

SESSION WEEKLY

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THE NUCLEAR OPTION
A POLITICAL REFUGE
AIRLINE PROMISES
Gov's ULTIMATE BUDGET TOOL

HF4213 - HF4229



SESSION WEEKLY

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On the cover: Surrounded by feathered costumes, Neftali Flores wears a torques mask as dancers from KetzalCoatlicue of South Minneapolis wait to perform during a rally on the front lawn of the Capitol May 1. The rally encouraged the redressing of the law pertaining to the rights of workers and immigrants in the United States.

— Photo by: Tom Olmscheid

The nuclear option

Once the bane of environmentalists, nuclear power is being given a second look

By Nick Busse

When Minnesotans think of nuclear power, any number of things might come to mind. They might think of a nuclear-powered aircraft carrier patrolling the Persian Gulf, or the incidents at Three Mile Island and Chernobyl. Others might conjure images of doughnut crumbs spilling from Homer Simpson's mouth onto the reactor control panel at the Springfield Nuclear Power Plant.

But as concern over the impact of climate change moves to the forefront of energy policy, advocates for nuclear energy hope to convey an entirely different picture of the technology: one that paints it green rather than glowing green.

"If you believe that greenhouse gasses are causing global climate change, nuclear is a great option," said Rep. Joyce Peppin (R-Rogers).

In the past, proposals to expand nuclear power in the state have faced an uphill battle — and they still do. But the tide may be slowly turning.

Although heavily criticized by environmentalists for the radioactive waste it creates, nuclear power produces zero greenhouse gas emissions. Peppin is one of a growing number of legislators who see nuclear energy as a potential compromise between those concerned about global warming and those who worry that regulating greenhouse gasses will hamstring the state's ability to supply electricity. In fact, Peppin doesn't see very many other options.

"Some might argue that we should be consuming less, but in reality we're not. So we need to meet our needs, and there's only

so many options. And nuclear is certainly a viable and safe alternative," she said.

Peppin, a consistent and vocal supporter of nuclear power, isn't sure whether she actually believes that greenhouse gas emissions cause climate change — and until recently, her arguments might've been ignored by those who do. But as the Legislature tries to grapple with the issue of global warming, all options are being put back on the table, including nuclear power.

On April 17, members of two House committees held a joint hearing on new nuclear plant designs and safety technologies. It was the first in what is expected to be an extensive series of discussions in coming years about the future of nuclear power in Minnesota. Although it wasn't brought up directly at the meeting, the underlying issue was whether to lift the state's 12-year-old moratorium on constructing any new nuclear plants.

"I think the movement to remove this ban is clearly gaining ground," Peppin said.

Ed Garvey, director of the Office of Energy

First Reading continued on page 4



PHOTO ILLUSTRATION BY ANDREW VONBANK

Legislators are beginning to reconsider nuclear power as a possible means of meeting energy needs without producing greenhouse gasses.

Security, recently came out on behalf of Gov. Tim Pawlenty in support of lifting the moratorium. The Minnesota Climate Change Advisory Group recommended that the state consider adding more nuclear power to its energy portfolio to help reach its carbon reduction goals. The issue has also come up several times in recent floor debates, and key DFL committee chairs in the House have pledged their commitment to hold hearings on the issue.

While even supporters acknowledge that it could be decades before a new nuclear plant would be built in the state — even if the moratorium were lifted tomorrow — it's clear that the issue isn't going away anytime soon.

Baseload worries

When it comes to mitigating climate change, renewable energy technologies like solar and wind power are usually the preferred option; however, these technologies have a major drawback: they aren't very good at supplying what's called "baseload capacity."

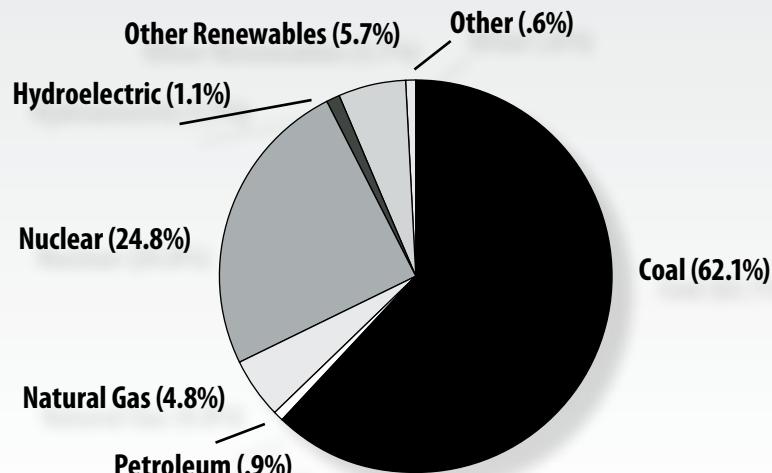
The term "baseload capacity" refers to the ability to supply electricity constantly, without interruption and regardless of external conditions. Since the sun doesn't always shine and the wind doesn't always blow, solar and wind power don't provide much baseload generation. As a result, most of our energy comes from coal power, which spews an enormous amount of carbon dioxide into the atmosphere. In contrast, nuclear plants can generate electricity virtually free of emissions — and unlike most renewable sources, they do provide reliable baseload capacity.

There are currently 104 nuclear power plants operating in the United States. Minnesota has two: one in Monticello and one at Prairie Island, both of them built in the early-1970s and operated by Xcel Energy. Construction of nuclear plants declined rapidly in the 1980s, largely due to safety concerns and still-unresolved problem of what to do with the radioactive waste they produce. As a result, the country has an aging nuclear power industry. Unless more plants are built, nuclear generation in the United States is projected to begin dropping around 2030 and will virtually cease to exist by 2050.

While some might consider that a blessing, it does raise the question of how the United States will meet its growing need for baseload capacity — or even maintain its present levels.

"Baseload is essentially nuclear, hydro or coal. Hydro is tapped out. It's very difficult

Where Minnesota's Electricity Comes From*



*2006 figures

Source: U.S. Energy Information Administration

to build a coal plant now in any of the states because of concerns over carbon emissions. So what you're left with, really, is nuclear," said Richard Reister, the program manager for the U.S. Department of Energy's "Nuclear Power 2010" initiative.

Big plans, big problems

At the April 17 hearing, Reister and other testifiers described a new generation of nuclear plants that are cleaner, safer, and more efficient than previous power plants.

New plant designs were showcased that minimize safety concerns while maximizing power output. But Rep. Phyllis Kahn (DFL-Mpls), an

18-term House member who has been around for many of the previous battles over nuclear energy in the Legislature, isn't buying it.

"There are no greenhouse gas emissions from nuclear power — that's completely true. But the question is, 'Is it better than conservation?' We haven't gone to the lengths of what we can do with conservation, so I'm not even interested in looking at that argument until we've dealt with the arguments that I've said need to be answered up front."

The arguments against nuclear power, according to Kahn, are many. Above all is the issue of the waste. A plan to open a

national spent fuel repository underneath Yucca Mountain in Nevada has been stalled for decades by political controversy and legal challenges, leaving the waste to be stored in various locations around the country. This has raised fears of catastrophic terrorist attacks or other disasters at waste storage sites.

"We never should've authorized the first plant until we were sure we could solve the waste problem," Kahn said.

Moreover, the challenge of disposing of the waste may actually pale in comparison to the financial problems associated with nuclear power. One of the reasons that so few new nuclear plants have been proposed is simply that they're incredibly expensive to build, and seen as risky investments.

Even with generous federal subsidies and government loans, the capital costs associated with nuclear power are astronomical compared with other energy technologies. Nuclear construction projects are notorious for cost overruns and for not being completed on time. On top of that, no one is certain how much it

will cost to decommission and maintain the current generation of nuclear plants once their operational lives expire.

"The whole process from beginning to end really does have to be analyzed to ensure that we understand what all of the costs are, including all the externalities,"

— Rep. Bill Hiltz

all the externalities," said Rep. Bill Hiltz (DFL-Finlayson).

Nuclear Option continued on page 22

Editor's note: The following Highlights are coverage of select bills heard in House committees and other House activities held April 24-May 1. Designations used in Highlight summaries: HF-House File; SF-Senate File; CH-Chapter; and *-the bill version considered by the House or the bill language signed by the governor.

BUSINESS

Business law technical changes

Signed by the governor

A new law will help eliminate ambiguities in state business laws.

Sponsored by Rep. Leon Lillie (DFL-North St. Paul) and Sen. Linda Scheid (DFL-Brooklyn Park), changes are made to three laws: the Business Corporations Act, Limited Liability Company Act and the Uniform Limited Partnership Act of 2001.

Additionally, a section of the new law will allow for the formation of nonprofit limited liability companies. Minnesota is currently one of only a handful of states that do not allow nonprofit LLCs.

Lillie said the changes were brought forward by the Minnesota State Bar Association and are intended to clarify laws that have raised questions for attorneys practicing business law in the state.

Signed April 25 by Gov. Tim Pawlenty, the law takes effect Aug. 1, 2008, with the exception of the provisions relating to nonprofit LLCs; that portion of the law takes effect Jan. 1, 2009.

HF3500*/SF2575/CH233

— N. BUSSE

Better mortgage lending practices

Signed by the governor

A new law will help bring clarity to a 2007 law that forces mortgage lenders to make sure their borrowers can pay before they sign off on the loans.

Sponsored by Rep. Leon Lillie (DFL-North St. Paul) and Sen. Linda Scheid (DFL-Brooklyn Park), the law piggybacks on another passed last year that forbids mortgage originators from providing loans without first analyzing the borrower's ability to pay. The new law specifies some considerations that such an analysis may take into account, including the borrower's income, cash flow, net worth, financial obligations, property

taxes, insurance, assessments on the property, employment status, credit history, debt-to-income ratio, credit scores, tax returns, pension statements and employment payment records.

Lillie said the law is supported by mortgage brokers as well as advocates for low-income Minnesotans.

Signed April 25 by Gov. Tim Pawlenty, the law takes effect Aug. 1, 2008.

HF3839/SF3154*/CH241

— N. BUSSE

CONSUMERS

Internet ticket sales protected

Signed by the governor

When tickets for the Miley Cyrus/Hannah Montana "Best of Both Worlds" tour went on sale last year, some people using a ticket buying software bought all the tickets within a matter of seconds, leaving everyone else to buy tickets for as much as 10 times the original price.

Sponsored by Rep. Joe Atkins (DFL-Inver Grove Heights) and Sen. Ron Latz (DFL-St. Louis Park), the so-called "Hannah Montana" law was signed by Gov. Tim Pawlenty April 28. It takes effect Aug. 1, 2008.

The new law makes it a gross misdemeanor to sell, distribute or use software to get around security and move to the front of an Internet ticket buyer line.

It does not impact last year's law that repealed Minnesota ticket scalping statutes.

HF2911/SF3139*/CH245

— C. GREEN

Law drops some title exceptions

Signed by the governor

When buying a vehicle, you might now have a better idea of what types of experiences it has been through.

A law signed by the governor April 24 removes exemptions of title branding requirements for vehicles that are at least six years old. These branding requirements let consumers know if a car has been in a flood, for example.

Rep. Melissa Hortman (DFL-Brooklyn Park) and Sen. Rick Olseen (DFL-Harris) sponsor the law. It takes effect Aug. 1, 2008.

HF2940/SF3082*/CH216

— T. HAMMELL

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

Tinting vehicle windows

Signed by the governor

Consumers will need a doctor's prescription from within the last two years to have certain vehicle windows tinted, under a new law signed April 25 by Gov. Tim Pawlenty.

The prescription or statement must specifically state the minimum percentage that light transmittance may be reduced to satisfy the person's medical needs. Current law states, in part, that a windshield cannot be tinted, nor can material that has a highly reflective or mirrored appearance be used on other windows.

Sponsored by Rep. Tony Cornish (R-Good Thunder) and Sen. Leo Foley (DFL-Coon Rapids), the law exempts the rear and side windows of a police vehicle.

Cornish said police dogs need protection from the heat and victims need privacy in identifying suspects sometimes from the backseat of police vehicles.

Car dealers will also be prohibited from selling or leasing vehicles that do not meet the window tinting requirements.

The law takes effect Aug. 1, 2008.
HF3204/SF3336*/CH235

— P. OSTBERG

CRIME

Fingerprint changes; e-charge terms

Signed by the governor

When someone is brought into custody and booked on suspicion of a crime, they are to be fingerprinted.

A new law adds that if the procedure is not done at the time of booking, it must be completed before the person is allowed to leave custody. Further, it states that if the prints are not received by the Bureau of Criminal Apprehension prior to acceptance of a plea, a court may order the person back into custody for no more than eight hours so that the prints can be taken.

Sponsored by Rep. Debra Hilstrom (DFL-Brooklyn Center) and Sen. Leo Foley (DFL-Coon Rapids), the bill was signed by Gov. Tim Pawlenty April 25. It takes effect Aug. 1, 2008.

The law also defines terms related to e-charging regarding use by law enforcement officers, notaries public and the Bureau of Criminal Apprehension. It also provides a framework for when and to whom this information may be disclosed.

HF3683/SF3342*/CH242

— L. SCHUTZ

Tougher nuisance law

Signed by the governor

What it takes to call a problem a nuisance will get easier.

Under current statute, a public nuisance exists if there are two or more separate instances of various incidents such as gambling and the unlawful sale of alcohol. Effective Aug. 1, 2008, that law will be modified to make it a nuisance if there is only one instance of prostitution, unlawful drug sale or possession, or illegal use or possession of a dangerous weapon.

Sponsored by Rep. Debra Hilstrom (DFL-Brooklyn Center) and Sen. Linda Higgins (DFL-Mpls), the new law was signed by Gov. Tim Pawlenty April 24.

Mark Wiegel, vice president of the Minnesota Police & Peace Officers Association, said the change provides a tool for municipalities and property owners to better deal with problem activities.

The law also changes the definition of "firearm" to "dangerous weapon" to account for objects such as knives and machetes, or any other object capable of causing serious bodily harm or death.

When the bill was introduced in committee, it was proposed that the standard of evidentiary proof be lowered from "clear and convincing" evidence to "preponderance of" evidence. The change is not in the law.

HF2627/SF2399*/CH218

— C. GREEN

Safe at Home modified

Signed by the governor

For victims of domestic abuse, sometimes the best security is knowing their abuser doesn't know where they are.

Signed into law in 2006, the Safe at Home program gives victims of domestic violence, sexual assault and stalking some sense of comfort.

Rep. Steve Simon (DFL-St. Louis Park) described it as a witness protection program for victims. Run by the Office of the Secretary of State, the program provides a postal address victims can use for correspondence other than their actual address, which is known only by the secretary of state. The mail is then received by the secretary's office and forwarded.

A new law, sponsored by Simon and Sen. Mee Moua (DFL-St. Paul) makes modifications to the program. The changes include allowing a participant in the program to consent to the release of their information to someone else; a new definition of "mail" to exclude junk mail; and an allowance for participants to use their Safe at Home address on a driver's license or a state identification card.

There is also a required report from the

secretary of state to the Legislature detailing how many participants are in the program.

Signed by Gov. Tim Pawlenty April 24, the law is effective June 1, 2008.

HF2991/SF2642*/CH227

— C. GREEN

No trespassing in tunnels

Signed by the governor

There are approximately 600 miles of underground tunnels and sewers in St. Paul. Until now, there was no statute making it illegal to trespass, specifically into those tunnels housing utilities or technological equipment.

Signed by Gov. Tim Pawlenty April 24, a new law makes entering an underground structure with utility lines without permission a gross misdemeanor. The law applies whether the structure has any type of posted warning.

Sponsored by Rep. Michael Paymar (DFL-St. Paul) and Sen. Mee Moua (DFL-St. Paul), the new law is effective Aug. 1, 2008.

Mark Mullen, a senior security consultant for Xcel Energy, said there have been instances where people have entered into the underground tunnels attempting to steal wiring. In one instance, the attempted theft led to a power outage in a local hospital that required the evacuation of an entire floor.

This is not only a public safety issue, Paymar said. It is critical for the state's utility and technological infrastructure.

HF3228/SF2828*/CH217

— C. GREEN

ELECTIONS

Elections provisions modifications

Signed by the governor

When voters go to the polls in November, elections will be operating under streamlined processes.

Signed April 25 by Gov. Tim Pawlenty, and sponsored by Rep. Bill Hilty (DFL-Finlayson) and Sen. Linda Higgins (DFL-Mpls), the law, among other things:

- permits registering voters who are unable to sign their name to sign by making a mark;
- requires that affidavits of candidacy and nominating petitions be filed with the county auditor for county elections, the secretary of state for federal elections and either for state elections;
- prohibits lingering at the polling place;
- introduces new regulations for discretionary recounts; and
- specifies the number of signatures required

for a federal or state office nominating petition, to be the lesser of 1 percent of the total number of individuals voting in the last general election or 2,000.

A provision requiring filing officers to restrict public access to the address of any individual who has made a contribution that exceeds \$100 for the purposes of their safety is effective April 26, 2008, and applies to contributions made after Dec. 31, 2007.

Regulations dealing with voter registrations being incomplete due to a failure to match the last four digits of the voter's Social Security number are effective retroactively to Nov. 29, 2007.

All other sections of the law are effective June 1, 2008.

HF1110/SF1298*/CH244

— B. HOGENSON

EMPLOYMENT

Correcting duty disabilities language

Signed by the governor

A law passed in 2007 tightened language relating to the definition of duty disability for firefighters and peace officers. It had two unintended consequences that are addressed

in a new law.

The Public Safety Officers Benefit Panel, which is to sunset on July 1, 2008, currently determines who qualifies for the disability. A new law, signed by Gov. Tim Pawlenty on April 25, assigns that duty to the Public Employees Retirement Association.

"If we don't do this by July 1, there would be no one to determine if they qualify for duty disability," said Rep. Mike Nelson (DFL-Brooklyn Park), who sponsors the law with Sen. Don Betzold (DFL-Fridley).

The law also corrects an unintended "quirk," that, according to Nelson, denied health benefits to these same injured workers if they were between the ages of 50 and 55. The new law allows for them to maintain their health care coverage.

HF3503/SF2403*/CH243

— L. SCHUTZ

Minimum wage increase

The state minimum wage could go up.

Sponsored by Rep. Tom Rukavina (DFL-Virginia) and Sen. Ellen Anderson (DFL-St. Paul), HF456/SF875* would raise the hourly minimum wage for large employers (companies with annual sales of \$625,000 or more) to \$6.90 as of July 24, 2008, and another dollar one year later.

For small employers (companies with annual sales less than \$625,000), the hourly

minimum wage would be \$5.75 as of July 24, 2008, and bump to \$6.75 on July 24, 2009.

According to the U.S. Department of Labor, "Under the Fair Labor Standards Act, the federal minimum wage for covered nonexempt employees is \$5.85 per hour effective July 24, 2007; \$6.55 per hour effective July 24, 2008; and \$7.25 per hour effective July 24, 2009."

Passed as amended by the House 82-45 on May 1, the bill returns to the Senate where it was previously approved 40-23 on April 23, 2007.

An amendment from Rep. Jeremy Kalin (DFL-North Branch) reinstated language allowing a "training wage" which allows employers to pay a lower minimum wage — \$5.25 an hour — to employees under 20 years of age.

— C. GREEN

ENERGY

Algae-to-biodiesel projects OK'd

A bill that would expand the state's definition of renewable energy sources to include biofuels made from algae and similar technologies is on its way to the governor's desk.

HF2903/SF2996*, sponsored by Rep. Paul Gardner (DFL-Shoreview) and Sen. Sandy Rummel (DFL-White Bear Lake), was passed 130-0 by the House on April 28. The Senate passed it 66-0 on April 3.

The bill would expand the statutory definition of renewable energy sources to include "the predominantly organic components of wastewater effluent, sludge, or related byproducts from publicly owned treatment works, but not including incineration of wastewater sludge to produce electricity."

In layman's terms, it would pave the way for the use of biodiesel produced from algae — a technology being developed at the University of Minnesota, among other places. Researchers hope to find a cost-effective way to use wastewater from municipal sewage treatment plants, which is rich in phosphorus and other effluents, to grow algae that could then be used as biomass to produce fuel.

Gardner said that although algal biofuel projects provided the impetus for the bill, it is conceivable that other energy-related uses could be found for wastewater.

"Just the algae was what it's intended for, but if something else comes along, we certainly could look at it," he said.

Rep. Jean Wagenius (DFL-Mpls) called algal biofuels "an exciting prospect" and noted that the U.S. Department of Defense is sponsoring projects to develop jet fuel from algae.

— N. BUSSE

Energy efficient buildings bill passed

New building codes that will save the state money and lower its carbon footprint are the goal of a bill passed 109-20 by the House on April 30.

HF3401/SF2706*, sponsored by Rep. Bill Hilty (DFL-Finlayson) and Sen. Yvonne Prettner Solon (DFL-Duluth), would require the Commerce Department to contract with the University of Minnesota's Center for Sustainable Building Research to develop cost-effective energy efficiency standards for all new and substantially reconstructed commercial, industrial and institutional buildings.

The bill would lay the groundwork for the development of the building codes only; it would not actually implement them. The codes would also have the goal of reducing per-square-foot carbon emissions by 60 percent in 2010, 70 percent in 2015, 80 percent in 2020 and 90 percent in 2025. Reductions would be measured against 2003 average levels.

In addition, the bill would require the Commerce and Administration departments to work together to develop new sustainable building guidelines by Feb. 1, 2009, for all major renovations of state buildings. "Major renovations" would include only those involving a minimum 10,000 square feet of space. The goal is to exceed the state energy code by 30 percent.

Hilty said the Minnesota Climate Change Advisory Group recommended the building code changes as the single largest energy- and cost-saving measure the state could take.

The bill now goes back to the Senate, where a different version passed 47-13 on March 31.

— N. BUSSE

County C-BED bill passed

Cities and schools can already invest in Community-Based Energy Development projects, and counties could get in on the action.

HF3585, sponsored by Rep. Lyle Koenen (DFL-Clara City), would allow counties to enter into long-term power purchase agreements for electricity generated by C-BED projects and also own and operate C-BED projects of their own. The bill was passed 95-35 by the House April 30 and now goes to the Senate, where Sen. Gary Kubly (DFL-Granite Falls) is the sponsor.

C-BED projects consist primarily of wind turbines. Koenen said the bill's language is the product of negotiations between rural and metro-area counties and the state's major power companies.

Several members voiced concern that the bill would put county governments in

competition with private investors. Rep. Torrey Westrom (R-Elbow Lake) said the bill "removes the small investor from the equation" because counties have access to a large pool of taxpayer money with which private investors can't compete.

"The concern is, where are we going to draw the line on having government get involved in private investment?" he said.

Koenen responded that the bill is meant to encourage more private investment by allowing counties to lend a helping hand in C-BED projects that otherwise wouldn't have enough financial backing to go forward.

— N. BUSSE

Peak oil resolution passed

The House approved a resolution April 30 recognizing the "unprecedented challenge" posed by peak oil and asking Gov. Tim Pawlenty to prepare a response plan.

The term "peak oil" refers to the point in time at which global oil production reaches its maximum capacity and then begins an irreversible period of decline. Many experts say peak oil either has already happened or will occur sometime in the next few years.

HF995, sponsored by Rep. Bill Hilty (DFL-Finlayson), would memorialize the governor to direct state agencies to examine the potential impacts of peak oil on the state and prepare for the consequences of oil scarcity and high prices. It also expresses support for a global agreement that would "provide transparency in oil markets, control price swings, address issues of equity in access to remaining oil resources, and provide a framework of predictability."

"This is a situation that we really have to deal with. Currently for every barrel of oil we discover, we are using six barrels," Hilty said.

House Minority Leader Marty Seifert (R-Marshall) said that while he didn't necessarily have a problem with the resolution's intent, he considered it "a waste of time."

"I don't know why we don't just type up a memo and take it to the governor instead of wasting floor time," he said.

The House passed it 81-7, with numerous members abstaining from the vote. It now goes to the Senate, where Sen. Jim Carlson (DFL-Eagan) is the sponsor.

— N. BUSSE

ENVIRONMENT

'Clean Car' bill drives ahead

The bill that would adopt California's 'Clean Car' vehicle emission standards for Minnesota narrowly passed the House Finance

Committee April 29 after it was amended to address concerns about its potential impact on the ethanol industry.

HF863, sponsored by Rep. Melissa Hortman (DFL-Brooklyn Park), would tighten restrictions on the amount of greenhouse gasses and smog-forming pollutants that can be emitted from new vehicles model 2012 and later. Approved by the committee on a 20-18 roll-call vote, it now goes to the House Ways and Means Committee.

An amendment successfully offered by Rep. Al Juhnke (DFL-Willmar) would delay the bill's effective date by one year and require a study on the potential negative impacts of the legislation on auto dealers and ethanol producers. Juhnke said it would give lawmakers time to examine the legislation more closely in the next legislative session.

"We want to make darn certain that anything we do doesn't affect that industry or these products," he said, adding that it would also give legislators a chance to see how the next federal administration will deal with clean air standards.

Doug Peterson, president of the Minnesota Farmers Union, testified that Juhnke's amendment represented compromise language worked out between Hortman and ethanol supporters; however, some committee members said it was too much of a compromise.

"I think the studies have been done," said Rep. Carlos Mariani (DFL-St. Paul), who voiced concern that the amendment would weaken the Legislature's commitment to adopting the standards.

Other committee members said the study should be completed first — before the standards are adopted.

"I've never seen an instance where we adopt legislation and then do a study on it," said Rep. Paul Kohls (R-Victoria).

A second amendment, offered successfully by Hortman, would require the Pollution Control Agency to monitor statistics on the use and availability of E85 in the state and submit annual reports to the Legislature, governor, and Agriculture and Commerce departments.

A companion, SF481, sponsored by Sen. John Marty (DFL-Roseville), awaits action by the Senate Business, Industry and Jobs Committee.

— N. BUSSE

Paint recycling bill passed

A pilot program designed to make it easier for Minnesotans to recycle their old and unused paint is still being stirred to get the proper mix.

HF4051/SF3775*, sponsored by Rep. Brita

Sailer (DFL-Park Rapids) and Sen. John Doll (DFL-Burnsville), would establish a program whereby manufacturers would be responsible for recycling discarded architectural paint. The bill was passed 73-54 by the House on April 24. The Senate, which passed a different version 63-1 on April 10, refused to concur with the House changes April 28. A conference committee is expected to work out the differences.

Because of the environmental impacts associated with the chemicals used in household paint, state law prohibits dumping paint in the normal municipal solid waste stream. Currently the responsibility for recycling the paint falls largely on counties, which pass the recycling costs on to their taxpayers.

"Managing paint through the Household Hazardous Waste Program ... costs Minnesotans about \$5 million right now. It is the intent of this pilot project to figure out a way to basically cut down significantly on the tax dollars that need to be spent to manage household paint," Sailer said.

The bill would establish a non-governmental paint stewardship organization funded by a fee of no more than 30 cents per every gallon of paint sold to consumers in the state. Consumers could then drop off unwanted paint at their local retailer, where it would be collected and recycled by the organization. The program would expire in January 2011.

"This is a pilot project, so they're trying out various things to find out what is going to work the best," Sailer explained.

Opponents called the bill a "handyman tax" that put undue burden on consumers.

"You're whitewashing a tax, Rep. Sailer. This is a tax on paint," said Rep. Kurt Zellers (R-Maple Grove). "When we're in a down economy, people want to sell their house. It's hard enough to sell your house the way it is now. Now, you want to go out and paint your house ... and we're going to tax you for a gallon of paint you buy."

Supporters like Rep. Kent Eken (DFL-Twin Valley) characterized it as a user fee. He said it would help take the burden off of the counties.

"I think that this is exactly the kind of thing that we want to encourage — for industry to step forward and work on ways to dispose of these things efficiently and safely," Eken said.

— N. BUSSE

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GAMBLING

Simulcast racing opens up

**Signed
by
the
governor**

A new racing facility in Anoka County, Running Aces Harness Park, may now televise on its video screens races other than those being run on its race track.

Sponsored by Rep. Debra Hilstrom (DFL-Brooklyn Center) and Sen. Ann Rest (DFL-New Hope), the new law allows a race track in the Twin Cities seven-county metropolitan area to simulcast racing of all horse breeds, not just the breed racing at that track.

It also requires a contribution to the purse set-aside account of other race tracks in Minnesota, and to the breeders' fund.

The law is effective April 26, 2008, one day after it was signed by Gov. Tim Pawlenty.

HF2964/SF2500*/CH249

— C. GREEN

GOVERNMENT

Disaster recovery plans

**Signed
by
the
governor**

The state now has a guideline for agencies to use in responding to a natural disaster.

Sponsored by Rep. Gene Pelowski Jr. (DFL-Winona) and Sen. Ann Rest (DFL-New Hope), the new framework provides procedures for state agencies to assist communities included in a presidential declaration of a major disaster during recovery efforts.

According to Pelowski, throughout Minnesota's 150 years of statehood, a statutory framework or policy for responding to natural disasters has been lacking, leading to a piece-by-piece response. "What we have done, frankly with the best of intentions, has been less than adequate."

Appropriations to implement the framework must be made in law after a disaster has been declared. The law specifies that state assistance is not for disaster-related costs that are eligible for federal aid, private insurance coverage or other reimbursement.

Signed into law by Gov. Tim Pawlenty on April 28, the law takes effect Aug. 1, 2008.

HF2904*/SF2607/CH247

— B. HOGENSON

Removing abolished office

**Signed
by
the
governor**

Abolished in 1999, the Office of Health Care Consumer Assistance, Advocacy and Information will be removed from a statute, under a new law

signed April 24 by Gov. Tim Pawlenty.

Sponsored by Rep. Larry Hosch (DFL-St. Joseph) and Sen. John Doll (DFL-Burnsville), the new law removes the office's reference in procedures for filing a complaint with a health plan company.

Complaints are now handled by the Minnesota Health Information Clearinghouse, which "assists consumers in understanding their rights as health plan company enrollees," according to a department fact sheet.

The law is effective Aug. 1, 2008.

HF3649/SF3286*/CH221

— P. OSTBERG

Retaining paper records

**Signed
by
the
governor**

The state's Office of the Ombudsman for Mental Health and Developmental Disabilities will be permitted to retain paper copies of records, under a new law signed April 24 by

Gov. Tim Pawlenty.

Sponsored by Rep. Shelley Madore (DFL-Apple Valley) and Sen. Don Betzold (DFL-Fridley), the office's information gathering will be allowed to include paper and electronic forms.

For 20 years the office has monitored state government health systems and investigated complaints by the public, Ombudsman Roberta Opheim told a House committee.

Concerns had been raised by the Human Services Department that office staff could lose patient's private records when driving to and from various locations. Opheim said that when investigating complaints, health records are not always available in electronic format and paper copies are needed. She said the office has never lost or misplaced personal files. The office and department have worked together to come up with an electronic solution, but have yet to reach consensus, she said.

The law also:

- allows the Medical Review Subcommittee to have access to private data collected by the ombudsman in order to review deaths and serious injuries to clients;
- defines "gather" in the law as "access to information or data for purposes of inspection and to receive copies of information or data"; and
- clients will further be defined as "a now deceased person who had been served by an agency, facility, or program."

The law is effective Aug. 1, 2008.

HF3576/SF3225*/CH219

— P. OSTBERG

Cuba resolution 'not appropriate'

**Vetoed
by
the
governor**

The Legislature believes that the federal government should allow more travel and trade between the United States and Cuba. The governor does not.

A resolution asking the president and Congress to end trade, financial and trade restrictions to the small country 90 miles off the coast of Florida was vetoed by Gov. Tim Pawlenty April 25.

Noting Cuba's improved oil output and its developing pharmaceutical industry, the resolution said with an ease in restrictions, Minnesota could receive \$45 million in new annual exports, add \$92 million to the state's economy and create 900 new jobs.

Rep. Phyllis Kahn (DFL-Mpls), who sponsors the resolution with Sen. Jim Vickerman (DFL-Tracy), said that with passage, Minnesota is sending the message that it wants to open up "economic, intellectual and social" communications with Cuba.

In his veto letter, Pawlenty wrote that while he understands the agriculture community's desire to increase trade with Cuba, "this nonbinding resolution is not appropriate and would not further that goal."

"Our federal government should address foreign policy matters, not state legislatures," he said. "Forwarding this resolution to the federal government would have Minnesota promoting a position that is contradictory to the long-standing policy of the United States."

Pawlenty said that with Cuba's poor human rights record, significant changes need to be made before the United States should establish full diplomatic relations.

"We are hopeful that someday the Cuban government will make the changes necessary to join other democracies and avail itself of the opportunity to import even more Minnesota grown products."

HF828/SF599*/R1

— C. GREEN

HEALTH & HUMAN SERVICES

Child care changes

Family care providers would have to comply with a few new regulations, under a bill passed 104-27 by the House April 28.

HF3376, sponsored by Rep. Neva Walker (DFL-Mpls), would remove a program loophole that allows families to receive paid assistance for caring for their own children in a child care setting.

Other changes in the bill include:

- creating a Child Care Advisory Task Force to make recommendations to the

Legislature on removing barriers facing families applying for and receiving child care assistance;

- requiring participants in the Minnesota Family Investment Program to maintain eligibility by developing either an employment plan or family stabilization services plan;
- consolidating state laws with federal laws in regard to MFIP and Temporary Assistance for Needy Families;
- modifying the Basic Sliding Fee allocation formula to distribute funds to counties for unmet family needs; and
- requiring counties and American Indian tribes to not impose residency requirements on families, except under state residency requirements.

A successful amendment offered by House Minority Leader Marty Seifert (R-Marshall) would prohibit MFIP enrollees from using monthly cash assistance payments to purchase tobacco, lottery tickets or alcoholic beverages.

"The cash portion of MFIP can be used for almost anything," Seifert said. Grocers from his district told him they've seen MFIP recipients using the state issued ATM/debit card for those items, he said.

Walker said while you can't go to the cash register and purchase the items directly with the card, people could use the small portion of cash funds. "Yes, there's gonna be some waste, but can you imagine spending your amount of money that you barely have ... on alcohol," she said. The odds are, most individuals are not doing this, she said.

The bill now goes to the Senate, where Sen. Patricia Torres Ray (DFL-Mpls) is the sponsor.

— P. OSTBERG

Basic life support requirement

**Signed
by
the
governor**

An increase from one to two emergency medical technicians will be required for staffing basic life support ambulances, except in rural Minnesota, under a new law signed April 24

by Gov. Tim Pawlenty.

Sponsored by Rep. Dave Olin (DFL-Thief River Falls) and Sen. Tony Lourey (DFL-Kerrick), the law allows for one EMT and one first responder in emergency situations in rural Minnesota. Those areas include primary service areas outside the seven-county Twin Cities metropolitan area, those outside the cities of Duluth, Mankato, Moorhead, Rochester and St. Cloud, or an ambulance based in a community with a population of less than 1,000 persons.

"This covers the examples in rural

Minnesota where it is not practical to have two paramedics," Olin said.

An ambulance service that can provide evidence of hardship for the requirement of two EMTs can apply to the Minnesota Emergency Medical Services Board for a variance.

The law takes effect Aug. 1, 2008.

HF2591/SF2377*/CH222

— P. OSTBERG

Children's restraint procedures

Signed by the governor

Mental health providers will have guidelines on restraint procedures for children in certain facilities, under a new law signed April 25 by Gov. Tim Pawlenty.

Sponsored by Rep. Neva Walker (DFL-Mpls) and Sen. Linda Berglin (DFL-Mpls), the law requires providers of emergency services, family community support services, day treatment services, therapeutic support of foster care, professional home-based family treatment and mental health crisis services to have a plan for when and under what conditions restrictive procedures and seclusion might be used on children.

Unless otherwise noted, the law is effective Aug. 1, 2008.

Restrictive procedures allowed under the law include physical escort, physical holding, seclusion and the limited use of mechanical restraints in emergency situations.

The law also specifies the need for oversight by a treatment center mental health professional when restraining measures are used. Parental consent will be requested at the time of program enrollment and reviewed quarterly. Immediate notification of a parent will be required if a procedure is used.

Staff who use restrictive procedures will be required to complete training in the needs and behaviors of children, including: relationship building, alternative restrictive procedures, de-escalation methods and avoiding power struggles.

A working group is created under the new law to develop recommendations on how to meet the acute mental health needs of children and adults and to reduce the number of unnecessary patient days in acute care facilities. A report is due to the Legislature by Jan. 16, 2009.

Also, the human services commissioner is to annually collect certain data from substance abuse treatment providers that receive appropriations from the Consolidated Chemical Dependency Treatment Fund. The data will include the number of client readmissions six months after release from inpatient treatment and the cost of treatment per person. This

portion is effective Jan. 1, 2009.

HF3377/SF3049*/CH234

— P. OSTBERG

Medical Assistance qualification

Signed by the governor

All employees of state-operated day training habilitation programs will qualify for Medical Assistance for Employed Persons with Disabilities, under a new law signed April 24 by Gov. Tim Pawlenty.

Under current law, a person must be a state employee to qualify for the benefit. The technical change "clarifies that clients who benefit from treatment and habilitation programs can work in these programs and do not have to be considered state employees," said Rep. Debra Hilstrom (DFL-Brooklyn Center), who sponsors the law with Sen. Tony Lourey (DFL-Kerrick).

The law takes effect Aug. 1, 2008.

HF3264/SF3571*/CH223

— P. OSTBERG

Electronic records transfer

Signed by the governor

Hospital records can be transferred to electronic form, under a new law signed April 24 by Gov. Tim Pawlenty.

Sponsored by Rep. Julie Bunn (DFL-Lake Elmo) and Sen. Yvonne Prettner Solon (DFL-Duluth), the new law will allow for "electronic image or other state-of-the-art electronic preservation technology" to be used in preserving medical records.

"This is a bill to assist in lowering the cost of health care," Bunn said. St. Luke's Hospital in Duluth estimates it would save more than \$100,000 annually, and Saint Mary's Hospital in Rochester would save nearly \$500,000 annually, Bunn said. This portion is effective April 25, 2008.

Also under the new law, individuals with an advanced directive are authorized to define the type of vehicle they would like their body to be transferred to in their final resting place. The change was requested from local fire and police departments so specialty vehicles could be used in funeral proceedings.

This portion takes effect Aug. 1, 2008.

HF3710/SF3263*/CH228

— P. OSTBERG

Recertification extensions

Signed by the governor

Families of children with disabilities are given a three-month period to make recertification appointments to continue medical assistance. Many say the timeframe is too

short, and a new law signed by Gov. Tim Pawlenty April 24 extends it an additional three months.

Sponsored by Rep. Kim Norton (DFL-Rochester) and Senate Minority Leader David Senjem (R-Rochester), the law directs county agencies to send a notice of disability review to the enrollee six months prior to the date recertification is due.

Norton said it often takes three or four months to get an appointment with a doctor for certification. As a result families were being disqualified from assistance for not meeting the time frame, she said.

The law is effective Aug. 1, 2008.

HF2426/SF2024*/CH220

— P. OSTBERG

Nursing home exceptions

Signed by the governor

Nursing home and certified boarding care homes will have 150 days instead of 90 days to submit proposals for projects, under a new law signed April 24 by Gov. Tim Pawlenty.

Sponsored by Rep. Larry Hosch (DFL-St. Joseph) and Sen. Betsy Wergin (R-Princeton), the law allows for the extension and provides other technical changes requested by the Health Department.

A fact sheet provided by the department said the extension is needed because "approved projects have not been able to go forward because of difficulties with securing financing, permits or encountering unexpected problems with construction." Having a longer time to prepare will increase the success of projects, the department states.

Other changes include:

- requiring nursing homes that serve patients with Alzheimer's disease or related disorders to have trained staff in dementia care;
- defining addition, phased project, and renovation;
- authorizing a second review for the moratorium review process if there are enough remaining funds; and
- allowing the commissioner to not penalize a facility if they correct a violation.

The law takes effect Aug. 1, 2008.

HF3648/SF3227*/CH230

— P. OSTBERG

Small employer health insurance

Signed by the governor

State health insurers will be required to provide information on flexible benefit plans to employers with 50 employees or less, under a new law signed April 24 by Gov. Tim Pawlenty.

Sponsored by Rep. Denise Dittrich (DFL-

Champlin) and Sen. Kathy Saltzman (DFL-Woodbury), the law will require health carriers to display the health plans on the carriers' Web sites. Also, the information is to be delivered to each employer currently insured by the carrier at the time of the employer's renewal.

"This bill is just one small step that we can take in helping small businesses finding more affordable health insurance," Dittrich said.

The change comes from health care reform packages passed by the 2005 Legislature that were given to small employers, Dittrich said. The problem is insurance companies are not offering or marketing those plans, she said.

The law is effective Aug. 1, 2008.

HF3721/SF3446*/CH231

— P. OSTBERG

TANF shift for reimbursement

Signed
by
the
governor

Federal guidelines for state reimbursement of certain programs allow for the shifting of targets.

Under a new law signed by Gov. Tim Pawlenty April 25, \$8.8 million from the state's Temporary Assistance for Needy Families is shifted to the General Fund for that purpose.

Sponsored by Rep. Thomas Huntley (DFL-Duluth) and Sen. Linda Berglin (DFL-Mpls), the law allows the human services commissioner to:

- claim an amount necessary to meet maintenance of effort requirements for TANF;
- provide any additional amount to meet federal requirements to avoid penalties;
- reduce TANF work participation rates through excess Minnesota Family Investment Program Maintenance of Effort claims; and
- supplement maintenance of effort claims with working family credit expenditures.

According to the Finance Department, federal rule allows states to reduce their work participation rate by claiming more than the minimum required state funds for the TANF program. Under the provision, states can receive an additional reduction to the work participation rate by committing extra MOE funds to the state TANF program.

Huntley said the law will allow for the federal government to give monetary credit to the state for past efforts.

The department needs to amend the federal reports before the end of April to get the credit, said Steve Nelson, budget director for children and family services in the Human Services Department.

Last summer the federal government allowed states to claim more than the minimal required amount of maintenance of effort to get additional credit by reducing the work

participation rate targets and avoid penalty on the TANF program, said Nelson.

The law is effective April 26, 2008.

HF3253/SF2564*/CH232

— P. OSTBERG

Studying Iron Range miners health

Signed
by
the
governor

With funding issues resolved, some Iron Range health answers could be found.

Signed April 28 by Gov. Tim Pawlenty, a new law allocates \$4.9 million to study why nearly 60 miners from the Iron Range have died from mesothelioma, and if future deaths can be prevented. The rare, fatal form of cancer comes primarily from asbestos fiber, which is naturally occurring in some Iron Range areas. It can take decades to develop following exposure.

The plan was nearly scrapped because of a funding source.

The law calls for the money to come from an assigned risk plan in the Department of Commerce.

When approved April 10 by the House, the law would have used dollars from the Workers' Compensation Special Fund, Republicans and Pawlenty thought the money should have come from the Taconite Area Environmental Protection Fund, which is paid for by taconite production taxes collected from mining companies. They argued that it isn't fair to use a fund that all state businesses pay into.

The Senate amended the funding source before giving its approval, and the House concurred.

"I'm pleased we were able to work with the Legislature to reach a compromise that ensured these important studies will move forward," Pawlenty said. "We're hopeful the answers they reveal will help protect current and future mineworkers and bring some measure of closure to the families of those whose lives were taken by this disease."

The University of Minnesota is to lead the study of workers' health, including lung health. It will include comparing the effects of different exposure levels, and a comparison of current and former miners on their health status versus how long they worked in the mines. Other family members may also be tested because they were exposed to dust from taconite operations. The university will work on the study with the Health Department, Natural Resources Research Institute at the university's Duluth campus and other private and public organizations and affected groups. Work must be completed by 2013.

Rep. Tom Rukavina (DFL-Virginia) and Sen. David Tomassoni (DFL-Chisholm) sponsor the law.

HF3569*/SF3300/CH248

— M. COOK

Radiation moratorium

Signed
by
the
governor

Minnesota's radiation facility moratorium will be extended to Aug. 1, 2011, under a new law signed April 24 by Gov. Tim Pawlenty.

Sponsored by Rep. Paul Thissen (DFL-Mpls) and Sen. Linda Berglin (DFL-Mpls), the new law takes effect Aug. 1, 2008.

Originally set to expire Aug. 1, 2009, the change is based on a study that reported there wasn't a need for additional centers in the state until at least 2015, said Thissen. The year 2011 is a compromise for all parties involved, he said.

"We have to get government out of playing God in the role of health care," said Rep. Torrey Westrom (R-Elbow Lake). The moratorium is a barrier to a free market and more choice for consumers, he said.

HF3265/SF2667*/CH213

— P. OSTBERG

HOUSING

Cities notified of disconnections

A bill that would require utility companies to notify local authorities when they shut off gas or electric service to a customer's house is on its way to the governor's desk.

HF3229/SF2775*, sponsored by Rep. Mike Nelson (DFL-Brooklyn Park) and Sen. Leo Foley (DFL-Coon Rapids), is designed to prevent structural damage that can occur when a house no longer has heat in the winter but the water has not been turned off. The House passed the bill 123-3 on April 24 and the Senate passed it 62-0 on April 28.

Nelson said the bill would help prevent damage to houses that have been temporarily vacated because of foreclosures.

"They think this is going to help to try and preserve these assets in our cities, preserve the cities' tax bases, and make these homes so that when the economy turns around people can move back into them and they won't be damaged beyond repair," he said.

Under the bill's provisions, cities can request that utilities provide them a report on Oct. 15 and Nov. 1 of each year on which properties within city limits have been disconnected. Between Oct. 15 and April 15, daily reports must be made available to cities on any newly disconnected properties.

In addition, the bill provides that cities receiving this information must provide it to their local fire and police departments.

— N. BUSSE

Getting the foreclosure numbers

Signed by the governor

Meeting during the interim, the Foreclosure Data Group discovered that it's very difficult to find accurate data on properties in foreclosure. A new law, sponsored by Rep. Jim Davnie (DFL-Mpls) and Sen. Ann Rest (DFL-New Hope), puts two of the group's recommendations into statute.

Signed by Gov. Tim Pawlenty April 25, the new law requires additional data be shown on sales notices, including the complete address of the property, the name of the lender, whether the property is privately owned or owned by an investor, and whether the property is registered with the Mortgage Electronic Registration Systems.

The law, effective Aug. 1, 2008, also establishes the Electronic Real Estate Recording Commission to begin moving the state toward an electronic recording system and away from the current paper-focused system of foreclosure data collection and reporting. A report is due the Legislature by Feb. 15, 2009.

HF3516*/SF2914/CH238

— C. GREEN

Discrimination damage cap raised

Signed by the governor

During the interim, a Remedies Working Group discussed issues related to the current foreclosure crisis. According to the group's report, they explored whether additional criminal or civil legislation to protect homeowners from discriminatory practices was possible. They discovered that punitive damages under the state's Human Rights Act were capped at \$8,500. A new law raises the cap to \$25,000.

"The group could identify no rationale for limiting the amount of punitive damages for discriminatory practices to such an arbitrarily low amount," the report said.

Sponsored by Rep. Neil W. Peterson (R-Bloomington) and Sen. Mee Moua (DFL-St. Paul), the increase was signed into law by Gov. Tim Pawlenty April 24.

The law, effective Aug. 1, 2008, also clarifies that any sentence imposed under new mortgage fraud statute does not limit the state from prosecuting for conduct that may be a crime under other statutes.

HF3478/SF2915*/CH215

— C. GREEN

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Mortgage loan record retention

Signed by the governor

Clarifying language relating to the Minnesota Residential Mortgage Originator and Servicer Licensing Act is the intent of a new law.

Signed by Gov. Tim Pawlenty April 25, the law, sponsored by Rep. A. Willie Dominguez (DFL-Mpls) and Sen. Linda Higgins (DFL-Mpls), takes effect Aug. 1, 2008.

It extends the timeframe from 26 to 60 months that a residential mortgage originator must keep and maintain records of all trust funds. It also extends from 26 to 60 months the time that a licensee must keep business records, including advertisements, regarding residential mortgage loan applications, originated or serviced in the course of its business.

HF3774/SF3214*/CH240

— L. SCHUTZ

INSURANCE

No ambulance-chasing for profit

Signed by the governor

A new law, signed by Gov. Tim Pawlenty April 24, prohibits health care professionals from contacting a recent auto incident victim, either in person, by phone or e-mail. More specifically, they cannot contact a victim with the "purpose of influencing that person to receive treatment or to purchase any good or item." They are also prohibited from sending a "runner" or someone sent on their behalf.

Sponsored by Rep. A. Willie Dominguez (DFL-Mpls) and Sen. Dan Sparks (DFL-Austin), the new law takes effect Aug. 1, 2008.

As the result of an amendment from Rep. Terry Morrow (DFL-St. Peter), the law allows for contact from a doctor if there was a prior relationship. For instance, if someone ends up in the hospital after an accident and the hospital contacts the patient's primary physician, that doctor can initiate contact. Also exempt are operators of ambulances who come upon an accident.

HF2721/SF2765*/CH214

— C. GREEN

LOCAL GOVERNMENT

Interstate assistance clarifications

Signed by the governor

Interstate assistance by local governments will be authorized, after Gov. Tim Pawlenty signed a new law April 24.

Sponsored by Rep. Ken Tschumper (DFL-La Crescent) and Sen. Rick Olseen (DFL-Harris), the

new law permits political subdivisions to provide interstate assistance under the Interstate Emergency Management Assistance Compact.

The compact is a mutual aid agreement that provides a mechanism for states to share personnel, equipment and resources during emergencies and disasters.

For the purpose of the Tort Claims Act, the law states that employees of political subdivisions are deemed to be "employees of the state" when providing assistance.

The law also provides that when providing assistance, the political subdivision, its officers and employees are not liable for acts or omissions made in good faith or for maintenance or use of equipment or supplies. Defined by the new law, "good faith" does not include willful misconduct, gross negligence or recklessness.

The law is effective Aug 1, 2008.

HF3456/SF3119*/CH229

— B. HOGENSON

Law changes plat requirements

Signed by the governor

A new law makes some technical changes to land registration and plat requirements.

Signed by Gov. Tim Pawlenty April 24, water boundaries must now be shown on plat maps with a dashed line instead of a solid line.

The law also requires that all plat monuments be set within a year of recording the coordinates, allows decimals of a foot to be used when surveying and modifies the size, medium and content requirements for filling out a land survey.

The law, sponsored by Rep. Paul Marquart (DFL-Dilworth) and Sen. Yvonne Prettner Solon (DFL-Duluth), takes effect Aug. 1, 2008.

HF3129/SF2936*/CH225

— T. HAMMELL

Referendum requirement eliminated

Signed by the governor

With the removal of a statutory speed bump, construction of war veterans' memorials has been put on the fast track.

Sponsored by Rep. Paul Thissen (DFL-Mpls) and Sen. Dan Larson (DFL-Bloomington), a new law removes the requirement that a city hold a referendum before building, equipping or maintaining a memorial for war veterans.

The estimated cost, as determined by the governing body of the monument, parks or building must be stated in the minutes of the meeting in which the ordinance is adopted. The law states that no sum shall be expended

that is more than 10 percent in excess of the amount stated in the minutes.

The law, signed April 25 by Gov. Tim Pawlenty, is effective Aug. 1, 2008.

HF2896*/SF2583/CH236

— B. HOGENSON

Dollars to nonprofits

**Vetoed
by
the
governor**

Authority for political subdivisions to contribute to nonprofits has been axed.

Gov. Tim Pawlenty used his veto pen to put a stop to the bill April 25.

Sponsored by Rep. Jim Davnie (DFL-Mpls) and Sen. Jim Vickerman (DFL-Tracy), the bill would have authorized political subdivisions to give money or make in-kind gifts to nonprofit organizations classified as 501(c)(3) groups. Such groups are restricted from lobbying or supporting political parties. The bill specified that gifts would have needed to be for a public purpose that supports educational, social service, health or charitable purposes and be presented and voted on at a regularly scheduled meeting of the subdivision's governing body.

"Existing law already allows political subdivisions to make grants to nonprofit organizations pursuant to specific appropriations or statutory authority," Pawlenty wrote in his veto message. "At a time when many political subdivisions are raising property taxes and requesting additional local government aid, granting political subdivisions authority to use taxpayer money to make unlimited charitable contributions or initiate new grant programs is simply not warranted."

Pawlenty said local governments should focus on lowering property taxes, which would leave more money in the pockets of Minnesotans. Residents could then decide for themselves which organization, if any, to donate funds.

HF3220*/SF2929/CH237

— B. HOGENSON

MILITARY

Korean War Armistice Day

Awaiting action by Gov. Tim Pawlenty is a bill that would designate July 27 as Korean War Armistice Day to commemorate the 1953 signing of the Military Armistice Agreement, ending the three-year Korean conflict.

Rep. Dan Severson (R-Sauk Rapids) and Sen. Paul Koering (DFL-Fort Ripley) sponsor HF3672/SF3443* that would assign the day of honor.

"The Korean War is often called the

forgotten war, because it came so quickly after World War II, and it wasn't resolved in a way that showed a decisive victory," Severson said. "In fact, there was an armistice, and there is still occupation today. ... People did get forgotten. Our soldiers would come home, and people would ask, 'Where have you been for the last nine months or year?'"

The bill passed the House 130-0 on April 28 after passing the Senate 61-0 on March 17.

Severson said the established "Veterans Day" honors all veterans, but this "would honor the day of the truce, July 27, and as the day we began to bring our warriors back."

— L. SCHUTZ

SAFETY

No radio permit for responders

**Signed
by
the
governor**

Anyone using radio equipment capable of receiving police emergency frequencies must have a permit. This includes emergency responders, such as volunteer firefighters, who may have emergency radio equipment in their personal vehicle.

A new law, sponsored by Rep. Julie Bunn (DFL-Lake Elmo) and Sen. Pat Pariseau (R-Farmington), states that if an emergency responder is a member of a public safety agency that has an FCC license for the radio equipment, the responders do not need to have an individual permit.

Signed by Gov. Tim Pawlenty April 24, the law takes effect Aug. 1, 2008.

HF3374/SF3647*/CH224

— C. GREEN

TAXES

Light rail sales tax exemption

Hope dimmed for supporters of the Central Corridor Light Rail Transit project after the governor deleted state funding from the bonding law earlier this session. But some lawmakers want the project to keep chugging along, and one attempt would exempt construction materials from the state sales taxes.

HF3395, sponsored by Rep. Tom Tillberry (DFL-Fridley), would allow the sales tax exemption for the Central Corridor, proposed to run between Minneapolis and St. Paul, and the Northstar Corridor Rail line, which will run between Minneapolis and Big Lake.

The exemption would cost nearly \$9 million between 2009 and 2011, according to a Department of Revenue analysis. Currently, the Hiawatha Light Rail Transit

line and Metro Transit buses are granted the sales tax exemption. Tillberry said the state should extend the same tax policy to every mass transit project.

"I think that the way the policy is set up, that this is something that should be included in whatever we come up with," Tillberry said.

Rep. Chris DeLaForest (R-Andover) said taxpayers should not be asked to keep the project viable, especially in a deficit year.

On April 28, the bill was incorporated into the omnibus tax bill, HF3149, sponsored by House Taxes Committee Chairwoman Rep. Ann Lenczewski (DFL-Bloomington). The bill awaits action by the House. The provision is also included in the Senate tax bill, SF2869, sponsored by Sen. Tom Bakk (DFL-Cook). That bill was passed by the Senate on April 3.

— C. BLANCHARD

Omnibus tax bill headed to floor

The omnibus tax bill awaits action by the full House, likely May 5.

House Taxes Committee Chairwoman Rep. Ann Lenczewski (DFL-Bloomington) said the bill contains a number of provisions introduced as individual bills and repackaged in HF3149. The committee approved the bill April 29 and the House Ways and Means Committee did the same one day later.

Major provisions include:

- a new Homestead Credit State Refund that restructures three existing property tax refund programs and divvies out the refunds based on ability to pay;
- increased local government aid to cities, counties and townships;
- subjecting some development projects in tax increment financing districts to pay a corporate franchise tax;
- preventing new businesses from entering the Job Opportunity Building Zones (JOBZ) program and creating new penalties for those that breach the requirements of the program;
- a new border city capital investment credit;
- increasing taxes on machinery at utility companies;
- changes to the Green Acres program;
- subjecting the Minneapolis-St. Paul International Airport and Holman Field in St. Paul to state property taxes;
- a property tax credit for cabins leased on government-owned land;
- changes to the "rural vacant land" classification;
- increasing the eligibility for a senior property tax deferral program;
- exempting Central Corridor Light Rail Transit line and Northstar Corridor Rail construction materials from sales tax;

- a moratorium on local sales tax referendums for three-and-a-half years;
- increasing collection on June accelerated sales taxes for alcohol and tobacco; and
- imposing a mortgage and deed tax to create an environmental response fund for Anoka, Dakota, St. Louis, Hennepin and Ramsey counties.

Amendments added in the tax committee include:

- a tax credit for investment in a research and development company, paid for by using some funds from the current R and D credit program;
- a provision to allow counties to buy into and invest in wind energy projects, called Community-Based Energy Development;
- a program to preserve aggregate deposits from development until the land is mined; and
- a sales tax exemption for construction materials used for low-income housing projects.

The Senate passed and tabled its tax bill, SF2869, sponsored by Sen. Tom Bakk (DFL-Cook), April 3.

Because the Senate bill is different, the two bodies are expected to go to conference committee, where lawmakers will have to compromise on at least one issue — the Mall of America expansion. The Senate version contains a provision to subsidize the expansion, but the House excludes it. Both bills freeze JOBZ so that new businesses wouldn't be able to enter the program, but the governor and several members from both parties are strong advocates for expanding the program.

— C. BLANCHARD

TRANSPORTATION

Construction awareness assistance

What its House sponsor termed "a real good bill for small business" is on its way to the governor.

Sponsored by Rep. Shelley Madore (DFL-Apple Valley) and Sen. Patricia Torres Ray (DFL-Mpls), HF4055/SF3669* would require the Transportation Department to develop a standard operating plan for getting information to small businesses that could be impacted by transportation construction projects.

It was approved 111-19 by the House April 30. Senate approval was given April 3 on a 66-0 vote.

To be developed in consultation with the Metropolitan Council, counties and cities, the plan would address the best way to communicate this information to small

businesses; what should be included in an information packet, such as potential changes in parking, traffic and public access in the area; and recommendations for opportunities to provide further assistance to small businesses.

"This came to me from a couple of business groups that were disappointed that there were projects going on in front of their buildings, and they were not informed of ways to work with their local government to be sure their business impact was minimal," Madore said.

A fiscal note indicates a \$43,000 cost.

Rep. Paul Kohls (R-Victoria) questioned why any money should be spent for this at a time when money is tight. "MnDOT does a pretty good job, and the public generally knows when there's going to be bulldozers coming down the street, widening the street, adding a turn lane, putting in a new project, whatever the case may be."

Rep. Ken Tschumper (DFL-La Crescent) said a recent example in his hometown shows the need.

He said MnDOT put up barriers April 21 to complete a project that began last year. He said city officials and local businesses were not informed, and that the district engineer admitted he maybe should have informed the locals. "Just this morning we got MnDOT to agree to a better diversion or rerouting of traffic," he said. "They did no consultation. It caused one local businessman to lose \$70,000 a day in revenue from his filling station."

— M. COOK

REAL I.D. squashes policy bill

**Vetoed
by
the
governor**

The positives did not outweigh one negative for Gov. Tim Pawlenty.

The governor vetoed the omnibus 2007 transportation policy bill April 25 because, according to his veto message, it contained "problematic language relating to the implementation of more secure driver's licenses under the federal REAL I.D. Act."

The act's goal is to make documents harder to forge, reduce identity fraud and help reduce illegal immigration. States have called it an unfunded mandate, and others have questioned the security associated with the plan and have expressed concern about data privacy issues.

Pawlenty warned that if state licenses are not in federal compliance by the end of 2009, Minnesotans would be unable to use their driver's license or state identification card for air travel or to enter federal buildings.

Vetoed language said that if federal dollars would pay at least 95 percent of state costs,

Minnesota could comply with the act. It also sought to ensure adequate security of resident data to prevent unauthorized access.

Initial language would have prohibited the Department of Public Safety from taking any steps toward complying with federal requirements. But conferees moved toward the governor's position.

"The federal government's response is not complete or finalized," Pawlenty wrote. "Until it is, we should be careful not to unduly restrict our ability to at least begin preparations for implementing REAL I.D. or to undertake state initiatives to improve our Minnesota driver's licenses."

Pawlenty is also concerned about costs and privacy, but said the bill's provisions are "flawed."

"A clear description of the items or activities we expect the federal government to fund should be included in the bill. Many of the costs of REAL I.D. will overlap with security features Minnesota will pursue for its driver's licenses independently of REAL I.D. It is unrealistic for the federal government to pay for implementing those state features." Pawlenty indicated that program funding would be provided on a reimbursement basis, as is the case with many other federal programs.

HF1351*/SF1971/CH239

— M. COOK

Temporary golfer permits

**Signed
by
the
governor**

When the world's best female golfers come to the state for the 2008 U.S. Women's Open, their courtesy cars will have temporary permits.

Sponsored by Rep. Shelley Madore (DFL-Apple Valley) and Sen. Geoff Michel (R-Edina), a new law requires the Driver and Vehicle Services Division of the Public Safety Department to issue at least 250 special permits. A \$10 fee is associated with each special permit to make the law revenue-neutral.

The same thing occurred when Hazeltine National Golf Club in Chaska welcomed the 1991 U.S. Open.

The tournament committee will be liable for any parking violations connected to a vehicle with a special permit, unless special information on the driver and employer are provided within 15 days after the committee becomes aware of the violation.

Signed April 30 by Gov. Tim Pawlenty, the law is effective May 1, 2008.

HF3558/SF3069*/CH251

— M. COOK

A promise is a promise

With a merger with Delta in the future, legislators want Northwest Airlines to live up to its word

BY CRAIG GREEN

When Northwest Airlines was in financial trouble, the Metropolitan Airports Commission and the state helped the airline make it through. The airline kept going; the state got a promise of jobs.

But now that the airline is close to a merger — a deal that would dramatically change its presence in the state — everything is not so clear.

The bonds and covenants

In 1992, the MAC issued \$270 million in general obligation bonds so Northwest could buy property and equipment. The airline agreed to make bond payments and committed to keep its corporate headquarters in the Twin Cities metropolitan area, keep its hub in Minnesota and maintain a specific employment level.

In 2005, NWA entered Chapter 11 bankruptcy. Two years later, the terminal lease agreement with the MAC was renegotiated to include rent reductions and revenue-sharing concessions. These adjustments were tied to continued compliance with the headquarters and hub covenants.

Approximately \$245 million remains on the MAC loan, and \$200 million would be available due to the concessions extending through 2020.

If the merger between Northwest and Delta airlines goes through, leadership of the two airlines have indicated that its corporate headquarters would be in Atlanta, breaching one of the covenants. Therefore, payment would be due on the remaining bond obligations and the reductions and concessions would discontinue.

And these are sticking points: Will the

new airline honor the contract and pay the remaining bond obligations? Will it pay for consequential damages arising from Northwest pulling out of the deal early, and if not, what will be its responsibility?

Getting paid

Two bills have been introduced to make sure the MAC does everything in its power to get repaid.

HF4207, sponsored by Rep. Joe Atkins (DFL-Inver Grove Heights), would require the state to enforce any agreement that is breached, and that the state seek "all incidental, consequential, liquidated, or other damages available under the agreement with the state or otherwise."

Atkins, who chairs the House Commerce and Labor Committee, calls the potential acquisition "the single largest economic event in Minnesota's history," adding that Northwest and Delta should be held accountable for the consequences of their actions, just like any other business operating in Minnesota.

Approved April 29 by the committee and by the House Local Government and Metropolitan Affairs Committee May 1, its next stop is the House Rules and Legislative Administration Committee.

Presenting the bill on behalf of Hornstein, Rep. Michael Paymar (DFL-St. Paul) said, "I believe our constituents expect nothing short of insisting that Northwest be held accountable for abiding by these contracts."

Rep. Frank Hornstein (DFL-Mpls) sponsors



PHOTO BY TOM OLMSCHEID

Ben Hirst, senior vice president - corporate affairs and general counsel for Northwest Airlines, listens to a question from a member of the House Commerce and Labor Committee April 25 about the proposed sale of NWA to Delta airlines.

HF4015, which also directs the MAC to adhere to all agreements, but it does not address consequential damages. Approved April 29 and by the House Local Government and Metropolitan Affairs Committee May 1, its next stop is the House Rules and Legislative Administration Committee.

Transportation continued on page 22

A little-used tool in the toolbox

Governor can use unallotment to balance state's budget if legislators do not

BY BRENDA VAN DYCK

Confronted with a projected \$935 million biennial budget deficit projected from the February Economic Forecast, legislative leaders and the governor are trying to work out a budget solution. But the governor doesn't have to wait for the Legislature to solve the deficit; he can use a little-used tool called unallotment to balance the budget.

The state constitution requires that the budget be balanced at the end of the fiscal biennium. In the last 30 years, governors have only unallotted three times: Gov. Al Quie unallotted \$195.1 million in 1980, Gov. Rudy Perpich unallotted \$109.8 million in 1986, and most recently, Gov. Tim Pawlenty unallotted \$281 million in 2003.

"In recent history, the unallotments occurred when there was a budget deficit in the biennium for which appropriations had already been made and the Legislature and governor could not reach an agreement on how to make reductions," said Bill Marx, House chief fiscal analyst.

Pre-unallotment planning

Before unallotment can occur, the finance commissioner must determine that receipts in the General Fund will be less than anticipated and that revenues will be less than what is needed for the rest of the biennium.

Although the law doesn't specify how the commissioner determines there will be a budget deficit, recent commissioners have generally used the revenue forecasts the Department of Finance issues in November and February. "It would have to be a forecast that it's based on because that's where all the numbers come together," said Marx.

The commissioner implements the unallotments, but the action must first be approved by the governor and the commissioner must consult with the Legislative Advisory Commission, which is made up of six



PHOTOS BY TOM OLMSCHEID

Although a tool not commonly used to balance the state's budget, three governors in recent history have unallotted: Gov. Al Quie, *left*, cut \$195.1 million in 1980; Gov. Rudy Perpich, *center*, trimmed \$109.89 million in 1986; and Gov. Tim Pawlenty, *right*, unallotted \$281 million in 2003.

high-ranking legislators. The LAC has no power to stop the unallotment; but it must be notified 15 days before the action occurs.

Timing of unallotments

The law doesn't address when unallotment can occur.

"It's been common practice to wait for the Legislature to act before unallocating," said Mark Shepard, legislative analyst in the nonpartisan House Research Department. "That's the way the executive branch acknowledges that this is an extraordinary power."

But a governor can't wait too long to unallot. "The reason the governor would have to do it early in a fiscal year is that the money would be spent if he waited until June 29," Shepard said. June 30 is the end of the state's fiscal year. When Pawlenty unallotted \$281 million in 2003, he did so nearly five months before the end of the fiscal year.

"The timing is more of an issue if you're cutting appropriations in a biennium when there is time to absorb it," Marx said. For instance, he notes that if an agency's allotment is reduced, it may have to layoff employees and pay severance. The state's current biennium ends June 30, 2009.

Court challenges

Some unallotments have faced controversy, and even court challenges.

A national economic crisis filtered down to Minnesota in the late-1970s and early-1980s, creating budget headaches for state leaders. After the Department of Finance forecasted a \$198.8 million shortfall for the 1980-81 biennium, Quie unallotted \$195.1 million in August 1980, including an \$89.5 million cut to district aids. State agencies were cut by \$49.4 million, higher education institutions by \$35 million, and local government aid by \$20.9 million. At the time, Quie said that he had three options to deal with the deficit: call the Legislature into special session to raise taxes, restrain state spending and hope for an upturn in the economy, or unallot.

Shortly after Quie unallotted, the Minnesota Federation of Teachers challenged the constitutionality of the school aid cuts in Ramsey County District Court. In February 1981, the Legislature restored the

\$89.5 million in school cuts and removed the governor's future authority to unallot aid to schools.

Two weeks after the governor signed the bill into law, the court ruled that the governor had acted within his power in cutting school aids. Later that year, in a third special session, the law to limit the governor's unallotment power was repealed.

Pawlenty's 2003 unallotment of \$49 million from the Minnesota Minerals 21st Century Fund resulted in a lawsuit brought by Iron Range legislators and others. They challenged the constitutionality of the cut on grounds of separation of powers. The Minnesota Court of Appeals upheld the governor's action in 2004, and the Minnesota Supreme Court denied a review of the case.

Tool in negotiation

While unallotments might be the tool of last resort, sometimes legislators have relied on the governor to use his unallotment power.

In 1986, the state faced a \$734 million budget deficit. In an unprecedented move, the House adjourned in late-March without a budget agreement in place. Three days later the Senate adjourned.

The budget issues were partially resolved in a one-day special session in early-April, but a \$109.8 million budget shortfall remained. Budget negotiators left this amount for Perpich to unallot. Nearly half of the gubernatorial cuts were to state agencies (\$50.8 million); the largest cut to a single agency was \$20 million to the Department of Energy and Economic Development. Health and human services also took a substantial cut of \$42.6 million.

Facing an expected deficit in 1993, Gov. Arne Carlson sought a provision that would enable him to cut spending if revenues dropped. He wanted to be able to unallot before the state spent all its budget reserves. As part of a budget deal, the governor was given limited authority to trim spending. The Legislature passed a law stipulating that the governor could cut 1 percent of the total state budget if the budget reserve fell below \$400 million. One percent of the budget amounted to about \$165 million. As it turned out, when the November forecast was released,

Unallotment law

The unallotment law has been on the books since 1939. It was part of a major government reorganization that created the Department of Administration. That act, called the Government Reorganization Act of 1939, brought the state national recognition partly because it created a state business manager in the commissioner of administration.

In Gov. Harold Stassen's 1939 budget address, he advocated for simplifying state government and implementing a central system of managing the budget. Stassen proposed abolishing what was known as "The Big Three," a three-member commission representing all aspects of administration and finance, taxes and social welfare, and transferring their duties to four new state departments: Administration, Public Examiner, Social Security and Taxation. "With your cooperation in working out and placing into effect a sound, businesslike plan of the administration by grouping together related functions under single administrative heads, we can provide for the direct responsibility and efficient action that is so obviously needed in the state government today," Stassen said.

Stassen also saw the need for the state government to be able to unallot. "It should also be mandatory to reduce allotments if revenues decrease and to make regular reports to the public of the condition of the state finances," he said. He saw this as a way that the state could avoid recurring deficits.

There were no changes to the unallotment law until 1973, when the Department of Finance was created and the unallotment duties were transferred to the commissioner of finance.

— B. VAN DYCK

the state actually had a surplus, so there was no need to unallot. 

— Brenda van Dyck is the editor/publications manager in the nonpartisan House Research Department

Frequently called numbers

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175 State Office Building 296-2146

Committee Schedule Hotline

175 State Office Building 296-9283

Chief Clerk of the House

211 Capitol 296-2314

House Index

211 Capitol 296-6646

Senate Information

231 Capitol 296-0504

Secretary of the Senate

231 Capitol 296-2344

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Senate Index

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Committee Hotline, Senate 296-8088

Trying to earn a passing grade

Conferees hope to quickly complete work on E-12 education bill

BY THOMAS HAMMELL

Much like many students in a classroom, legislators are hurrying to get their work done before the term expires.

The E-12 Education Conference Committee began its work April 30, with a goal of finishing by May 5.

"We have 126 hours and 10 minutes to reach an agreement, and we will," said Sen. Chuck Wiger (DFL-Maplewood), who sponsors HF3316/SF3001* with Rep. Carlos Mariani (DFL-St. Paul). "It's my intent that we try to reach an agreement that does become law."

Conferees spent most of the first meeting approving 29 common provisions, and trying to obtain a better understanding why the other side has certain provisions in their bill. Members were likely to reconvene May 1.

The group approved House language expanding the role of the P-16 partnership, which has the role of providing a seamless transition between grades from preschool to college. The partnership would be renamed P-20 and would include graduate school.

Among the issues agreed upon were statewide academic standards, rules for the Minnesota Board of Teaching, the establishment of a Charter School Advisory Council, a provision allowing teachers to request a leave of absence to teach in a charter school and the formation of a committee to establish American Indian education programs for Minnesota schools.

Both chairs said after the meeting that they were pleased the P-20 and other legislation was agreed upon, but both agreed that not everything the committee will be negotiating will go so smoothly.

"We want to have a discussion about those dissimilars, and hopefully we'll have the ability to put offers on the table," Mariani said.

House provisions

After three-dozen amendments, and more than six hours of debate, the House approved the bill 85-45 April 28. The Senate passed its version 47-17 April 17.

Many of the more controversial issues included in the final version were introduced as amendments, among them a plan to get out of the federal No Child Left Behind. The Senate has no such provision.

The House language would revoke the plan Minnesota submitted to the federal government, but only if the state realized a net financial benefit. The bill would also require the education and finance commissioners to jointly petition the federal Department of Education to allow Minnesota to receive funds.

Rep. Bud Heidgerken (R-Freeport) said the amendment does not go far enough, because the financial benefit language essentially forces the state to remain involved.

Rep. Neva Walker (DFL-Mpls) successfully amended the bill to establish curricula for "Responsible Family Life and Sexuality Education Programs." It is not in the Senate bill. "I want to give parental options and make sure all of our kids have a chance to get out of high school," Walker said

The amendment passed, 79-53 but not before drawing the ire of many Republican members.

Rep. Sondra Erickson (R-Princeton) successfully attached an amendment to add language about respecting marriage.

An amendment successfully offered by Rep. Laura Brod (R-New Prague) would allow charter school students to participate in public

school sports teams in the district they live in at no extra cost. "What we're trying to do is just give them access to playing sports with friends."

Rep. Kim Norton (DFL-Rochester), a former school board chair, said it's not fair for an enrolled student to have to give up a roster spot for a student who is not part of the district.

The Senate version also includes a number of provisions that the House version does not, including language dealing with a reading instruction assessment to measure the knowledge and skill of prekindergarten and elementary reading teachers.

The Senate version includes language dealing with habitual truancy, teacher and support personnel qualifications and a reading instruction assessment to measure the knowledge and skill of pre-kindergarten and elementary reading teachers.

Several portions of the House bill removed on the floor could come back during the conference committee process, including:

- a bill sponsored by Rep. Frank Moe (DFL-Bemidji) that would allow schools to appeal rulings on adequate yearly progress required under the No Child Left Behind Act;
- a bill sponsored by Rep. Linda Slocum (DFL-Richfield) that would allow students a transitional three-year period in which high school seniors who failed the Graduation-Required Assessments for Diploma would be able to appeal and possibly still graduate; and
- a bill sponsored by Rep. John Benson (DFL-Minnetonka) that would require the Department of Education to submit a report to the Legislature that points out duplicative reporting requirements within the department and recommendations for removing them.

These bills are going through the committee process in HF4018, a technical bill dealing with financial reporting for school districts, sponsored by Rep. Mindy Greiling (DFL-Roseville).

Opening the door to early learning

Office of Early Learning could raise school readiness

By THOMAS HAMMELL

It's hard to disagree that it's a good thing to have children ready to learn when they start kindergarten. The question is how to get all children ready, when economic factors, types of child care and early childhood learning opportunities vary so greatly.

Researchers, including Art Rolnick, senior vice president and director of research at the Federal Reserve Bank of Minneapolis, see positive results from early childhood education. But it wasn't until bank staff crunched the numbers that anyone had looked at this as an economic investment. By Rolnick's calculations, the return would be equivalent to 16 percent annually on a \$22,000 investment.

More focus on early childhood learning by establishing an Office of Early Learning might just help boost the bottom line, supporters say. The office would gather employees of the Health and Human Services departments who oversee day care programs and Department of Education employees who deal with programs like Head Start.

Rep. Sandra Peterson (DFL-New Hope) sponsors HF2983, which would create the office and appoint a director to coordinate childhood systems between the two organizations.

The House bill is tabled because Peterson did not want it added to the omnibus K-12 education bill with the state facing a projected \$935 million biennial deficit based off the February Economic Forecast. A companion, SF3153, sponsored by Sen. Tarryl Clark (DFL-St. Cloud), awaits action by the Senate Education Committee.

However, Peterson successfully added an amendment to the omnibus education policy bill (HF2475), which would add six members

to the Early Childhood Family Education Advisory Council.

The council, established under the federal Improving Head Start for School Readiness Act of 2007, is charged with studying early childhood education in the state. New members would equally represent the House, Senate and parents. Council duties would be expanded, under the bill, to include recommending efficient and effective ways to leverage state and federal money for early childhood programs; recommend ways to coordinate these programs through an Office of Early Learning; and recommend to the governor and Legislature how to most effectively create a high quality early childhood system so that all children are school-ready by 2020.

The program's \$25,000 cost would be equally split between federal child care and development funds and pre-kindergarten exploratory project administrative funds.

These programs were once consolidated in the Department of Children, Families and Learning. During the 2003 budget cuts, strictly educational programs became part of the re-constituted Department of Education, and the rest of the programs became part of the Department of Human Services.

A new office, Peterson said, would be more like the current Office of Higher Education.

For the last few years, Rep. Nora Slawik (DFL-Maplewood) has carried a bill to create a similar council.

"The first thing was to get that and then to do the office," she said. With a DFL-controlled House, the idea has more chance of success this year, she said.

Rep. Lynn Wardlow (R-Eagan), who co-chairs the bipartisan Early Childhood Caucus with Peterson, would not like to see added bureaucracy, but supports the office because the state is under-investing in early childhood education.

However, others in his caucus do not favor adding the office, including Rep. Sondra Erickson (R-Princeton), lead Republican on the House E-12 Education Committee.

"I think we have to be careful of growing government if it's not necessary," she said. Plus, she believes the office could have the effect of separating the Department of Education from early childhood programs.

Karen Carlson, early learning services director for the Department of Education, has worked under both systems. The departments work together now, but she said it was easier to get things done when both were under one roof.

Both departments have the goal of creating well-prepared youth, but they have different interests in attaining that objective.

"Child care is a private business and they have worries and concerns that school teachers don't have to worry about," Carlson said. There are early childhood indicators of progress, which are guidelines that align with the K-12 standards. "I think the goal of this office is to get all the kids sort of at the same level of standards and attention given them."

Chuck Johnson, assistant commissioner for children and family services at DHS, said the department does not have an official position, but is concerned about the way the office would be structured.

Two agencies working together with different organizational styles can make things more complicated, he said. "But I think you get the value of having the two different perspectives in that discussion." 

Seizing an unexpected opportunity

Paulsen leaving state House to run for the U.S. House

By BRIAN HOGENSON

When U.S. Rep. Jim Ramstad (R-Minn.) announced he would not seek reelection in 2008, leaving the race to represent Minnesota's third congressional district wide open for the first time in nearly two decades, Rep. Erik Paulsen (R-Eden Prairie) was not chomping at the bit to run for the seat.

"I had no interest at all the first couple of days," said Paulsen, a former Ramstad aide. "But the more people talked to me, I realized it was an opportunity I should not pass up."

Confident that he would do a good job, Paulsen said that serving in the U.S. House would be an "exciting opportunity to represent my district."

Something he hopes take with him to Washington D.C. is an ability to build relationships with members of the opposing party.

During his four years as House majority leader, Paulsen said it was important to get his caucus moving in the same direction, but also found it important to build relationships across the aisle.

That is one of the most important things he

offers as advice to his successor.

"Be true to your constituents always. Remember that they were the ones that elected you," Paulsen said. "Be a good listener to all points of view and build relationships with your colleagues." He credits his ability to get legislation passed while in the minority to having good ideas and because of the relationships he has forged by reaching across the aisle.

Paulsen adds that it is also important to maintain balance and stay rooted with your family in order to keep everything in perspective.

According to Paulsen, the people of Minnesota don't want legislators to compromise their principles, but they do want them to be pragmatic and solution-oriented to facilitate getting things done.

Reflecting on his 14 years in the House, Paulsen says that in addition to keeping up with all the new faces, a change he has noticed is the expanding scope and vision of legislation. "When I got here it was about making Minnesota competitive with our neighboring states. Now it has shifted to global competition.

"Making Minnesota competitive in a global economy is an important issue for me. I've tried to have a long-term and international vision."

Paulsen said that, unfortunately, with two-year election cycles, members tend to look for short-term solutions and "govern by sound bites."

Two of the international initiatives Paulsen is proud of are his work in bringing an India Center to the University of Minnesota and an initiative to introduce the Mandarin Chinese language to Minnesota students.

Other legislative accomplishments that Paulsen looks to fondly are legislation to give organ donors an income tax exemption to cover the expenses that go along with their life-saving act and bringing more fairness to suburban school funding.

The latter earned him an award as a "Friend of Public Education," something Paulsen said typically would not be associated with being a Republican.

One thing that Paulsen has not been able to completely wind through the legislative process is bringing ballot referendums and initiatives to Minnesota. Paulsen introduced the legislation during his first term and has carried the legislation ever since. It has passed the House several times but never made it any further.

Paulsen hopes it will someday come to fruition, as it will give "voters more of a say in the democratic process." 



PHOTO BY SARAH STACKE

Surrounded by his wife and children, Rep. Erik Paulsen is running to represent the 3rd congressional district.

STEPPING DOWN

Rep. Erik Paulsen
Republican
District 42B – Eden Prairie

Terms: 7 (elected 1994)
Advice to successor: "Be true to your constituents always. Remember that they were the ones that elected you. Be a good listener to all points of view and build relationships with your colleagues."

Leap of faith

Legislators find political refuge in fellowship

BY BRIAN HOGENSON

On any given Wednesday morning you can find a group of legislators conducting a vigorous discussion of the issues they find important and closely listening to one another's innermost thoughts and ideas.

If this picture of serenity and civility, with doughnuts and juice served on the side, sounds nothing like the full-throated debate and political game of chess often witnessed during a House committee hearing or floor session, that is because you would be witnessing a fellowship meeting of legislators. Led by Rep. Mark Buesgens (R-Jordan) and Aaron Dogotch, state director for Capitol Ministries Minnesota, the 7 a.m. gatherings consist of prayer, Bible study, and even the occasional song.

Faith and religion are deeply personal, Buesgens said, and each person is able to take away something different from the fellowship experience.

"It allows me to speak to the core of who I am and learn through peers. It helps to create an inner peace and to be humbled," Buesgens said. "We legislators tend to suffer from what the Greeks called 'hubris.' This allows us to regain our humility and grounding."

Rep. Sondra Erickson (R-Princeton) said that sharing her faith with the group is important, and that being able to pray with her colleagues helps her understand where others are coming from.

"I do read my Bible daily, but I find it valuable to hear others comment on how a scripture text or several scripture texts influence their lives," Erickson said.

Buesgens said it is a pleasure serving in a leadership capacity for the group, usually consisting of 12-15 members, while striving to offer nonpartisan leadership and support through fellowship and Bible studies.

"We may not share (political) philosophies or positions, but it allows us to help transcend

"It allows me to speak to the core of who I am and learn through peers. It helps to create an inner peace and to be humbled."

— Rep. Mark Buesgens

the House as being the spiritual leader for a congregation of 134 members with a variety of faiths.

"Working together, recognizing all beliefs and coming together as a body is what I'm called to do," Buller said. "We have a lot more in common than what separates us as God's people."

The fellowship meetings have taken place for more than a decade, led by former Rep. Arlon Lindner (R-Corcoran) before Buesgens began serving in his leadership role. Dogotch leads the Bible study portion of the fellowship meetings and leads similar groups for House staff and Capitol lobbyists. According to its Web site, staff Bible studies occur Tuesdays at noon in 346 State Capitol.

Having observed legislators on several occasions lamenting the loss of a collegial relationship because of a divisive political issue, Dogotch said that legislators and staff who attend the fellowship meetings seem to truly desire friendship in spite of the occasional disagreement over political issues.

"These groups act as a political refuge of sorts," Dogotch said. "No one is lobbying or castigating the opposition. They are open to all regardless of political affiliation."

According to Buesgens, all faiths are welcome. In the past, when Jewish members were present at the gatherings, the Bible study and lesson would focus on passages from the Old Testament.

A person's faith can be a window into their soul. According to Dogotch, one's concept of God affects everything about how one thinks and lives.

In agreement with that is Buesgens, who says that faith is a huge part of who he is and how he makes decisions. "Issues are filtered through the human mind based on your faith. My faith and upbringing form that filter. It is not possible to separate that from your person."

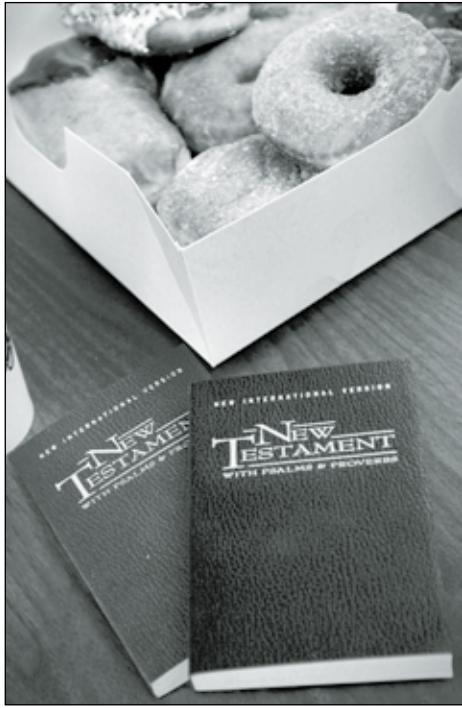


PHOTO BY ANDREW VONBANK

Wednesday morning gatherings consist of doughnuts, prayer and fellowship.

the issues," Buesgens said. "At the end of the day, who we are as a person is more important than pressing the red or green button."

The Rev. Richard Buller, the House chaplain, says that meeting with others to discuss their faith is important for legislators during the session, as many members spend the majority of session away from their homes. "They need to be spiritually nourished somehow."

Buller said that faith of all forms is valued in the state constitution. He views his role in



PHOTO BY TOM OLMSCHEID

An NWA flight departs from the field at the Minneapolis/St. Paul International Airport April 29.

Transportation continued from page 15

A companion, SF3746, sponsored by Sen. D. Scott Dibble (DFL-Mpls), is scheduled to be heard May 5 by the Senate Business, Industry and Jobs Committee.

Fallout from the deal

Myles Shaver, professor and department chair of Strategic Management and Organization at the University of Minnesota's Carlson School of Management, said the greatest impact from a potential merger would be on the Northwest headquarters, not on the hub. Jobs affected will more likely be executives, marketing and accounting, with administrative positions moving south, he said.

The hub, however, should fare better. Shaver said that with Northwest's ability to offer non-stop flights to so many destinations, and with the Twin Cities being the 16th largest metropolitan area in the country, the demand for the hub is not going to change. "I am skeptical of hub disappearing, but I'm also skeptical that the hub would get bigger."

Dan McElroy, commissioner of the

Department of Employment and Economic Development, said that the CEOs of Delta and Northwest have indicated that approximately 1,000 jobs could be lost. Most of these jobs, McElroy said, pay \$70,000 to \$80,000 a year, meaning that upwards of \$80 million could be lost from the local economy. The consequential loss could be as high as \$300 million to \$400 million, he said.

Corporate and labor

"The primary beneficiary of the merger will be the frontline employees and the communities we serve," said Ben Hirst, senior vice president of corporate affairs and general counsel for Northwest Airlines. He said that with the price of fuel weighing so heavily on the airline industry, the deal was the best way to put the company on solid footing.

Calling it addition and not subtraction, Hirst said there will be approximately \$1 billion in savings when the two airlines merge. "No hubs will be closed. The domestic and international networks of Northwest and Delta are end-to-end, so the two carriers compete only on a minimal extent today."

Stephen Gordon, president and directing general chair of the International Association of Machinists and Aerospace Workers, District Lodge 143, disagreed.

"If the merger between Delta and Northwest Airlines is permitted to go forward, it will inevitably result in massive job loss, dislocation, consolidation and closures which will have a devastating effect on airline employees, their families and their communities here in Minnesota and throughout the Northwest system."

Gordon said that with Delta's Atlanta hub and Northwest's Memphis hub only 400 miles away, something would be cut. "Do they really expect us to believe that Memphis and Cincinnati will not be closed, that no service will be eliminated, and no employees will be terminated, yet they will save billions of dollars in efficiencies through this merger?"

No Delta representatives attended the April 29 meeting, but after threatening to use subpoena power, Atkins received word April 30 that Edward Bastian, Delta president and CFO, would be available to meet with the committee on May 5. ■

Nuclear option continued from page 4

Hilty, who chairs the House Energy Finance and Policy Division, is committed to holding a series of legislative discussions on nuclear power in coming years. He remains skeptical, however, about the perceived benefits of nuclear energy, and even questions whether it helps reduce greenhouse gasses once you figure in emissions from uranium drilling and construction of the actual plants.

He also doubts the motives of some of nuclear energy's supporters. He mentions one particularly vocal group called the Heartland Institute.

"They pretty consistently are publishing articles by people that are skeptical of the existence of, or at least human involvement in, climate change — and at the same time, that they're promoting nuclear power based on the assumption that we need to curtail carbon emissions. It seems like there might be kind of a logical contradiction," Hilty said.

James Taylor, a senior fellow at the Heartland Institute, was among the testifiers at the April 17 hearing. He expressed particular enthusiasm about a new reactor design by the Westinghouse Electric Corporation, and Hilty noted that Taylor "sounded more like he was a

representative from Westinghouse than from the Heartland Institute."

"It didn't sound too much different for me than selling a used car," Hilty added.

In any case, Hilty said a thorough and earnest debate on the issue is needed before any action could be taken by the Legislature. He expects the Legislative Electric Energy Task Force and various House and Senate committees to discuss the issue more over the interim as well as future legislative sessions.

"I think it's an issue that needs to be thoroughly vetted," he said. ■

Monday, April 28

HF4213-Hornstein (DFL)**Energy Finance & Policy Division**

Prairie Island nuclear waste storage expansion certificate of need prohibited.

HF4214-Loeffler (DFL)**Health & Human Services**

Medical Assistance asset limit increased for elderly individuals who own and occupy a homestead.

HF4215-Peppin (R)**Health & Human Services**

Abortion medical records retention regulated.

HF4216-Bigham (DFL)**Public Safety & Civil Justice**

Uniform traffic ticket required to contain notice of criminal and traffic surcharge.

HF4217-Mariani (DFL)**Finance**

School finance system modified and education funding framework established.

Wednesday, April 30

HF4218-Dean (R)**Health & Human Services**

Health care reform goals set, insurance reform provided, savings accounts established, targets set, MinnesotaCare CMF established, tax procedures, treatment and credit provisions modified, liability claims limited and money appropriated.

HF4219-Hedgerken (R)**Finance**

School district capital account transfers provided.

HF4220-Hedgerken (R)**Finance**

Workers' Compensation Advisory Council; distribution of surplus money provided in assigned risk plans.

HF4221-Paulsen (R)**Governmental Operations, Reform, Technology & Elections**

Congress memorialized to create a path toward lawful permanent resident status for Liberians with temporary protected status to extend temporary protected status until a permanent solution is enacted.

HF4222-Urdahl (R)**Finance**

Litchfield, Willmar; Public Facilities Authority loans provided for certain wastewater treatment projects.

HF4223-Hilstrom (DFL)**Local Government & Metropolitan Affairs**

Hennepin County; alternative transfer procedure for certain drainage system management authorized.

HF4224-Anzelc (DFL)**Finance**

Enhanced driver's license and enhanced identification card created, application, issuance, and appearance of card provided, and commissioner of public safety directed to seek approval of card by Homeland Security secretary.

HF4225-Urdahl (R)**Finance**

School district capital account transfers provided.

HF4226-Ruth (R)**Governmental Operations, Reform, Technology & Elections**

Notary public fees modified, commissions and notarial stamps and seals regulated, clarifications provided and accommodations of physical limitations provided.

HF4227-Hansen (DFL)**Governmental Operations, Reform, Technology & Elections**

Public official definition expanded in the campaign finance and public disclosure law.

Thursday, May 1

HF4228-Lenczewski (DFL)**Taxes**

Additional tax-exempt bonding authority allocated, and application of certain rent restrictions clarified.

HF4229-Paulsen (R)**Health & Human Services**

Health care reform goals set, insurance reform provided, savings accounts established, spending targets set, MinnesotaCare CMF established, tax procedures, treatments, and credits modified, liability claims limited and money appropriated.

Celebrate our state's 150th anniversary

When the sesquicentennial wagon train pulls up to the State Capitol on May 11 for Statehood Day, it will be part of the official kick-off to a year-long celebration of Minnesota's 150th anniversary of becoming the 32nd state.

The Statehood Commemoration Ceremony begins at 1 p.m. and events planned at the State Capitol that day include:

- 1 p.m. to 4 p.m.: Open house at the State Capitol and the Minnesota History Center.
- 3 p.m.: Group picture of former state officials and their descendants on the Capitol steps.
- 3:30 p.m.: Wagon train arrives from Summit Avenue.
- 3:45 p.m.: Presentation of colors by First Minnesota Regiment, playing of national anthem and "Hail Minnesota!"
- 4 p.m.: Dignitaries make brief remarks

and introduce statehood essay contest winners.

- 4:15 p.m.: Contest winners read their essays on "What Statehood Means Today and Into the Future."
- 4:30 p.m.: Church bells ring as the sesquicentennial convoy leaves the Capitol to begin an Honorary Capitals for a Day tour from May 12-16.

What planners are calling Statehood Week, May 11-18, will highlight several events focusing on our state's roots with celebrations in communities designated as Honorary Capitals for a Day—Bemidji, Thief River Falls, Detroit Lakes, New Ulm and Winona.

A May 17-18 Statehood Weekend Festival is planned on the Capitol Mall.

May 17 highlights:

- 11 a.m.: Food vendors, sesquicentennial and exhibitor tents, entertainment in

front of the Capitol.

- 12:30 p.m.: 26 vintage aircraft flyover.
- 1 p.m.: The First Day Issue ceremony for the Minnesota Sesquicentennial Commemorative U.S. Postage Stamp, which will be available for sale following the ceremony along with poster-size reproductions signed by the artist, Richard Hamilton Smith of Park Rapids.

May 18 highlights

- 4 p.m.: Food vendors and music.
- 6:58 p.m.: (18:58 Military Time) National Guard flyover.
- 7 p.m.: Statehood Ceremony "Honoring Those Who Serve."
- 8:45 p.m.: Fireworks over the Capitol.

Information: 651-296-1870 or www.mn150years.org.

— L. SCHUTZ

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MINORITY LEADER: MARTY SEIFERT

MINNESOTA INDEX

Elder Minnesotans

Estimated number of Minnesotans over age 65 in 2005	620,000
Millions estimated in 2030	1.3
Minnesotans at least age 85 in 2005, as estimate	95,000
Projected in 2050.....	324,000
Year when Minnesota is expected to have more retirees than school-age children	2020
Percent of the state's population increase between 2030 and 2040 projected to be age 50 and older.....	.75
Estimated number of Minnesotans over age 65 who need some kind of long-term care assistance with basic activities	95,000
Percent of care for older Minnesotans that is provided by family caregivers.....	92
Percent of those caregivers who work.....	60
Estimated annual cost to the state for every 1 percent decline in family caregiving, in millions.....	30
In Fiscal Year 2007, recipients served by the state's Elderly Waiver program that provides home- and community-based services for people age 65 and older who are eligible for Medical Assistance and require the level of care provided in a nursing home, but choose to reside in the community.....	22,808
Amount spent, in millions	\$244.9
Average monthly client population in Fiscal Year 2007	17,824
Average monthly cost per recipient.....	\$2,336
Average per person monthly cost of Medicaid-certified skilled nursing facilities and certified board-and-care homes.....	\$4,402
People served in Fiscal Year 2007 by the state's Alternative Care program, a state-funded, cost-sharing program that supports home- and community-based services for eligible Minnesotans age 65 and older.....	5,158
Total spent, in millions.....	\$25.7
Average monthly cost per enrollee	\$698
Percent of Minnesotans born between 1936 and 1964 who are at very high risk of having inadequate retirement income and unable to afford health and long-term care costs	29
Percent at moderate to high risk.....	17
Estimated percent of Minnesotans who work for an employer offering a retirement plan	50
Percent of eligible workers who take part in the plans.....	67.6
National percentage rate	56.6
Percent of Minnesotans age 65 or older who volunteer	40.9
State rank.....	3
Year that President Carter proclaimed National Grandparents Day would be celebrated every year on the first Sunday after Labor Day	1978

**Sources: Minnesota Board on Aging, Department of Health, Department of Human Services,
including A Blueprint for 2010, Preparing Minnesota for the Age Wave; National Grandparents
Day Council.**

FOR MORE INFORMATION

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