevails. The bill requires that the warranty be in writing and be provided to the homeowner at the time of signing the contract. Latz also sponsored a bill, S.F. 6, provides for homeowners to recover damages for faulty construction. The measure was granted preliminary passage on a 34-29 roll call vote. S.F. 470, carried by Sen. Sandy Rummel (DFL-White Bear Lake), adjusts the homeowner warranty claims statute of repose.

## Tuesday, May 12

### False Claims Act okayed

The Tues., May 12, floor session began with granting concurrence and repassage to several bills.

S.F. 764, sponsored by Sen. Mee Moua (DFL-St. Paul), allows state agencies to conduct meetings by telephone or electronic means. Moua said that the only change is a requirement that notice of the meetings be posted on the agency's web site 10 days in advance. S.F. 1033, authored by Sen. John Marty (DFL-Roseville), modifies municipality rent control provisions. S.F. 99, carried by Sen. Jim Carlson (DFL-Eagan), requires the proper safety restraints for children under the age of eight and shorter than four feet nine inches while they are passengers in motor vehicles. The bill also modifies seat belt requirements to align with the child restraint provisions.

Members also granted preliminary passage to two measures on General Orders. S.F. 82, sponsored by Sen. Ron Latz (DFL-St. Louis Park), is the Minnesota False Claims Act. Latz said the bill is aimed at aiding recovery of funds from individuals who make false claims against the state. Latz said the bill also provides a financial incentive for those who inform the state that a business is knowingly submitting false claims. In addition, Latz said the bill provides for triple the amount of the fraud recovered by the state. Latz said businesses are not liable for inadvertent mistakes under the bill. Latz offered an amendment clarifying that individuals may not use the False Claims Act to harass an employer. The amendment was adopted.

Sen. Don Betzold (DFL-Fridley) offered an amendment that provides a right to cure in which a company that had no intent to commit fraud may pay the actual damages within 45 days of learning of the fraud. Latz opposed the amendment and said the language destroys the bill. He said the amendment does not remedy the underlying intent to commit fraud. He said the amendment amounts to a get out of jail free card. Betzold said the amendment is designed to take care of instances in which the fraud is inadvertent. Latz said the bill already provides protection for inadvertent mistakes or negligence. The amendment was adopted on a 41-16 roll call vote.

Betzold offered a second amendment that uses \$2 million in unencumbered

funds in the Office of Attorney General to pay for the costs in the bill. The amendment was adopted. Moua offered an amendment providing that the investigatory powers in the bill are limited to the Office of Attorney General. Moua said the bill provides prosecuting attorneys with investigatory power, but the amendment restricts the investigatory powers to the attorney general. She said the bill allows local prosecutors too broad an authority. Moua withdrew the amendment and offered a second amendment specifying that the attorney general has the power to investigate the fraud cases. The amendment was adopted.

S.F. 107, sponsored by Sen. Ann Rest (DFL-New Hope), expands the abilities of the Legislative Auditor to conduct investigations, strengthens provisions prohibiting the misuse of state funds and prescribes criminal penalties.

Both bills were granted preliminary passage on voice votes.

## Wednesday, May 13

### Bills given final passage

The first portion of the Wed., May 13, floor session was marked by granting concurrence and repassage to one bill and final passage to a number of bills on the Senate Calendar.

Senators agreed to accept the House amendments to S.F. 910 and repassed the bill. The measure, sponsored by Sen. David Tomassoni (DFL-Chisholm), clarifies the definition of independent contractors for truckers and messengers/couriers for workers compensation and unemployment compensation purposes.

H.F. 1760, authored by Sen. Tony Lourey (DFL-Kerrick) changes provisions for long-term care, suicide prevention, developmental disabilities, alternative care services and data management. S.F. 1679, authored by Sen. Thomas Bakk (DFL-Cook), authorizes early retirement incentives for public employees. Sen. Warren Limmer (R-Maple Grove) sponsored H.F. 988, which prohibits the REAL ID Act implementation. Sen. Sandy Rummel (DFL-White Bear Lake) carried H.F. 412, which adjusts the statute of repose for homeowner warranty claims. Sen. Ann Rest (DFL-New Hope) authored S.F. 107, which strengthens laws prohibiting the misuse of state funds.

Sen. Ron Latz (DFL-St. Louis Park) authored three bills. H.F. 420 requires that



**Shelly Korby, Osseo, participates in a mock school bake sale fundraiser in the Capitol Rotunda Tues., May 12, in an effort to increase awareness of public school funding issues.**

Photo by A.J. Olmscheid

existing statutory implied residential construction warranties be made as express warranties. H.F. 239 allows homeowners to recover damages incurred due to faulty construction. S.F. 82 establishes the Minnesota False Claims Act.

Loureys sponsored S.F. 1284, which makes numerous technical changes to lawful gambling provisions. H.F. 417, authored by Bakk, provides recovery of damages and attorney fees for breach of commercial insurance policies. S.F. 805, carried by Sen. Tom Saxhaug (DFL-Grand Rapids) directs the commissioner of natural resources to increase timber sales based on appraised value only and authorizes a forest management lease pilot project. Sen. Dan Skogen (DFL-Hewitt) authored a bill, H.F. 534, which regulates certificates of insurance authorization and issuance.

Sen. Lisa Fobbe (DFL-Zimmerman) carried H.F. 1275, which modifies sewage treatment systems. S.F. 763, sponsored by Sen. Mee Moua (DFL-St. Paul), requires a notice of restoration of civil rights. S.F.

1369, authored by Sen. Steve Murphy (DFL-Red Wing), consolidates and relocates nursing facility beds to a new site in Goodhue County. Sen. David Tomassoni (DFL-Chisholm) carried S.F. 79, which authorizes the Central Iron Range Sanitary Sewer District.

### Variety of bills gain

In addition to acting on several omnibus appropriations bills, Senators also devoted much of the Wed., May 13, floor session to considering bills on General Orders.

H.F. 804, carried by Sen. Mee Moua (DFL-St. Paul), makes changes in guardian and conservators provisions in the Uniform Probate. S.F. 1600, authored by Sen. Ann Rest (DFL-New Hope), creates technology accessibility standards for the state and establishes an advisory committee for technology standards for accessibility. Rest said that many disabled Minnesotans are unable to access some Minnesota Web sites and software distributed by state agencies and the bill would aid in making

these sites more accessible to persons with disabilities.

S.F. 1154, authored by Sen. Sharon Erickson Ropes (DFL-Winona), makes technical changes to licensing provisions for social workers. S.F. 251, carried by Betzold, clarifies the definition of motor vehicle in the statutory provision deeming the driver to be the agent of the owner in case of an accident.

H.F. 265, carried by Sen. Linda Scheid (DFL-Brooklyn Park), clarifies references and provides for the collection of property related to disposition of items on death. Scheid offered an amendment providing that a written instrument that is witnessed or notarized prevails over a written instrument that is not witnessed or notarized in a dispute involving more than one written instrument. The motion was adopted by the body.

S.F. 704, authored by Sen. Kevin Dahle (DFL-Northfield), requires the Health Information Technology and Infrastructure Advisory Committee to make recommendations regarding technology standards and tools. S.F. 1208, sponsored by Sen. Scott Dibble (DFL-Mpls.), modifies provisions governing Medical Assistance claims and liens.

S.F. 534, sponsored by Sen. Steve Murphy (DFL-Red Wing), authorizes the arrest of juveniles who escape from custody on an allegation or adjudication of a delinquent act. Murphy offered an amendment clarifying that the bill applies to juveniles escaping from custody at Red Wing. Murphy also authored a bill, S.F. 1016, that provides for Minnesota First bonds to be sold. Murphy said the bonds allow ordinary citizens to invest in the state by allowing them to buy state bonds. A third bill carried by Murphy, S.F. 2127, appropriates funds to the city of St. Charles to help the city rebound after a major fire at Northstar Foods.

H.F. 330, sponsored by Sen. Lisa Fobbe (DFL-Zimmerman), extends the notification period from six months to one year for homeowners to notify contractors of defects. H.F. 362, carried by Sen. Kevin Dahle (DFL-Northfield), eliminates a requirement that homeowner's notice to a building contractor of a construction defect be in writing and requires instead actual notice.

S.F. 660, authored by Sen. John Marty (DFL-Roseville), provides for automatic voter registration for drivers license applicants and requires the secretary of state to check data bases for voter registration

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system maintenance. Sen. Chris Gerlach (DFL-Apple Valley) offered an amendment deleting the provision for automatic voter registration for driver's license applicants. Gerlach said currently, a person must take an affirmative action in order to register to vote. Marty said that the measure provides cost savings for local governments. In addition, Marty said that the bill does not force anyone to vote and that there is an opportunity for individuals to decline to be registered. The amendment failed on a 19-46 roll call vote.

S.F. 561, sponsored by Sen. Mee Moua (DFL-St. Paul), requires a study on the collection and reporting of summary data relating to decisions that affect a child's status within the juvenile justice system. Moua offered an amendment providing for a map of funding for children's services throughout the state. The amendment was ruled not germane.

S.F. 1314, sponsored by Sen. Paul Koering (R-Fort Ripley) provides for the acquisition of easements.

All of the measures were granted preliminary approval. However, two bills failed to gain preliminary passage.

H.F. 211, carried by Sen. Kathy Saltzman (DFL-Woodbury), regulates recovery for breaches related to statutory housing warranties. Sen. Bill Ingebrigtsen (R-Alexandria) offered an amendment adding prevailing party ability to recover attorney's fees. Sen. Julianne Ortman (R-Chanhassen) offered an amendment changing the remedy action effective date. Both amendments failed to be adopted. The measure failed to be approved on a 31-32 roll call vote.

S.F. 1125, carried by Pappas, authorizes the appointment county auditor-treasurers and allows counties to consolidate the offices of auditor and treasurer. Pappas said the bill provides for a statewide general law that will allow the county offices to be made appointive without the mandatory referendum currently required under the general law. Currently, counties must request special legislation to allow for the combination and appointment of the offices. The measure failed to gain approval on a 30-37 roll call vote.

After granting final passage to the E-12 omnibus education funding bill, members again turned their attention to the consideration of bills on General Orders.

Sen. Linda Scheid (DFL-Brooklyn Park) sponsored the omnibus liquor bill. H.F. 1476 makes numerous changes in

liquor licensing, authorizes liquor licenses, provides for wine tastings, and extends on-sale hours at the airport terminals. Scheid said the bill also provides for liquor sales at amateur athletic events, prohibits limiting the sale of liquor to premium seating areas or suites at the University of Minnesota facilities, and allows the Duluth Entertainment and Convention Center Authority to sell liquor at the arena during intercollegiate hockey games. Scheid offered three amendments, all of which were adopted. The first authorizes a liquor license for a specific address in Minneapolis if approved by the city. The second clarifies language relating to wine tasting. The third amendment specifies that if the University of Minnesota is going to serve or sell alcoholic beverages in premium seating areas, the University must serve or sell alcoholic beverages throughout the stadium.

H.F. 818, carried by Sen. Mee Moua (DFL-St. Paul), provides protections for vulnerable adults against financial exploitation and provides a cause of action for financial exploitation. The bill also provides for investigations of financial exploitation.

H.F. 1505, authored by Sen. Sandra Pappas (DFL-St. Paul), authorizes the commissioner of public safety to gather and compile data on human trafficking every two years, increases criminal penalties for the promotion of prostitution and sex trafficking offenses, expands the sex trafficking and labor trafficking crimes and expands the prostitution penalty enhancement provision for repeat offenders. Pappas offered an amendment deleting provisions in the bill relating to civil actions, the posting of notices of trafficking activities in liquor establishment and the use of automobiles in prostitution offenses. Pappas said the provisions are not included in the other body's version of the bill and because it is so late in the session the amendment will not require the bill to go to conference. The amendment was adopted.

Sen. Rick Olseen (DFL-Harris) sponsored a bill, H.F. 668, that provides postcrash procedures in accidents involving school buses. S.F. 711, carried by Sen. John Marty (DFL-Roseville), provides notice to parents receiving services for children with developmental disabilities that the aid may be considered taxable income.

All the measures were granted preliminary approval.

## Thursday, May 14

### Preliminary passage granted

During the early afternoon portion of the Thurs., May 14, floor session, members devoted their time to granting preliminary passage to several bills on General Orders.

S.F. 358, carried by Sen. Kevin Dahle (DFL-Northfield), is a resolution that urges the U.S. Congress to not reauthorize the No Child Left Behind Act in its current form. Sen. Geoff Michel (R-Edina) said he supports the resolution and thinks there needs to be reform so that local school boards carry more weight in the system.

S.F. 1778, sponsored by Sen. Linda Scheid (DFL-Brooklyn Park), is a resolution for congressional opposition to federal insurance charter legislation. Sen. Steve Dille (R-Dassel) carried S.F. 133, which is a resolution asking Congress to oppose legislation interfering with the ability of the state to transport or process horses. Sen. Don Betzold (DFL-Fridley) authored a bill, S.F. 798, which removes the fee limit for state agencies agents or attorneys.

S.F. 182, carried by Sen. Lawrence Pogemiller (DFL-Mpls.), establishes legislative and congressional districting principles and creates a redistricting commission. Sen. Steve Murphy (DFL-Red Wing) opposed the measure. He said the task of redistricting should be in the hands of the Legislature, not in the hands of a small group of individuals who sit on a commission. Murphy moved that the bill be stricken from General Orders and re-referred to the Committee on Rules and Administration. The motion did not prevail.

Sen. Ann Rest (DFL-New Hope) authored a number of bills. S.F. 1708 is a resolution for a congressional delegation to sponsor the Main Street Fairness Act. S.F. 745 modifies provisions regarding election vacancies during the nomination process. H.F. 519 regulates shoreland areas nonconforming lots. Sen. Thomas Bakk (DFL-Cook) offered an amendment that requires any appeal to be filed within 60 days of the final decision of the governing body. The amendment was adopted. Sen. Claire Robling (R-Jordan) proposed an amendment that states that a non-conforming structure with less than 75 percent damage does not have to have the setback increased. The previous percentage in the bill was 50 percent, Robling said. The amendment did not prevail.



**Students from Pequot Lakes High School dance around a maypole in the Capitol Rotunda as part of a Yellow Ribbon Suicide Prevention rally Tues., May 12.**

Photo by A.J. Olmscheid

H.F. 1849 modifies local government mandates. Sen. Ray Vandeveer (R-Forest Lake) offered an amendment that clarifies that a newspaper must distribute at least 400 copies to paying subscribers in order to qualify to charge a fee for the publication of public notices. The amendment was adopted. S.F. 1219 proposes to set up licensing standards for full-time firefighters in the state.

Sen. Patricia Torres Ray (DFL-Mpls.) sponsored S.F. 1509, which modifies provisions for child care programs, program integrity, adult supports and the Minnesota family investment program. Sen. Mee Moua (DFL-St. Paul) proposed an amendment that would add language instructing the commissioner to conduct a study and evaluation of money used to support children. The motion prevailed.

Sen. John Doll (DFL-Burnsville) sponsored a bill, S.F. 767, which modifies metropolitan government water management plan review requirements. Sen. Ellen Anderson (DFL-St. Paul) sponsored H.F. 348, which modifies provisions limiting the practice of law by deputy sheriffs and coroners. Members adopted an amendment that removes the prohibition of a deputy sheriff to act as an attorney, as long as the deputy sheriff is acting with the approval of the appointing sheriff. S.F. 1235, carried by Sen. John Mary (DFL-Roseville), establishes youth violence prevention programs for at-risk youth.

All bills taken up were granted preliminary passage.

In other action, members approved several gubernatorial appointments. Douglas Fuller and Patrick Sexton were confirmed as members of the Board on Judicial Standards. James Cox, Wayne Enger, Scott Rall and Robert Schroeder were confirmed as members of the Lessard Outdoor Heritage Council. Senators also confirmed J. Dennis O'Brien to the Public Utilities Commission and Sheryl Ramstad as Tax Court Judge.

## Historical database available

The Legislative Reference Library has developed a database, "Legislators Past and Present," containing information about Legislators who have served since territorial times. The database's information was compiled from official legislative directories, obituaries, news clippings, family files and other sources. It contains information about terms of service, education, occupation, party or caucus affiliations, leadership positions, represented communities and more.

The database also includes information about Minnesota Legislators who served in other government functions, ranging from the local level to the national level. For example, almost two dozen Legislators have served on the University of Minnesota Board of Regents; the most recent is current Regent and former Senate Majority and Minority Leader Dean E. Johnson. The database even indicates which Minnesota Legislators also served in another state's legislature; there have been at least 15, and the number may climb as more information is compiled.

"Legislators Past and Present" is available online at <http://www.leg.state.mn.us/legdb/index.asp>

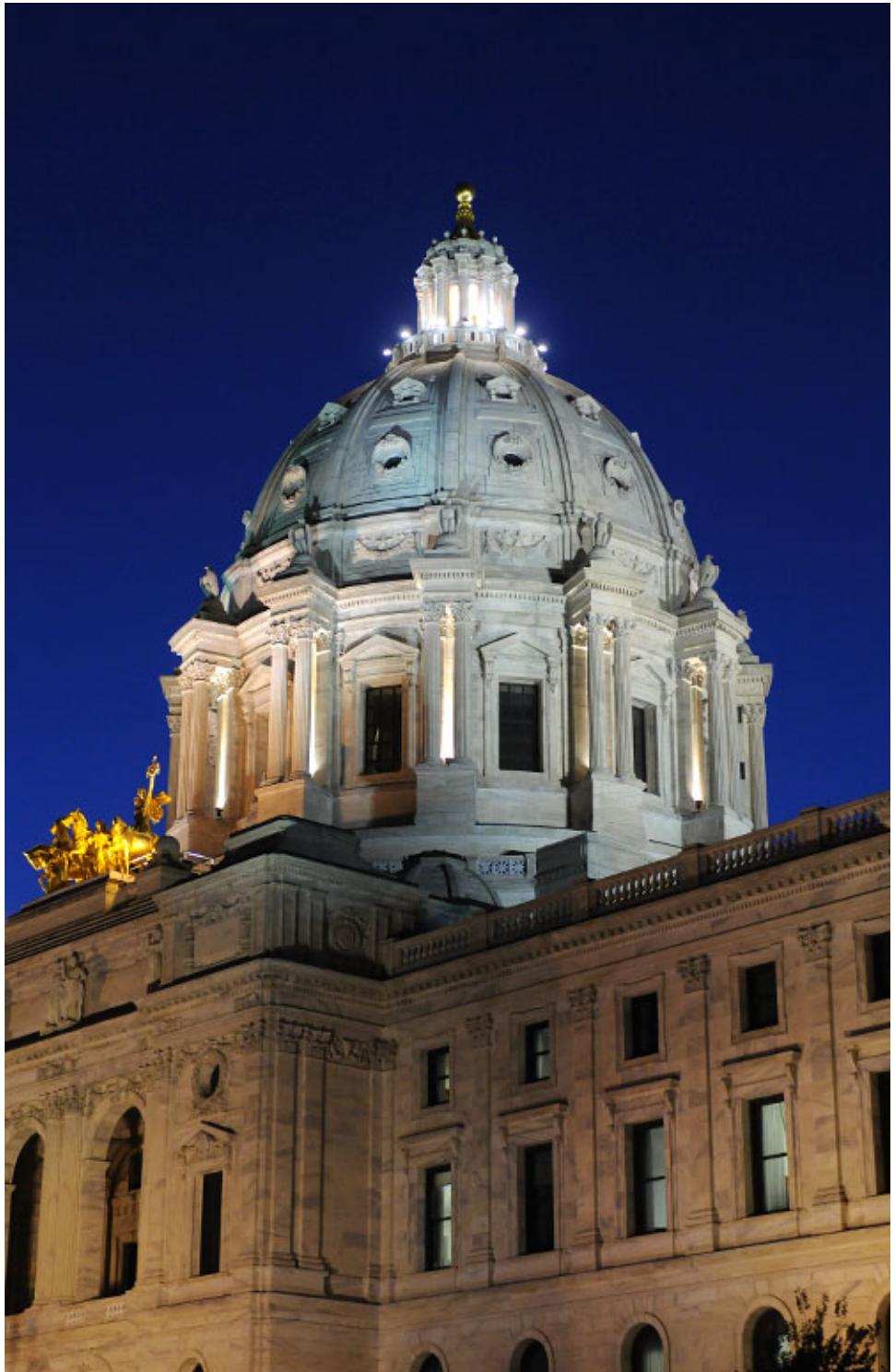
# Senate Briefly

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With less than 3 hours left before the legislative session constitutional midnight deadline, nightfall envelopes the Capitol Mon., May 18.

Photo by David J. Oakes



May 19, 2009

# Highlights



With only one minute left in the 2009 Legislative Session, Senate President James Metzen (DFL-South St. Paul) monitors the vote tally on an omnibus tax bill Mon., May 18.

Photo by David J. Oakes

## Tax bill passed

The final portion of the 86th Legislative Session came to a raucus close just moments before midnight, Mon., May 18,

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**Editor/Writer:**  
Karen L. Clark

**Writers:**  
Amanda Lillie  
Justin Thiessen

**Photographers:**  
David J. Oakes  
A.J. Olmscheid

as Republican Senators objected to the passage of an omnibus tax proposal, H.F. 2323. Sen. Tom Bakk (DFL-Cook) said the measure completed the work of the Senate by sending a balanced budget to the governor.

Bakk explained the conference committee report on the omnibus tax bill and said the bill includes much of the language from an earlier bill, H.F. 885. The measure raises over \$1 billion in revenue through a fourth tier income tax bracket, increased excise taxes on liquor, and a surtax on interest income, Bakk said. He said the bill also provides an investment tax credit and an upfront sales tax exemption on capital equipment. The measure also provides for an E-12 education aid payment shift and a property tax recognition shift.

Several members objected to considering the measure with just minutes left in the session. Bakk said most of the provisions had been passed by the Senate

earlier. Over the objections of many members of the minority caucus, the bill was granted repassage on a 35-1 roll call vote.

The Senate adjourned until Thurs., Feb 4, 2010.

## Outdoor and cultural heritage bill passed

In the waning hours of the Session, Members also granted concurrence and repassage to the bill appropriating money from constitutionally dedicated funds. H.F. 1231, carried by Sen. Richard Cohen (DFL-St. Paul), provides funding for outdoor heritage projects, clean water projects, parks and trails and arts and cultural heritage purposes. Cohen said the major changes in the bill relate to accountability and governance. Sen. Bill Ingebrigtsen (R-Alexandria) said the conference committee report was an excellent product of the negotiations between the House and Senate.

Sen. Tom Saxhaug (DFL-Greenwood) explained portions of the bill relating to outdoor heritage projects and Sen. Ellen Anderson (DFL-St. Paul) explained the clean water projects and the parks and trails portions of the bill. Anderson said the measure sets Minnesota on the path to providing clean water for years to come. She said the parks and trails projects in the bill are statewide and that planning provisions in the bill will enable Minnesotans to enjoy parks throughout the state.

Cohen explained the arts programs in the bill. He said the difficulty was that there were so many projects that deserve greater funding, but that the bill does support the State Arts Board, the Minnesota Historical Society, and the Minnesota Humanities Center. In addition, Cohen said the measure also provides support for libraries throughout the state.

Sen. Satveer Chaudhary (DFL-Fridley) said the bill is the result of ten years work in getting the legacy amendment on the ballot, getting the amendment passed and determining the allocation of the appropriations.

Sen. Dennis Frederickson (R-Ulm) said the bill is unique in that it appropriates funds approved by the people of the state. Frederickson said, "We have an obligation to protect and enhance the resources of the state." He said water is an icon for the state as are the arts. "We are passing this bill, not so much for us, but for our grandchildren," said Frederickson.

Majority Leader Lawrence Pogemiller (DFL-Mpls.) said, "It is important for future Legislatures to follow the constitution in appropriating future expenditures." He said passage of the bill is a proud moment for the state of Minnesota.

Members adopted the conference committee report and repassed the bill on a unanimous roll call vote.

## Seat belt, medical marijuana passed

Senators devoted the first portion of the evening floor session Mon., May 18, to the approval of numerous conference committee reports. In addition, members granted concurrence and repassage to a bill making seat belt violations a primary offense.

H.F. 108, carried by Sen. Steve Murphy (DFL-Red Wing), makes seat belt violation a primary offense in all seating positions regardless of age.

Murphy said the House added a provision to the bill allowing the driver of a motor vehicle to pass another vehicle up to 10 miles per hour over the speed limit without incurring a citation for speeding.

Sen. Ray Vandeven (R-Forest Lake) offered an amendment to increase the speed allowance from 10 miles per hour to 12 miles per hour. The amendment failed. Vandeven moved to refer the measure to the Transportation Committee. The motion was not adopted. Vandeven offered another amendment allowing a county, by resolution of its governing body, to prohibit primary enforcement of seat belt laws. The amendment also failed. Vandeven offered a third amendment allowing towns to opt out of primary seat belt enforcement. The amendment failed to gain adoption. Vandeven offered a final amendment allowing cities to opt out of primary seat belt enforcement. The amendment failed to gain adoption.

Sen. David Tomassoni (DFL-Chisholm) spoke against the bill and said it doesn't guarantee that young drivers will buckle up. Furthermore, he said the state already has a seat belt law and the bill will only hurt average drivers who are already financially struggling in a tough economy and can't afford the fine.

Sen. Scott Dibble (DFL-Mpls.) said the bill will save numerous young lives and will eventually end up saving the state money that it would have normally spent on highway fatalities.

Murphy said the bill is meant to simply keep young drivers safe. He said that young drivers only make up for six percent of the drivers on the roads in Minnesota, yet they account for 12 percent of fatalities.

The bill was granted final passage on a roll call vote of 44-20.

S.F. 97, carried by Murphy, provides for the medical use of marijuana. Murphy said the conference committee removed the "grow your own" provision from the bill. He said the committee also added language to the bill limiting the use of marijuana for medical purposes to patients who are terminally ill.

Sen. Claire Robling (R-Jordan) said the use of marijuana for medical purposes should not be debated on a state level and needs be addressed federally by the FDA before states draft their own legislation.

The conference committee report was adopted and the bill was granted final passage on a roll call vote of 38-28.

## Closing resolutions okayed

The Rules and Administration Committee, chaired by Sen. Lawrence Pogemiller (DFL-Mpls.) met Sun., May 17, and Mon., May 18, to process several closing resolutions that provide for the ongoing operations of the Senate during the interim.

Members approved a resolution, S.R. 104, that allocates the duties of the Secretary of the Senate between the Secretary of the Senate (Administrative) and the Secretary of the Senate (Legislative). In addition, a resolution, S.F. 103, modifying the Senate rule relating to the rotation of committee chairs was also approved. The rule provides that a member may not serve as the chair of the same standing committee or the same division of a standing committee, or a committee or division with substantially the same jurisdiction for more than three consecutive Senate terms. The modification provides that a chair whose third term ends in a year ending in one may serve a fourth consecutive term of no more than two years.

Members also approved a concurrent resolution setting the start day of the 2010 Legislative Session. Pogemiller said that in consultation with the House, it was decided that the next regular session will begin on Thurs., Feb. 4, 2010.

Committee members also processed the annual technical corrections bill, S.F. 2135. The measure, carried by Sen. Mee Moua (DFL-St. Paul), makes technical corrections to bills passed over the course of the session.

## Information Services

The Senate Information Office is located in Room 231 of the Capitol. These offices distribute all public printed materials and handle inquiries about Senate committee meetings, Senate districts, Senate telephone numbers, bill reference numbers and status and bill sponsorship. Interested citizens may also request copies of bills.

If you want to know the name of your Senator or have any other questions about the Minnesota Senate, call 651-296-0504 (tty 651-296-0250).

The Senate Information Office also has toll-free telephone numbers. The numbers are: 1-888-234-1112 (voice) and 1-888-234-1216 (tty). Staff members are available to answer questions about the Senate and the legislative process.

# Floor update

## Floor update

Friday, May 15

### Conference committee reports gain

Members devoted the afternoon portion of the Fri., May 15, floor session to approving a variety of measures on the Senate Calendar and to processing numerous conference committee reports.

Conference committee reports gaining repassage ranged from a bill providing a gross vehicle weight for the Stillwater Lift Bridge to a bill modifying reverse mortgages.

S.F. 1091, carried by Sen. Ray Vandeven (R-Forest Lake), requires the commissioner of Transportation to impose a gross vehicle weight limit of 26,000 pounds on the Stillwater Lift Bridge over the St. Croix River. Vandeven said the only change recommended by the conference committee was some clean-up language related to marked Trunk Highway 36 vehicle length restriction signs. Members adopted the conference committee report and repassed the bill.

S.F. 657, sponsored by Sen. Ellen Anderson (DFL-St. Paul), provides direction for the use of federal stimulus money for energy programs. Anderson said the measure appropriates \$196.8 million received by the state from the American Recovery and Reinvestment Act for the state energy program, the weatherization assistance program and energy efficiency and conservation block grants. She said changes recommended by the conference committee include modifications to money designated for training programs and competitive and outreach grants related to renewable energy programs. She said a provision regarding background checks was also stricken from the bill by the committee. Sen. David Hann (R-Eden Prairie) spoke against the bill and said states should not accept federal stimulus funds because it increases the federal deficit. However, Anderson countered that if Minnesota does not take the funds, some other state will. In addition, Anderson said the funding in the bill will provide for good paying jobs. Members adopted the conference committee report and repassed the bill by a vote of 53-8.

S.F. 489, carried by Sen. Tarryl Clark (DFL-St. Cloud), provides reverse mortgage provisions modifications. Clark said the conference committee recommended

a small change in language related to suitability and changed the bill's effective date to August 1 to allow all affected parties the opportunity to fully prepare for the activities outlined in the measure. Members adopted the conference committee report and repassed the bill by a vote of 65-2.

H.F. 523, sponsored by Sen. Kathy Saltzman (DFL-Woodbury), modifies school background check requirements relating to disciplinary actions. Saltzman said the conference committee provided some technical modifications related to investigations of disciplinary actions taken against prospective teachers. The bill was approved by the body and granted final passage.

Senators also granted final passage to numerous bills on the Senate Calendar.

H.F. 804, carried by Sen. Mee Moua (DFL-St. Paul), modifies provisions governing guardians and conservators. S.F. 1154, authored by Sen. Sharon Erickson-Ropes (DFL-Winona), changes licensing provisions for social work. S.F. 251, sponsored by Sen. Don Betzold (DFL-Fridley), clarifies the definition of "motor vehicle" in the statutory provision deeming the driver to be the agent of the owner in case of accident. H.F. 265, carried by Sen. Linda Scheid (DFL-Brooklyn Park), clarifies references and provides for the collection of property related to disposition of items on death. H.F. 1476, the omnibus liquor bill, also carried by Scheid, makes numerous changes in liquor licensing provisions, authorizes liquor licenses, provides for wine tastings, and extends on-sale hours at the airport terminals.

S.F. 1208, authored by Sen. Scott Dibble (DFL-Mpls.), modifies provisions governing Medical Assistance claims and liens. S.F. 534, carried by Sen. Steve Murphy (DFL-Red Wing), adds gross misdemeanor violations of escape from custody to the statute authorizing peace officers to arrest an individual without a warrant. S.F. 1016, also carried by Murphy, authorizes the sale of Minnesota First bonds and appropriates money to the commissioner of finance for the sale of the bonds. S.F. 2127, sponsored by Murphy, reimburses the city of St. Charles for lost revenue due to destruction by fire at the Northern Foods facility.

H.F. 330, carried by Sen. Lisa Fobbe (DFL-Zimmerman), provides homeowners with a longer period within which to

notify contractors of construction defects. H.F. 362, sponsored by Sen. Kevin Dahle (DFL-Northfield), eliminates a requirement that homeowner's notice to building contractor of construction defect be in writing. H.F. 1053, carried by Sen. John Marty (DFL-Roseville), provides for automatic voter registration of applicants for a driver's license. S.F. 1314, authored by Sen. Paul Koering (R-Fort Ripley), authorizes acquisition of easements at Camp Ripley.

S.F. 1708, authored by Sen. Ann Rest (DFL-New Hope), is a resolution for congressional delegation to sponsor and support the Main Street Fairness Act. S.F. 745, also authored by Rest, modifies election vacancies in nomination provisions. Rest sponsored three more bills, S.F. 1219, which creates licensing standards for full-time firefighters, H.F. 1849, which reduces mandates upon local units of government, and H.F. 519, which regulates nonconforming lots in shoreland areas.

H.F. 818, carried by Moua, authorizes disclosure of financial records in connection with financial exploitation investigations related to vulnerable adults. H.F. 668, sponsored by Sen. Rick Olseen (DFL-Harris), provides for postcrash procedures for a school bus in the event of an accident. S.F. 711, authored by Marty, provides notice to parents receiving services for children with developmental disabilities that the aid may be considered taxable income. S.F. 358, authored by Dahle, is a resolution against reauthorizing No Child Left Behind Act. S.F. 1778, carried by Scheid, is resolution for congressional opposition to federal insurance charter legislation. S.F. 133, sponsored by Dille, is a resolution urging congressional opposition to horse transport and processing legislation.

H.F. 1505, sponsored by Sen. Sandra Pappas (DFL-St. Paul), modifies provisions related to sex trafficking. H.F. 348, carried by Sen. Ellen Anderson (DFL-St. Paul), modifies and removes provisions limiting the practice of law by deputy sheriffs and coroners.

S.F. 767, authored by Sen. John Doll (DFL-Burnsville), clarifies metropolitan government water management plan requirements. The bill was originally approved by the body, but a motion to reconsider the bill was made by Sen. David Hann (R-Eden Prairie). Sen. Pat Pariseau (R-Farmington) offered an amendment allowing units of government additional



DFL legislative leaders, from left, Sen. Tarryl Clark (DFL-St. Cloud), Sen. Lawrence Pogemiller (DFL-Mpls.), Speaker Margaret Anderson Kelliher (DFL-Mpls.) and Rep. Tony Sertich (DFL-Chisholm) meet with members of the Capitol Press Corps outside the Governor's Office following budget negotiations Sat., May 16.

Photo by A.J. Olmscheid

time related to comprehensive plan reviews. Sen. Satveer Chaudhary (DFL-Fridley) spoke against the amendment, which hindered the unanimous approval needed to grant adoption of the amendment. The bill was again granted approval after the second vote.

S.F. 182, authored by Sen. Lawrence Pogemiller (DFL-Mpls.), enacts statutory principles to govern redistricting plans and creates a redistricting commission to recommend to the Legislature the boundaries of legislative and congressional districts. The commission will consist of five retired judges of the appellate or district courts of the state who have not served in a party designated or party endorsed position. The Majority Leader of the Senate, the Minority Leader of the Senate, the Speaker of the House, and the Minority Leader of the House would each appoint one judge. The four judges thus appointed would choose the fifth judge.

The bill was granted final passage, but Sen. Steve Murphy (DFL-Red Wing) moved to reconsider the bill. Murphy said that redistricting is the job of the Legislature and should not be done by a commission whose members are appointed by the Legislature's leaders. Murphy said the makeup of the commission would likely not be culturally diverse and thus the district lines would not be drawn fairly or with consideration for the many minority groups that now reside in Minnesota. The motion to reconsider bill was approved, but the bill was repassed after a second vote.

Members granted final passage to all bills on the calendar.

### Pension bill okayed

Senators also granted final passage to S.F. 191, the omnibus pension bill, by designating the measure as a Special Order. Sen. Don Betzold (DFL-Fridley), chief

author, said the bill makes various changes needed to accommodate the dissolution of the Minnesota Post Retirement Investment Fund, redefines the value of pension plan assets for actuarial reporting purposes, revises various disability benefit provisions of the general state employees retirement plan, the correctional state employees retirement plan and the State Patrol retirement plan. Betzold said the bill does not contain the governor's proposal to remove some employees from the correctional state employees retirement plan. He said the bill also establishes a voluntary statewide lump-sum volunteer firefighter retirement plan administered by the Public Employees Retirement Association, and increases teacher retirement plan member and employer contributions.

Betzold said the Teachers Retirement Association (TRA) fund is deteriorating, partly because of the decline in the stock market. To help make up the difference,

# Floor update

the bill requires additional payments from the state to help the school districts avoid levying for the additional funds. In addition, employees are required to increase their contributions by two percent, but there will be an additional benefit.

Betzold offered an amendment deleting a provision that allows Legislators to transfer from the Minnesota state retirement system for unclassified employees to the Minnesota state retirement general plan. The amendment was adopted on a 59-0 roll call vote.

Sen. Claire Robling (R-Jordan) offered an amendment that deletes the language relating to the TRA and directly addresses the deficiency by increasing both the employee and employer contribution by one quarter of one percent. Robling said the amendment also does not provide for the additional benefit for employees. Robling said there may come a time when the fund is solvent that ad-

ditional benefits may be considered, but now is not the time. Betzold said something has to be done about the fund and that promises made about pensions must be kept. Sen. Linda Berglin (DFL-Mpls.) spoke in support of the amendment and said the money to pay for the benefit increase was not budgeted for and that to approve the bill is irresponsible. The amendment was adopted.

However, members approved a motion to reconsider the amendment on a 45-20 roll call vote. The vote on the amendment was then retaken. The amendment failed on a 31-34 roll call vote.

An amendment, sponsored by Sen. Julie Rosen (R-Fairmont), deleted all the language relating to the TRA. Betzold opposed the amendment and said not doing anything to bring the fund back into balance is the worst possible alternative. The amendment failed on a 23-38 vote.

The bill was granted final passage on a 43-22 roll call vote.

Members also considered a number of measures on General Orders for preliminary passage. Sen. Scott Dibble (DFL-Mpls) carried H.F. 1250, which modifies provisions to electric vehicles infrastructure regulations. S.F. 1797, sponsored by Sen. Patricia Torres Ray (DFL-Mpls.), provides for the development of an inventory of early childhood services.

Sen. Mary Olson (DFL-Bemidji) carried H.F. 705, which requires high deductible health plans used with a health savings account to cover preventive care without a deductible so as to promote preventive care. Sen. Yvonne Prettner Solon (DFL-Duluth) offered an amendment specifying that high deductible health plans may cover preventive care, rather than requiring the coverage of preventive care without a deductible. The amendment was adopted.



In commemoration of National Police Officers Memorial Day, Eden Prairie and Minnetonka police officers stand vigil at the Peace Officers Memorial on the Capitol grounds Fri., May 15.

Photo by A.J. Olmscheid



Conferees put the finishing touches on an omnibus tax bill only one hour prior to the midnight constitutional deadline for adjournment Mon., May 18.

Photo by David J. Oakes

H.F. 1745, sponsored by Sen. John Marty (DFL-Roseville), modifies licensing provisions for speech language pathologists, occupational therapists and licensed health care professionals. The bill also modifies provisions for food, beverage and lodging establishment licensure. Members adopted three amendments. Sen. Ann Lynch (DFL-Rochester) offered an amendment requiring a board to furnish a person who makes a complaint with a written description of the board's complaint process and actions of the board relating to the complaint. Lynch also offered an amendment requiring a report on the implementation of the dental therapist and advanced dental therapist programs. Sen. Sharon Erickson Ropes (DFL-Winona) includes language from a bill making housekeeping changes in provisions relating to the licensing of social workers. All three amendments were adopted.

H.F. 1853, carried by Sen. Dan Sparks (DFL-Austin), makes numerous miscellaneous changes in provisions relating to commerce, Medicare plans, health care utilization review determinations, insurance industry trade practices and real estate. Members adopted several amendments. Sparks offered an amendment, which was adopted, that provides for the issuance of certificates of insurance. Sen. Kathy Saltzman (DFL-Woodbury) sponsored an amendment prohibiting residential roofers from advertising or promising to pay or rebate all or part of any applicable insurance deductible. The amendment was adopted. Another amendment, offered by Sen. Charles Wiger (DFL-Maplewood), requires a written notice to be provided to all applicants for homeowners' insurance that informs the homeowner the insurer may elect to cancel coverage at any time during the first 60 days following issuance of coverage for any reason.

The amendment was also adopted. Sen. Sandra Pappas (DFL-St. Paul) offered an amendment, which was adopted, relating to the data classification of University of Minnesota investment information. An amendment, offered by Sen. Linda Scheid (DFL-Brooklyn Park), provides for electronic billing for medical expenses under the no fault insurance system and the homeowners insurance system. The amendment was adopted. Betzold offered an amendment containing language from the omnibus data practices bill that clarifies business screening services provisions. Dibble offered an amendment to the amendment limiting it to data originated in Minnesota. The amendment to the amendment was adopted 28-23. The amendment was adopted. Sen. Gen Olson (R-Minnetrista) sponsored an amendment to delete a section relating to self-insured workers' compensation. The amendment was adopted.

# Floor update



Eight-year-old Peyton Hill takes a nap as his father, Todd, sits in on a meeting of the Legislative Commission on Planning and Fiscal Policy Sat., May 16.

Photo by A.J. Olmscheid

H.F. 1193, carried by Sen. Ron Latz (DFL-St. Louis Park), provides for settlement of various claims against the state. S.F. 963, sponsored by Sen. Julianne Ortman (R-Chanhassen), modifies the duties and responsibilities of the Forensic Laboratory Advisory Board. H.F. 925, authored by Dibble, provides for the comprehensive measurement of unemployment and underemployment in the state.

S.F. 1623, authored by Sen. Steve Dille (R-Dassel), is a resolution to the president and the U.S. Congress urging the repeal of 1863 federal legislation ordering the removal of the Dakota people from Minnesota and the Dakotas.

H.F. 211, carried by Saltzman, provides for the recovery of attorney fees in statutory housing warranty breach actions. Saltzman offered an amendment that requires a report to the Legislature on the homeowner warranty dispute resolution process. The amendment was adopted.

All of the above bills gained preliminary passage.

Sen. Sandra Pappas (DFL-St. Paul) authored S.F. 837, which increases the percentage of votes a candidate for statewide or legislative office has to receive in order to obtain public financing. Sen. Chris Gerlach (R-Apple Valley) said the bill makes it more difficult for third party candidates to get a public subsidy. Pappas said the bill provides that viable candidates get public funding, but that candidates who only get one or two percent of the vote do not. The motion to approve the bill failed on a 29-34 roll call vote.

After finishing with bills on General Orders, Senators took action on two additional conference committee reports.

The conference committee report on S.F. 477 was adopted and repassed. The bill, sponsored by Sen. John Doll (DFL-Burnsville), provides for paint manufacturers to implement a paint recycling program. Members also adopted and repassed the conference committee report on S.F. 1147. Sen. Linda Higgins (DFL-Mpls.), chief author, said the measure modifies

provisions governing orders to secure vacant property, specifies notice requirements, modifies provisions governing the reduced redemption period for abandoned property, establishes a duty to protect vacant foreclosed property and provides for the imposition of fines for failure to maintain property.

## Saturday, May 16

### Final passage granted

The afternoon portion of the Sat., May 16, floor session was devoted to granting concurrence and repassage to several bills, passing conference committee reports and granting final passage to a number of measures on the Senate Calendar.

The first measure up for concurrence and repassage was S.F. 79, authored by Sen. David Tomassoni (DFL-Chisholm). The bill authorizes the Central Iron Range Sanitary Sewer District. Tomassoni said the changes made by the other body were slight. Members granted concurrence and repassage to the measure.

S.F. 1284, authored by Sen. Tony Lourey (DFL-Kerrick), was granted concurrence and repassage by members. The bill modifies lawful gambling provisions, Lourey said. He said the other body only took out one small section of the bill, and the bill is otherwise exactly as members passed earlier in the week.

Members also took up a number of bills for final passage on the Senate Calendar.

Sen. Don Betzold (DFL-Fridley) carried H.F. 1529, which removes a dollar limitation on attorney or agent fees in certain cases. Sen. Scott Dibble (DFL-Mpls.) authored H.F. 1250, which modifies electric vehicle infrastructure regulation provisions. Dibble also carried H.F. 925, which expands the official measure of unemployment. H.F. 1745, sponsored by Sen. John Marty (DFL-Roseville), modifies provisions for speech language pathologists and occupational therapists and requires the commissioner of health to enroll pharmacies in the pediatric vaccine administration program. Sen. Dan Sparks (DFL-Austin) carried H.F. 1853, which modifies several commerce provisions regarding licenses, forms, disclosures, notices and records.

H.F. 1193, authored by Sen. Ron Latz (DFL-St. Louis Park), provides for the settlement of various claims against the state.

Sen. Julianne Ortman (R-Chanhassen) sponsored a bill, S.F. 963, that modifies duties of the Forensic Laboratory Advisory Board. Sen. Steve Dille (R-Dassel) carried S.F. 1623, which is a resolution urging Congress to repeal the federal legislation of 1863 that ordered the removal of Dakota people from Minnesota. Sen. Kathy Saltzman (DFL-Woodbury) authored a bill, H.F. 211, that regulates statutory housing warranties breach actions cost recovery.

Members took up one conference committee report. Sen. Lisa Fobbe (DFL-Zimmerman) sponsored S.F. 708, which modifies provisions relating to foreclosure consultants. She said the bill closes a loophole in order to protect homeowners from mortgage scams. Fobbe said the only change made in conference committee is the effective date, which was changed from immediately to August 1. The bill was repassed as amended.

H.F. 1880, authored by Sen. Chris Gerlach (R-Apple Valley), was designated as a Special Order for final passage. The bill requires that veterans meeting minimum qualifications and claiming veterans preference for state government employ-

ment positions receive an interview for the position for which they apply. The bill was granted final passage.

In other action, members took up two measures for preliminary passage on General Orders. Acting as a Committee of the Whole, members considered H.F. 705, authored by Sen. Mary Olson (DFL-Bemidji). The bill requires high deductible health plans used with a health savings account to cover preventive care without a deductible. Sen. Anne Lynch (DFL-Rochester) moved that an amendment, sponsored by Sen. Yvonne Prettner Solon (DFL-Duluth), which provides high deductible health plans may cover preventive care rather than requiring the coverage of preventive care without a deductible, be reconsidered. Sen. David Hann (R-Eden Prairie) said the amendment is a good addition to the bill and urged members not to reconsider it. Members voted not to reconsider the amendment. Sen. Ann Lynch (DFL-Rochester) sponsored H.F. 1276, which modifies county human services mandates and relieves counties of certain mandates.

Both measures were granted preliminary passage.

## Sunday, May 17

### Conference reports okayed

The Senate began the Sun., May 17, floor session by receiving veto messages from the governor and messages from the other body. Members granted concurrence and repassage to one bill, S.F. 1302, that makes modifications to sheriff foreclosure sales procedures. Sen. Lisa Fobbe (DFL-Zimmerman) said the bill makes small changes to major legislation enacted last year relating to foreclosures.

Several conference committee reports were also adopted and repassed. S.F. 722, sponsored by Sen. Kenneth Kelash (DFL-Mpls.), requires that information on persons civilly committed, found not guilty by reason of mental illness, or incompetent to stand trial be transmitted to the federal National Instant Criminal Background Check System. Kelash said the measure also allows individuals prohibited from possessing a firearm to petition a court for the restoration of the right to possess a gun.

S.F. 1477, authored by Sen. Dennis Frederickson (R-New Ulm), provides a limited exception to the building code



Senate Republicans hold a news conference to give their perspective on the 2009 session after adjournment Tues., May 19.

Photo by David J. Oakes

# Floor update

for an historic picnic shelter in Redwood County. S.F. 1012, carried by Sen. Ellen Anderson (DFL-St. Paul), provides appropriations of about \$26 million for environment and natural resources projects under the Legislative-Citizen Commission on Legislative Resources. Anderson said the main differences in the two versions of the bill involved policy language relating to native seeds. Anderson said the other change allows the commission to submit either an annual or biennial bill.

S.F. 1447, authored by Sen. Tony Lourey (DFL-Kerrick), makes a number of housekeeping changes to human services licensing provisions, modifies license disqualifications and background study requirements, requires licensure of respiratory therapists, provides for alternative inspection for day training and habilitation programs and exempts massage therapists working for a licensed medical professional from licensure.

## Variety of bills gain final passage

The afternoon and early evening portion of the Sun., May 17, floor session was devoted to considering bills on the Calendar and discussion of two bills on General Orders. In addition, Senators approved two resolutions relating to the operation of the Senate.

H.F. 1744, sponsored by Sen. Ann Rest (DFL-New Hope), establishes technology accessibility standards for government operations. The bill also establishes an advisory committee for technology standards to determine accessibility and usability of technology. Rest moved to strike the amendment made to the measure by the Rules and Administration Committee and substitute the House language back into the House file. The motion was unanimously adopted by the body and the bill was granted final passage.

H.F. 384, carried by Sen. Kevin Dahle (DFL-Northfield), requires a study to simplify health care administrative transactions via electronically. H.F. 1328, carried by Sen. John Marty (DFL-Roseville), establishes youth violence prevention programs for at-risk youth as a means of addressing youth aggression from a public health standpoint. S.F. 1797, authored by Sen. Patricia Torres Ray (DFL-Mpls.), requires the State Advisory Council on Early Childhood Education and Care to create an inventory of early childhood services.

H.F. 1728, sponsored by Torres Ray, makes changes to the child care assistance program to align payment policies with implementation of the MEC2 state-wide child care assistance system. The bill lifts the ban on charging for development and maintenance of county-initiated projects aimed at providing more integrated services to clients and creating more efficient county workflow.

H.F. 702, carried by Sen. Mee Moua (DFL-St. Paul), authorizes a pilot project to map state expenditures on programs for children. The bill requires the collection and reporting of specified summary data relating to decisions that affect a child's status in the juvenile justice system. Moua moved to have the amendment made by the Rules and Administration Committee stricken and substitute the House language back into the measure. The motion was unanimously adopted by the body and the bill was granted final passage.

H.F. 705, sponsored by Sen. Mary Olson (DFL-Bemidji), promotes preventive health care by allowing high deductible health plans used with a health savings account to cover preventive care with no deductible as permitted by federal law. H.F. 1276, carried by Sen. Ann Lynch (DFL-Rochester), relieves counties of a number of mandates related to health and human services.

All bills on the Senate calendar were granted final passage.

Sen. Lawrence Pogemiller (DFL-Mpls.) carried three Senate resolutions. S.R. 66 is a Senate resolution relating to postage. Pogemiller said the resolution reduces the stamp allotment to each Senator from 5,500 to 2,750. Sen. Amy Koch (R-Buffalo) offered an amendment removing a provision that allows a Senator to submit a written request to the chair of the Rules and Administration Committee for an additional 2,000 stamps if the need was justified. Both the amendment and the resolution were adopted by the body.

S.R. 103 is a Senate resolution relating to the permanent Rules of the Senate that modifies the requirement for rotation of committee chairs.

Sen. Don Betzold (DFL-Fridley) offered an amendment repealing the Senate rule on the committee chairmanship rotation procedure. Betzold said the body needs to make a rule regarding chairmanship rotation and stick with it. He said that if the body isn't going to recognize

the rule, it might as well not even exist. Sen. Geoff Michel (R-Edina) said ten years is long enough for one individual to chair a committee and the rule should not be amended. The amendment was not adopted.

Pogemiller said the adjustment to the rule is very minor and only affects three current committee chairs. The resolution was adopted.

S.R. 104 is a Senate resolution relating to conduct of Senate business during the interim between Sessions. Pogemiller said the resolution provides some clarifying language regarding the duties of both the Secretary of Senate (Administrative) and the Secretary of Senate (Legislative) during the interim. Pogemiller said the split of the Secretary of Senate position was authorized earlier in the session and resolution simply provides language to address the split. The resolution was also adopted.

Members granted preliminary passage to two bills on General Orders.

H.F. 354, carried by Scheid, provides for mediation prior to commencement of mortgage foreclosure proceedings on homestead property.

Scheid moved to strike the amendment made to the measure by the Rules and Administration Committee and substitute the House language to the House file. Scheid said the language is essentially the same in both the House and Senate files, but the language contained in the House bill is more refined and contains certain technical additions and specifications not mentioned in the Senate file. The motion was unanimously adopted by the body.

Koch offered an amendment adding transparency to the mediation process by requiring a report to the Legislature on the performance of the mediation program. The amendment also reduces the fee paid to fund the mediation process from \$125 to \$75. Koch moved to divide the amendment and withdrew the fee decrease portion. Members failed to adopt the portion of the amendment requiring the report.

Sen. Ray Vandeveer (R-Forest Lake) offered an amendment deleting an article from the measure relating to all fees associated with the mediations. Scheid said the fees are necessary to carry out the program. She said the program will likely save thousands of homes from foreclosure and will save banks money that they



*Following adjournment of the 2009 Legislative Session, Senate Sergeants Tom Jung, left, and Larry Vangen put the Senate Chamber back in order shortly after midnight Tues., May 19.*

would have normally lost during foreclosure proceedings. The amendment failed.

Sen. Julianne Ortman (R-Chanhassen) said the mediations are not necessary and the workload placed on the Attorney General's Office by the requirements specified in the bill is unrealistic.

Moua spoke in favor of the measure and said that the bill is aimed at keeping thousands of Minnesota families in their homes and saving lenders considerable amounts of money.

Members approved the measure on a roll call vote of 33-29.

H.F. 1237, the omnibus natural resources policy bill, carried by Sen. Satveer Chaudhary (DFL-Fridley), contains miscellaneous natural resources provisions

modifications along with the language of the omnibus game and fish bill.

Sen. Michael Jungbauer (R-East Bethel) offered an amendment providing standards for use of recycled water. He said the bill has no fiscal implications and gives 100 percent of the control to the Pollution Control Agency (PCA). Jungbauer withdrew the amendment because he said it lacked support from the PCA.

Sen. Tom Saxhaug (DFL-Grand Rapids) offered an amendment to include language related to a forest management lease pilot project.

Sen. Gary Kubly (DFL-Granite Falls) offered an amendment providing further regulations related to the use and sale of golden shiners in the state.

Photo by David J. Oakes

Sen. Dan Skogen (DFL-Hewitt) offered an amendment to incorporate the language of the state land sales bill into the measure.

The body adopted the final three amendments and approved the bill.

## Monday, May 18

### Natural resources policy bill passed

Members gathered on Mon., May 18, for the final day of floor action for the 2009 regular Legislative Session. Members devoted the most of the morning session to approving conference committee reports and giving final passage to a number of measures on the Senate Calendar.

Members began with the conference committee report on H.F. 417. The bill, sponsored by Sen. Thomas Bakk (DFL-Cook), provides for the recovery of damages and attorney fees for breach of an insurance policy. Bakk said the conference committee recommended a provision that provides that an insured who prevails in a claim against an insurer based on the insurer's breach or failure to fulfill a duty to provide services or make payments is entitled to recover ten percent per year interest on monetary amounts as specified. The provision also provides that punitive damages or damages for nonmonetary losses are not recoverable. He also said provisions relating to attorney fees were removed from the measure. Members adopted the conference committee report and repassed the bill.

Members also adopted the conference committee report and repassed H.F. 519, carried by Sen. Ann Rest (DFL-New Hope), which regulates nonconforming lots in shoreland areas. Rest said the conference committee only made one small technical change to the language of the bill that originally passed the Senate.

H.F. 804, sponsored by Sen. Mee Moua (DFL-St. Paul), modifies provisions governing guardians and conservators. The conference committee made technical changes to provisions regarding the certification process and the creation of a registry, said Moua.

The conference committee report was adopted by the body and the bill was repassed.

H.F. 928, carried by Sen. Steve Murphy (DFL-Red Wing), modifies various

# Floor update



*While the Senate Majority and Minority Caucuses meet behind closed committee room doors on either side of him, Senate Sergeant Nick Thompson takes his post in the Capitol north corridor Sat., May 16.*

Photo by A.J. Olmscheid

policy provisions related to transportation and public safety. Murphy said the conference committee recommended a number of minor changes related to provisions addressing prohibited activities at rest areas, veterans highway designations, mini trucks, public buses driving on the shoulders of divided highways and loan eligibility under the right-of-way acquisition loan fund program. Members adopted the conference committee report and repassed the bill.

H.F. 1849, also carried by Rest, removes, extends or modifies mandates upon local units of government. Rest said the conference committee removed a provision allowing local governments to make group applications. She said the committee removed a best value provision related to the letting of contracts and accepted the House position on allowing all local government bodies to reduce per-

diem and compensations under certain circumstances. Finally, she said that the committee accepted a provision related to a prevention task force. Members adopted the conference committee report and repassed the bill.

S.F. 492, authored by Sen. Dan Skogen (DFL-Hewitt), regulates use and operation of mini trucks on public roadways. Skogen said the conference committee added a provision to the bill providing uniformity and consistency with the issuance of administrative fines.

Sen. Leo Foley (DFL-Coon Rapids) and Sen. Moua both spoke against the addition of the administrative fees provision and argued that there were procedural problems related to assessment of the fees. Sen. Tarryl Clark (DFL-St. Cloud) said numerous law enforcement entities worked hard to come to a compromise regarding the fees and revenue generated

from the fees would help many local communities with their public safety budget deficits. Sen. Claire Robling (R-Jordan) said the administrative fees will encourage local officers to give tickets for issues that would have typically warranted a simple warning. Murphy said that he also supported the fee addition and said it was a good compromise.

The conference committee report was adopted by the body and the bill was repassed

S.F. 1219, authored by Rest, creates licensing standards for full-time firefighters. Rest said the conference committee recommended a small technical change related to license requirements. The committee report was adopted and the measure was repassed by the body.

Members took up two bills on the Senate Calendar before recessing for the morning.

H.F. 354, carried by Sen. Linda Scheid (DFL-Brooklyn Park), provides for mediation prior to commencement of mortgage foreclosure proceedings on homestead property. Members granted the bill final passage on a roll call vote of 35-31.

H.F. 1237, the omnibus natural resources policy bill, carried by Sen. Satveer Chaudhary (DFL-Fridley), modifies miscellaneous natural resources provisions and contains the language of the omnibus game and fish bill. The bill also contains the natural resources lands bill that provides for the sale of state lands and makes various additions and subtractions from state parks. The bill was granted final passage on a 65-0 roll call vote.

### Conference committee reports passed

Members used the afternoon portion of the Mon., May 18, floor session to approve conference committee reports.

S.F. 1313, carried by Sen. Katie Sieben (DFL-Newport), is the omnibus elections bill. Sieben said the conference committee deleted provision from the bill that could be construed as controversial in order to get bipartisan support for the bill. She said the conference committee report does not include provisions related to online voter registration, polling place challengers and modifying recounts. The bill also moves state primaries from September to August, Sieben said. The conference committee report was adopted on a voice vote and was then repassed as amended.

Sen. Patricia Torres Ray (DFL-Mpls.) authored S.F. 1009, which expands the criminal penalty for prostitution. Torres Ray said that changes made by the conference committee were minor. However, Torres Ray laid the report on the table in order to allow time for members to compare a provision with a similar provision in the trafficking bill. Torres Ray also sponsored S.F. 1503, which modifies provisions relating to child welfare and adoption records. Torres Ray said the conference committee removed provisions with which the governor did not agree. The conference report was adopted and repassed.

Sen. Tony Lourey (DFL-Kerrick) authored H.F. 1760, which makes changes to provisions relating long term care, alternative care and nursing facilities. Lourey said the conference committee report includes safe patient handling provisions and dental care provisions, along with the

establishment of an Alzheimer's Working Group. The bill was repassed as amended by the conference committee.

The early evening portion of the Mon., May 18, floor session was devoted to passing two conference committee reports and granting final passage to one bill.

Sen. Scott Dibble (DFL-Mpls.) authored S.F. 791, which provides for harassment, bullying, intimidation, hazing and violence policies. Dibble said the conference committee report no longer specifically lists characteristics for which children may be bullied. Members repassed the bill.

S.F. 1504, carried by Sen. Linda Berglin (DFL-Mpls.), amends mental health provisions. Berglin said the other body accepted nearly all of the Senate provisions in conference committee. The

conference report was adopted and the bill was repassed.

In other action, H.F. 927 was designated as Special Order and taken up for final passage. The bill, authored by Sen. Linda Scheid (DFL-Brooklyn Park), modifies construction codes and licensing. Scheid offered an amendment that requires plumbing inspectors and plumbing inspectors contracted by the department to be licensed and have five years of experience. The amendment was adopted. The measure was granted final passage as amended.

### Conference committee reports okayed

Senators devoted the first part of the evening floor session Mon., May 18, to approving conference committee reports.



*During a press conference at the Capitol Sat., May 16, St. Paul Mayor Chris Coleman holds up a property tax statement to make a point about the potential consequences of cutting local government aid to cities as part of a budget-balancing solution.*

Photo by David J. Oakes

# Floor update

S.F. 191, carried by Sen. Don Betzold (DFL-Fridley), is the omnibus retirement and pension bill that makes numerous changes to public employee retirement plans. Betzold said the conference committee removed a controversial provision from the measure regarding teacher pensions.

The conference committee report was adopted and the bill was granted final passage on a 53-8 roll call vote.

H.F. 1853, sponsored by Sen. Dan Sparks (DFL-Austin), provides miscellaneous commerce provisions modifications. Sparks said the conference committee removed provisions regarding roofing contractors and business screenings. The conference committee report was adopted and the bill was granted final passage on a roll call vote of 54-9.

Sen. Patricia Torres Ray (DFL-Mpls.) moved that the conference committee report on S.F. 1009 be taken from the table. The motion was adopted. Members had heard the bill earlier in the day, but laid on the table. The bill clarifies the prostitution penalty enhancement provision for repeat offenders, broadens the prostitution in a public place crime and makes driving records relating to prostitution offenses public for repeat offenders. The measure was repassed on a 60-2 roll call vote.

Members also adopted the conference committee report on H.F. 878 and repassed the bill. The measure, sponsored by Sen. Ann Rest (DFL-New Hope), adds a provision governing the relocation of highway center lines, modifies provisions relating to county state-aid highways and municipal state-aid streets, regulates the placement of advertising devices and provides procedures for plats of lands abutting state rail bank property.

Senators also granted final passage to the end of session technical corrections bill, S.F. 2135. The bill, carried by Sen. Mee Moua (DFL-St. Paul), corrects miscellaneous oversights, inconsistencies, ambiguities, unintended results and technical errors. Moua said the bill goes through an extensive vetting process and that multiple signatures from Senators and House members must be obtained. The bill was granted final passage on a unanimous roll call vote.

The conference committee report on H.F. 1988 was also adopted and repassed. The measure, authored by Sen. Linda Berglin (DFL-Mpls.), provides technical corrections to the omnibus health and human services appropriations bill. The

measure was repassed on a unanimous roll call vote.

The conference committee report on H.F. 1276, carried by Sen. Ann Lynch (DFL-Rochester), was also adopted and repassed. The measure reduces county human services mandates, makes changes to residential treatment facilities, provides for county payment of cremation, burial and funeral expenses, modifies child welfare provisions, and provides for inspections of day training and habilitation facilities.

Sen. Patricia Torres Ray (DFL-Mpls.) carried the conference committee report on H.F. 1728. The bill makes changes to provisions relating to child care programs and adult supports including General Assistance Medical Care and group residential housing.

Members also adopted the conference committee report on H.F. 1237. The measure, sponsored by Chaudhary, is the natural resources policy bill. Chaudhary said the bill contains a provision from the House allowing guns to be uncased while moving from field to field while hunting. The measure also contains the omnibus lands bill, which provides for additions and subtractions from state parks and provides for the sale or transfer of state lands. The bill was repassed on a 51-13 roll call vote.

The conference committee report on H.F. 2251 was also adopted and repassed. The measure, carried by Cohen, provides for oversight of federal stimulus funding, conforms Minnesota law to the requirements necessary to receive federal stimulus money for Medical Assistance, modifies Hennepin County's 2009 non-federal share of Medical Assistance costs to comply with federal requirements and modifies funding for the Minnesota State Colleges and Universities.

## Senate on the World Wide Web

The Minnesota Legislature's Web site has been updated. A joint effort of the Senate, House of Representatives, Legislative Reference Library, Legislative Commissions, and the Office of the Revisor of Statutes, the site offers easier access to a variety of legislative and government information.

The Legislature's page (<http://www.leg.mn>) includes links to other government agencies and departments, as well

as copies of Minnesota Statutes, Session Laws, and Rules. The page also allows one to track legislation and get general information about the legislative process. The site includes a district finder service for those who need to contact their House member or Senator. Other information—about visiting the Capitol, state history and symbols, and employment opportunities with the Legislature—is also available.

Information about joint legislative departments, the various legislative commissions, and task forces is available at <http://www.commissions.leg.state.mn.us>.

The House of Representatives Web page (<http://www.house.mn>) includes membership and committee information. It also has daily news, information, and the daily House schedule. House journals and legislative information are also available.

The Senate Web site (<http://www.senate.mn>) has information about members, committees and Senate staff. The page also has daily and weekly schedules for the Senate, as well as copies of the Journal and Senate Briefly. The status of legislation and confirmation of executive appointments by the Senate is also available.

Both the Senate and House Web sites offer streaming video access to floor and selected committees.

## Historical database available

The Legislative Reference Library has developed a database containing information about Legislators who have served since territorial times. The database's information was compiled from official legislative directories, obituaries, news clippings, family files and other sources. It contains information about terms of service, education, occupation, party or caucus affiliations, leadership positions, represented communities and more.

The database also includes information about Minnesota Legislators who served in other government functions. For example, almost two dozen Legislators have served on the University of Minnesota Board of Regents; the most recent is current Regent and former Senate Majority and Minority Leader Dean E. Johnson. The database even indicates which Minnesota Legislators also served in another state's legislature.

"Legislators Past and Present" is available online at <http://www.leg.state.mn.us/legdb/index.asp>