

Senate Briefly

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*The Senate Chamber comes alive with activity as the 2006 Legislative Session gets under way, Wed., Mar. 1.
Photo by David J. Oakes*



March 3, 2006

Senate Highlights

Second year of session begins

Senators began the second year of the 84th Legislative Session, Wed., Mar. 1, by addressing routine administrative issues. Members approved resolutions setting deadlines for action on bills, reimbursing interns and law clerks for their expenses, allocating postage to Senators, setting miles traveled by Senators in traveling to and from the Capitol and making committee assignments.

Brief floor session held

Senators gathered for a brief floor session, Thurs., Mar. 2, to process bill introductions and take care of other procedural matters. Members adopted a concurrent resolution allowing for adjournment for more than three days in order to allow members to remain in their districts for precinct caucuses, Tues., Mar. 7. In addition, Sen. Warren Limmer (R-Maple Grove), Sen. Linda Berglin (DFL-Mpls.) and Sen. Linda Scheid (DFL-Brooklyn Park) were renamed to the conference committee on H.F. 1915. The bill authorizes an exemption to the hospital moratorium in order for a hospital to be built in Maple Grove.

After the session was adjourned, members took a few moments to acknowledge a visitor in the Senate Gallery. Sen. Sheila Kiscaden (DFL-Rochester) paid tribute to Corporal Chuck Lindberg, the last surviving marine of the group who first raised the U.S. flag on Iwo Jima during World War II. Kiscaden described the hardships U.S. troops endured and the efforts of that small group of marines that raised the flag. Kiscaden also said that a veterans facility in Rochester is being named in honor of Lindberg.

Marijuana bill stumbles

A measure permitting the use of marijuana when recommended by a licensed medical professional failed to gain the support of members of the Judiciary Committee at a hearing, Thurs., Mar. 2. Two motions to advance the bill failed on tie votes.

S.F. 1973, sponsored by Sen. Steve Kelley (DFL-Hopkins), protects qualifying patients and their primary suppliers from civil and criminal liability for the possession, cultivation or use of marijuana. To qualify, a patient must suffer from a debilitating medical condition. Kelley said the bill does what the state can to protect medical marijuana users. We cannot do anything about federal law, he said, but we can alleviate the state law hurdles preventing patients from following a doctor's advice on using marijuana to alleviate pain or seizures. The bill establishes a reasonable, controlled and orderly way for qualifying patients to obtain marijuana, Kelley said.

Several patients who would likely be eligible under the law discussed the painful symptoms of their diseases and the possibility of relief offered by marijuana. Neil Haugerud, a former sheriff and former state Representative, said medical marijuana users are not a concern for law enforcement. A cancer patient using marijuana recommended by a doctor is no more a threat to public order than a cancer patient taking morphine or opiates by prescription, he said. These are otherwise law abiding citizens struggling to deal with a diagnosis they never sought, Haugerud said.

Sen. Wesley Skoglund (DFL-Mpls.) offered an amendment removing veterinarians from the list of licensed professionals who may recommend marijuana

use, clarifying the protection offered to qualified people with whole marijuana plants, making the data practices provisions of the bill consistent with general data practices principles and permitting law enforcement agencies to sell marijuana plants to qualified patients or primary suppliers. Allowing law enforcement to choose to sell confiscated marijuana plants to medical users provides a way for protected purchasers not to have to enter the existing illegal market for the drug, Skoglund said. The amendment was adopted.

I support permitting legitimate medical use of marijuana to alleviate pain and other symptoms, said Sen. Thomas Neuville (R-Northfield), but the distribution process in this bill is not controllable enough. A better system might be to distribute the drug through public health nurses, he said.

An initial motion to re-refer the bill to the Crime Prevention and Public Safety Committee failed on a tie vote. A motion to re-refer the bill without recommendation also failed on a tie.

Committee members, led by Chair Don Betzold (DFL-Fridley), also considered a measure prohibiting the disruption of funerals by protesters. S.F. 2613, carried by Betzold, makes it a misdemeanor to disrupt a funeral and provides additional civil remedies. The bill defines disruption as including public protesting or picketing on the day of the ceremony within 300 feet of the ceremony locations, the funeral route and the home of the deceased's family.

It is unfortunate that we even need to consider this bill, Betzold said, but hateful protests at funerals have emerged in the military context and could quickly spread to other funerals. This bill does not violate anyone's freedom of speech, but does restrict the physical proximity of demonstrations to funerals, burials and memorial services, he said. Grieving families have enough to deal with without facing screaming protesters attacking the deceased and the community, said James Bono of the Patriot Guard. He urged committee members to expand the protected zone to 1,000 feet and to prohibit the use of megaphones. Protests at funerals will only expand, he said, from fallen service members and civil rights leaders to public safety personnel and first responders.

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Sen. Tarryl Clark (DFL-St. Cloud), left, consults with Sen. Dennis Frederickson (R-New Ulm) during a Senate floor session, Thurs., Mar. 2. Photo by David J. Oakes

Teresa Nelson, legal counsel, ACLU of Minnesota, said the bill is well-intentioned but seriously flawed. Protesters could successfully challenge this bill and collect attorney fees, she said. Nelson said cruel speech is protected by both the federal and state constitutions. Legislators should focus on specific conduct or on actual disruptions of services, not a presumed disruption, Nelson said. She said the bill is overly broad and may encompass laborers picketing a building next door to the funeral home. Similarly, she said, because funerals happen daily, the route restriction means that some high-traffic streets used regularly by funerals would be permanently off limits to picketers of any variety.

Members adopted an amendment, offered by Betzold, changing the effective date of the bill from August 1 to the day

following final enactment. The measure was advanced to the Crime Prevention and Public Safety Committee.

The panel also approved three other bills. S.F. 2633, carried by Sen. Ann Rest (DFL-New Hope), permits litigants to appeal decisions made by Family Court referees in Hennepin County directly to the Court of Appeals. A similar procedure has been approved for Ramsey County. The current procedure in Hennepin County requires a referee's decision to be reviewed by a district judge before being appealed to the Court of Appeals. Judge James Swenson and Michael Dittberner, Academy of Matrimonial Lawyers, said the bill is designed to reduce the cost, length and acrimony of family cases. S.F. 1039, authored by Sen. Gary Kubly (DFL-Granite Falls), prohibits tampering with clock-hour meters on farm tractors. Both

bills were sent to the full Senate. S.F. 2319, sponsored by Betzold, is the Uniform Securities Act (2002). The bill is designed to coordinate federal and state securities regulation. The measure was advanced to the Commerce Committee.

In other action, committee members heard a report from the legislative auditor on child support enforcement. The report indicated that the child support enforcement system performs well, but needs improvement in county accountability and arrears management policies.

Schedule available online

Next week's schedule is available at <http://www.senate.mn/schedule/2005/0307.htm>

Committee update

Agriculture, Veterans and Gaming

Vets home review examined

A comprehensive study of the Minnesota's five veterans homes was the main topic at the Wed., Mar. 1, meeting of the Agriculture, Veterans and Gaming Committee. The panel, chaired by Sen. Jim Vickerman (DFL-Tracy), heard from representatives of the consulting firm that prepared the study, Health Dimensions Group, and from the Veterans Homes Board.

The study found that veterans homes employees are deeply committed to the homes' mission and vision and that veterans receive a high quality of care and level of services. According to the study, the Minneapolis Veterans Home has taken significant action to develop and implement quality initiatives since the middle of last year. Staffing levels are, for the most part, within expected levels for nursing facilities, the report indicated.

The consultants preparing the study also made several recommendations, including creating an 18-month turn-around plan for the Minneapolis home,

recruiting a top-quality management team for the facility and dividing the home into smaller operating units. Other recommendations were to use external experts to conduct mock surveys of all five facilities, to operate the Veterans Homes Board as a governing board, not an advisory board, to have the Board develop a strategic plan for the Veterans Homes System and to establish and monitor performance indicators for the homes.

Commerce

No-fault insurance discussed

Minnesota's no-fault auto insurance provided the focal point for a hearing Tues., Feb. 28, of the Senate Commerce Committee and the House Commerce and Financial Institutions Committee. The panels, chaired by Sen. Linda Scheid (DFL-Brooklyn Park) and Rep. Tim Wilkin (R-Eagan), heard from Bob Johnson, Insurance Federation of Minnesota, and Brett Orlander, an attorney representing State Farm Insurance Co., who discussed a new study on no-fault insurance.

The cost of operating a car is significant for consumers statewide, Johnson

said. He said the federation is in strong support of changing the system to aid consumers. Sixteen states in this country, in the '70s, adopted no-fault systems. Today, only nine states have no-fault systems. No-fault systems were adopted to ensure speedier payments, to be more equitable and to lower costs, Johnson said. However, he said the insurance industry opposed the switch from a traditional tort system to the no-fault system.

Johnson said, at the time it was passed, back in 1975, there was a purpose clause in the law that described the Legislature's intent on passing the law. He said it was intended to eliminate law suits on minor accidents, but it never was intended to eliminate law suits on serious accidents. Johnson said, though, that the intention was never met because drivers had to buy medical coverage. The second intention was to require the medical coverage for appropriate medical care, but there are no cost controls on medical costs, Johnson said. The law should be written so medical care is paid at market rates.

Orlander spoke on the costs of litigation, particular smaller cases. One of the big problems for both sides is the costs associated with smaller cases such as having \$4,000 in medical expenses, having to have a number of specialists involved and having to pay for expert witnesses and depositions.

One of the other intentions, Johnson said, was that all drivers have insurance. He said the number of uninsured is higher than it was in the earlier years and an issue that is driving that number is the affordability of auto insurance.

He said the industry has been in support of reforming the system. The system is broken and it is failing to meet the intentions listed in the original bill, Johnson said. The net effect of the no-fault systems is to make consumers pay for two systems—no fault and a traditional tort system. In states that have reformed their systems and allowed consumers more choices, rates are coming down, he said.

Dr. David Moen, an emergency physician, said while there are flaws in the system, the revenue stream is vital for emergency services. He said there will be cost shifting if no-fault insurance is repealed.

A representative from the Minnesota Trial Lawyers Association, Wil Fluegel,



AFSCME union member Jenny Croucher, from Inver Grove Heights, left, casts a symbolic ballot outside the Governor's Office, Wed., Mar. 1, as Pam Lofquist, also from Inver Grove Heights, looks on. Claiming their jobs are in jeopardy, dozens of members of the state employee union voiced their concerns over a governor's proposal to privatize certain public services.

Photo by Shelley Hawes

said the current system has served the state well and does not need to be changed. Linda Way, director of emergency services, said repealing the no-fault system would have serious impact on the state's citizens and medical system. Other chiropractic, medical and emergency medical personnel urged members to not engage in a dramatic overhaul of the no-fault system. For instance, Phil Griffin, representing Preferred One, said that no matter what changes are made there will be financial repercussions.

Education

Q Comp application process, implementation discussed

Members of the Education Committee met Thurs., Mar. 2, to hear from several school districts about their experiences trying to implement the new Q Comp program. Under the program, districts adopt both an alternative teacher professional pay system and an educational improvement plan. In exchange, districts have access to additional state funds to implement the professional pay system.

Representatives of the St. Cloud school district and its teachers union said applying for and implementing Q Comp is an administrative hassle, but is worthwhile. Superintendent Bruce Watkins, Assistant Director of Professional Development Shawn Gombos and Mary Broderick, president of the St. Cloud Education Association, said they and other educators in the district are excited and energized about the improvements they are already seeing under the program and the potential for more benefits. Representatives of the Le Center and Annandale school districts, however, said the application and implementation processes are overwhelming for smaller districts and appear to be designed with larger districts in mind. Annandale withdrew from the Q Comp application process in December, while Le Center is still attempting to implement the program.

Department staff discussed the application approval procedure, the criteria used to evaluate district applications and how funds are set aside for districts as they indicate their intention to apply.

Environment and Natural Resources

PFC contamination discussed

The extent and effects of possible contamination of Minnesota waters by perfluorochemicals (PFCs) were the focus of the Mon., Feb. 27, meeting of the Environment and Natural Resources Committee.

The panel, chaired by Sen. John Marty (DFL-Roseville), reviewed the first phase of an investigation of PFC contamination along the Mississippi River. The investigation was conducted by Fardin Oliaei, a scientist who was employed by the Pollution Control Agency (PCA) until early February. Oliaei said high levels of PFCs are being found in fish in the river near a 3M plant in Cottage Grove. The plant was one of three in the world that manufactured the ScotchGuard line of products, she said, and is presumed to be the source of the contamination. Oliaei discussed the results of the first phase of the investigation and urged the panel to ensure that the investigation continues. She said scientists still do not know enough about the extent of the contamination. Oliaei said the investigation had focused on only a few kinds PFCs but should be expanded to include others. We need an immediate assessment of what effects this level of contamination is having on animals and humans consuming river fish, she said.

Several residents of Oakdale and Lake Elmo outlined their concerns about PFC contamination of the water and food supplies. They said they are concerned about the continued safety of gardening, drinking tap water and generally living in the area. Bonnie Dahlhauser, Oakdale, said her blood was recently tested for PFC exposure. The results indicate PFC levels between 4 and 20 times normal human exposure, she said.

We are currently updating information underlying the health-based values of PFC exposure in the human body, said Helen Goeden, Dept. of Health. This is not a situation where we have perfect information, said Deputy Commissioner Kristen Applegate, PCA. Benchmarks, risks and toxicity information are still developing in this field, she said. The state—including both the PCA and MDH—is trying to be coordinated, responsive and thorough in its approach

to this issue, Applegate said. Michael Sandusky said the PCA is working quickly to resolve matters not covered by the Oliaei study. The next phase will likely include soil sampling, he said. Jim Kelly, MDH, said water from hundreds of wells near the 3M facility has been sampled to check for water contamination. We have found contamination at levels above recommended thresholds in a few wells, he said, while many others have shown no contamination at all. The city of Oakdale stopped using one well that was above the threshold, he said, and 3M is working with the city to install a filtration system at another well, which is the city's highest-volume water source. The filtration system will be operational by the end of the year, Kelly said. A coordinated response by state, county and local agencies, as well as 3M, he said, is working to significantly reduce drinking water exposure.

Land exchange bills discussed

The Environment and Natural Resources Subcommittee on Public Lands and Waters met Mon., Feb. 27, to consider several bills dealing with land sales and exchanges. The panel, chaired by Sen. Tom Saxhaug (DFL-Grand Rapids), reviewed several bills, but took no formal action.

Members began by reviewing a measure, which has not yet been introduced, that makes additions to Crow Wing State Park, Frontenac State Park, Grand Portage State Park, Mille Lacs Kathio State Park, Split Rock Creek State Park, and William O'Brien State Park. The measure also makes several deletions from Banning State Park, Schoolcraft State Park and William O'Brien State Park. In addition, the measure makes deletions from the Iron Range Off-Highway Vehicle Recreation Area and the Minnesota Valley State Recreation Area. Land is added to the Rum River State Forest under the measure. The proposal also outlines the public sale of surplus state land bordering public waters, and a land exchanges.

Members also considered a proposal, sponsored by Saxhaug, specifying a land exchange between the Blandin Paper Company and Itasca County.

A final Saxhaug proposal allows the private sale of tax forfeited land in Itasca County. Under the measure, Itasca

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County must deposit the money received from the sale of tax-forfeited lands within Minnesota Steel Industries permit to mine area near Nashwauk, into a tax-forfeited land replacement trust fund. Further, the principal and interest from the fund may be spent only on the purchase of lands to replace the tax-forfeited lands.

All of the measures were laid over for possible inclusion in an omnibus lands bill to be introduced soon.

Game and fish proposals reviewed

The Environment and Natural Resources Subcommittee on Game and Fish met Tues., Feb. 28, to review the Dept. of Natural Resources' (DNR) proposal for changing laws relating to hunting and fishing. In addition, members reviewed a proposal, authored by Subcommittee Chair Tom Saxhaug (DFL-Grand Rapids), making other changes in wildlife provisions.

The DNR bill expands the types of donations that can be accepted for the critical habitat private sector matching account, defines "deer" as either white tail or mule deer, clarifies the deposit of various receipts into the game and fish fund and eliminates potential diversionary language related to game and fish violations and the expense of keeping prisoners.

The proposed bill also clarifies enforcement officer authority to inspect equipment used to take wild animals in the field, provides additional authority to regulate motorized watercraft and recreational vehicles on lakes designated for wildlife management and specifies a civil penalty for dogs pursuing big game animals. The measure also authorizes youth firearms deer license use in any regular season zone or time period and modifies the all season deer license to allow the "buck" tag to be used for taking deer of either sex under some conditions.

The second measure exempts collector snowmobiles and snowmobiles owned by government entities from state trail sticker requirements, reduces fishing license fees and trapping license fees for residents over the age of 65, allows the use of scopes on muzzleloaders and modifies the restrictions on leaving decoys overnight.

Members took no formal action on either measure and will continue hearing game and fish bills to include in an omnibus proposal later in the session.



Commissioner of Finance Peggy Ingison presents the latest state budget forecast, Tues., Feb. 28, as State Economist Tom Stinson looks on.

Photo by David J. Oakes

Mercury reduction discussed

Members of two committees devoted a joint hearing, Wed., Mar. 1, to consideration of mercury reduction. The panels—the Environment and Natural Resources Committee and the Jobs, Energy and Community Development Committee, chaired by Sen. John Marty (DFL-Roseville) and Sen. Ellen Anderson (DFL-St. Paul)—used the meeting to develop common background information in anticipation of legislation aimed at reducing mercury emissions.

Dr. Christine Ziebold, a pediatrician, said mercury is comparable to lead in its toxic effects. We lack the testing and treatment capability for mercury that we have for lead, she said. Ziebold said upstream measures, such as stronger emissions standards, are the most preventive route to ensuring a minimal level of exposure of pregnant women and chil-

dren. Dave Johnson said the Minnesota Public Health Association strongly supports reducing mercury emissions. Ten percent of women have unsafe mercury exposure, he said, or about 400,000 babies every year. People today are very environmentally conscious and they are turned off from fishing by reading about pollution warnings, said Vern Wagner, conservation director of the Minnesota Bass Federation. As we pollute the environment, he said, we lose our attachment to outdoor sports. Wagner also noted the significance of sport fishing in the state economy.

A lot of cultures are very dependent on fish as a part of their diet, said Rev. Mark Peters. Peters, executive director of the Lutheran Coalition for Public Policy in Minnesota, said many people living subsistence existences also rely on fish they catch themselves for food. Reducing the level of mercury in our waters and in

our fish population is crucial for our health, he said. Boise Jones, Environmental Justice Advocates of Minnesota (EJAM), said the disparity in who has resources has meant that a majority of most minority groups lives near contaminated sites. EJAM has posted signs in many languages at popular fishing sites to warn people of the dangers posed by potentially contaminated fish.

Lee Eberley, Xcel Energy, described an emission control project that is being conducted in Colorado. A lot of research is being conducted by Xcel, he said, and by others in the energy industry. We are always being approached with new technologies to control and reduce emissions, he said. Eberley said what the utility is learning in Colorado will have significant benefits for its Minnesota operations. Dennis Niemi, Minnesota Power, outlined efforts to significantly reduce emissions from two facilities in Northeastern Minnesota. Mike Durham, Institute of Clean Air Companies, explained how various technologies work to capture mercury particles. Technology in this area is rapidly growing, Durham said, and commercial technology is already available to help reduce mercury emissions.

David Thornton, assistant commissioner for air policy at the Pollution Control Agency, reviewed the history of mercury emissions and regulation in Minnesota and across the country. He also described the actions of several nearby states to control mercury emissions. Minnesota has been a leader in reducing emissions, Thornton said, but we need to take the next step. He outlined a proposal put forward by the governor to reduce mercury emissions. Sen. Scott Dibble (DFL-Mpls.) also summarized his proposal to reduce emissions. Anderson said Senators will use later hearings to consider the measures and other related legislation.

Lands and forestry bills gain

The Environment and Natural Resources Subcommittee on Public Lands and Waters met Thurs., Mar. 2, to complete work on the land sales and exchange bill and on the forestry and minerals bill.

S.F. 2637, authored by Subcommittee Chair Tom Saxhaug (DFL-Grand Rapids), contains provisions authorizing additions and deletions from various state parks,

provides for public and private sales and exchanges of state lands, modifies the apportionment of proceeds from the sale of tax-forfeited land and authorizes parcel replacement in the sustainable forest incentive program.

The second bill, also authored by Saxhaug, provides for land donor appraisal reimbursement, provides for acquisition of land for specific facilities, modifies definitions, modifies forest services provided to private owners, permits a fee for harvesting specialty forest products, modifies the State Timber Act and eliminates a duplicative requirement for comprehensive forest resource management plan.

Members amended the forestry bill onto the lands bill, S.F. 2637. In addition, members added an amendment relating to lands in St. Louis County.

The panel also heard the findings and recommendations from the Sustainable Forest Incentive Act (SFIA) Working Group. The SFIA Working Group found that substantive program changes are necessary in order for the program to accomplish the public policy objectives of preventing conversion of forestland to development, promoting sustainable forest management practices on private forestland and promoting public access to private forestland. The group also found that the current payment formula doesn't provide a large enough payment to attract a substantial number of family forest landowners and that the program costs exceed program benefits for most family forest owners.

The group recommended that the Dept. of Natural Resources be the lead agency for administering the SFIA program and that information to prospective enrollees be developed and marketed and that an educational and promotional program be developed, but not launched until the program's incentive payment structure has been modified.

Finance

Budget forecast discussed

Members of the Finance Committee met Thurs., Mar. 2, to review the budget forecast with Finance Commissioner Peggy Ingison, State Economist Tom Stinson, Assistant Finance Commissioner James Schowalter and Paul Anton, a member of the state's Council of Economic Advisors.

The forecast indicates an \$88 million general fund balance at the end of FY 2007. The projected surplus is \$181 million, but \$93 million must be used, under current law, to reverse accounting shifts in state aid to schools. Revenue from the individual income tax, sales tax and motor vehicle sales tax was \$151 million below the previous forecast, while revenue from corporate taxes, other taxes and non-tax sources increased a total of \$271 million. The indicators used to predict economic conditions for the rest of this biennium and for the FY 08-09 budget period were mostly unchanged.

Committee Chair Richard Cohen (DFL-St. Paul) sponsored a proposal, S.F. 2722, reforming the budget process. The bill adjusts the budget reserve target from \$653 million to an amount equal to five percent of forecast net general fund revenue for the biennium. It also provides for continuing appropriations at previous levels if no budget is enacted by the first day of a new biennium. The proposal requires the budget forecast to include a listing of all laws requiring the budget to be reported in a way that conflicts with generally accepted governmental accounting principles. The measure also requires the forecast to include inflation-adjusted expenditures and requires the governor's budget proposal to include a plan to bring the budget in line with generally accepted governmental accounting principles. The bills reflecting the governor's budget proposal must be submitted within two weeks of the submission of the outlines of the proposal, under the measure. The measure was laid on the table.

The committee also considered two other bills. S.F. 2466, sponsored by Sen. Keith Langseth (DFL-Glyndon), modifies appropriations relating to road improvements in Ramsey and Anoka Counties made in last year's bonding bill. Sen. Julie Rosen (R-Fairmont) carried S.F. 2653, which appropriates \$570,000 to cover the costs of implementing an executive order issued by the governor to ease the transition process into the new Medicare Part D drug benefit for dual eligible persons. Both bills were sent to the full Senate.

Health and Family Security

Affordable health care discussed

The Health and Family Security Committee devoted the Thurs., Mar. 2,

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hearing to several bills relating to health care. The panel, chaired by Sen. Becky Lourey (DFL-Kerrick), approved all the measures heard.

The committee began by considering a bill, S.F. 2725, making changes to MinnesotaCare. The bill, sponsored by Sen. Linda Berglin (DFL-Mpls.), creates a prescription drug discount program, expands the benefit set for single adults and increases the eligibility income limit for single adults. The measure also increases the cap for inpatient hospitalization benefits for adults, establishes a small employer buy-in option and modifies the definition of income for self-employed farmers. Berglin also offered an amendment, which was adopted, that restores some of the cuts to MinnesotaCare.

A number of individuals spoke in support of the bill. Dan Haugen, program director, Neighborhood Involvement Program, said the bill will help small employers provide health care to employees. A representative from the Minnesota Hospital Association, Margaret Perryman, said raising the caps essentially restored the caps to previous levels. Christeen

Stone, AARP volunteer, said the drug discount program would be beneficial for consumers across the state. Jim Meffert-Nelson, Minnesota Optometric Association, said the reductions made in the last year have been damaging to the health of people with chronic conditions. Marcia Avner, Minnesota Council of Non-Profits, said many non-profit organizations have difficulty providing health care to their employees and the small employer buy-in option would allow more organizations to obtain coverage.

The bill was approved and re-referred to the Finance Committee.

Berglin also sponsored a bill providing for a constitutional amendment for a right to affordable health care. The proposed amendment, which would go before the voters in November, affirms that every resident of Minnesota has the right to affordable health care. Berglin said the measure does not spell out a funding mechanism, but provides a basic right.

Mary Jo George, president, Minnesotans for Affordable Health Care, said the state constitution provides a right to

education and a similar right to health care should be provided by the constitution. She said that if people were able to get preventive and earlier primary care, costs would ultimately be reduced.

Perryman said the Hospital Association supports the idea, but is concerned that the measure would place extreme pressure on the health care access fund. Mark McAfee, AFSCME Council 5, indicated the union's support of the bill, while Jerry Fallows, a steelworker from Eveleth told members of the experiences of him and his coworkers after losing health care when they were laid off.

John Schwartz, health systems analyst, said that life is dependent on medical care and government must guarantee access to medical care.

Beth Hartwig, Minnesota Business Partnership, said health care costs continue to be of concern to employers. "We believe health care solutions can be a marketplace based patient centered system," she said. She said the partnership is concerned about the proposed amendment because the measure details no method of implementation or funding.



Senators David Hann (R-Eden Prairie) and Gen Olson (R-Minnetrista) look over a list of committee assignments on the first day of the session, Wed., Mar. 1.

Photo by David J. Oakes

The partnership does support a proposal that provides health care for those most in need, Hartwig said. Twila Brase, Citizens' Council on Health Care, said, "I don't believe a constitutional amendment is a way to address health care." She said her organization does not believe government should be so involved in health care.

Berglin said, "This amendment does not designate any particular system. The amendment is simply a way of guaranteeing a vital right." She said the amendment, if passed, would require the Legislature to develop a solution.

Sen. Brian LeClair (R-Woodbury) offered an amendment to define what role the Judicial Branch may assume if the Legislature fails to develop a universal affordable health care program. The measure specifies that the Judicial Branch may not get involved. Berglin opposed the amendment. She said she believes the amendment takes away rights Minnesotans already have.

Sen. Steve Kelley (DFL-Hopkins) said several states have been sued on the grounds their education funding is unconstitutional, and asked if the state would be in the same situation other states are in with regard to education. Berglin said there have already been instances in Minnesota where law suits about health care have been filed. Kelley said the constitution doesn't provide a right to education, but requires the state to provide a uniform system of education. He said the courts would be involved in determining what is affordable. Kelley said, "I agree that every Minnesotan should have affordable health care, but I think we have an obligation to think of the consequences of making it a part of the constitution." He said the Legislature should continue working for affordable health care for all. The amendment failed on a 4-6 roll call vote.

Sen. Leo Foley (DFL-Coon Rapids) said the phrase "every resident" might be unconstitutional. Berglin said the court cases striking down residency requirements involving national programs such as Medicaid. She said MinnesotaCare has a residency requirement that has never been challenged.

The measure was approved and referred to the Rules and Administration Committee.

Members also heard S.F. 2468, authored by Sen. John Marty (DFL-Roseville). The bill requires an constitu-

tional amendment also. In addition, the bill provides for a universal health care system that provides affordable access to high quality medical care, provides for a focus on preventive care and early intervention and directs the commissioner of health to prepare a plan to be implemented by 2010. He said the bill sets forth a process for arriving at a plan for universal, affordable health care. The best way to bring health care costs down is to focus on prevention and early intervention, he said.

Marlene Hart urged support for the bill because it sets a process in motion that will result in a universal health care program for all Minnesotans. Recent estimates indicate that if nothing is done, health care will consume 20 percent of the gross national product, she said. Bob Salisbury, speaking for the Greater Minnesota Health Care Coalition, said it is becoming impossible for small businesses to provide health care coverage. "It seems that the new world order supposes that no one has health care coverage and I don't believe it," Salisbury said.

Sen. Michelle Fischbach (R-Paynesville) offered an amendment to delete a section outlining legislative findings. The amendment was adopted. The bill was approved and referred to the Rules and Administration Committee.

Higher Education Budget Division

Accountability discussed

The Higher Education Budget Division, chaired by Sen. Sandra Pappas (DFL-St. Paul), met for the first time this session Thurs., Mar. 2. The panel traveled to the U of M's St. Paul Campus to discuss the development of Minnesota's higher education accountability system.

Jobs, Energy and Community Development

Workforce issues discussed

The Jobs, Energy and Community Development Committee met Mon., Feb. 27, to hear a variety of speakers present information about employment, workforce and immigration issues in Minnesota.

Sen. Ellen Anderson (DFL-St. Paul), chair of the committee, said the hearing was to get a broad understanding of the

issues that might come before the panel during the session.

Tom Gillespy, state demographer, led off the testimony by reviewing the demographic changes in Minnesota's workforce. He said labor force projections depend on migration and retirement decisions. He said migration will become the largest source of new workers in Minnesota. Foreign born workers account for 6 percent of the workforce and 5 percent, or about \$5 billion, of Minnesota earnings, Gillespy said.

Steve Hine, research director, Dept. of Employment and Economic Development, said hard data on the measurement of immigration is hard to come by. He said educational achievement among foreign born individuals is bimodal in that there are a disproportionate number of individuals that do not have high school diplomas and a disproportionate number of individuals with advanced degrees.

Other speakers outlined the economic impact of undocumented workers. Jim Kielkopf, economist, said he has done several studies on the impact of undocumented workers and that the total value of undocumented workers is about \$3.8 billion or 2 percent of the state economy. He said there are approximately 48,000 undocumented workers in the state and if they were not present an additional 50,000 workers would lose their jobs. He said that, generally, one low wage job adds at least one other job to the economy. There will always be a demand for low wage jobs in an economy, Kielkopf said. He said somewhere between \$250 million and \$350 million in tax revenue is generated because of the undocumented workers. However, there are increased costs in education for immigrants, he said.

Steve Hunter, secretary-treasurer, Minnesota AFL-CIO, said, "We believe there is dignity in all work and dignity for all workers." He said immigrant families make great contributions to the community and that there should be reforms granting permanent status to undocumented workers. "We do not support guest worker programs because of the possibility of further exploiting immigrant workers," Hunter said.

Javier Morillo-Alicea, SEIU Local 26, said many of the workers he represents are immigrants. "We are deeply dedicated to immigration reform," Morillo-Alicea said.

Alberto Monserrate, Latino Communications Network, said many Latinos feel

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that Minnesota has gone from being immigrant friendly to being completely unfriendly to immigrants. Most of our employees are permanent residents working on their citizenship, but we may have to outsource some of our functions because of the difficulty in hiring Spanish speaking employees, he said.

Public Safety Budget Division

Bonding proposals reviewed

Members of the Public Safety Budget Division met Mon., Feb. 27, to consider proposals for specific bonding projects and the governor's bonding proposals for the Dept. of Corrections.

The division, chaired by Sen. Jane Ranum (DFL-Mpls.), began by hearing three bills detailing individual projects. S.F. 2390, authored by Sen. Tom Saxhaug (DFL-Grand Rapids), requests \$1.111 million for a grant to the city of Grand Rapids to pre-design, design, construct, furnish and equip a new fire station facility in Grand Rapids. Saxhaug said the facility is needed because of the large area that firefighters must cover in the Grand Rapids area. S.F. 2303, sponsored by Sen. Rod Skoe (DFL-Clearbrook), authorizes funding to design, construct, furnish and equip a regional emergency training administration center in Gonvick. S.F. 2313, authored by Sen. Sheila Kiscaden (DFL-Rochester), requests \$850,000 for Phase I of the Rochester Regional Public Safety Training Center to develop a live burn training simulator adjacent to the existing National Guard facility in Rochester. Kiscaden said the project has been approved before by the Senate, but has never been enacted into law.

Tim Leslie, assistant deputy commissioner, Dept. of Public Safety, said that although the projects had merit, none of them are on the governor's list of bonding recommendations.

The panel also heard from Wilson Bradshaw, president, Metropolitan State University, and Al Johnson, associate vice chancellor of facilities for the MNSCU system. Both Bradshaw and Johnson explained the bonding requests for law enforcement centers in Alexandria and the Metro Area. Ranum said the law enforcement centers were under the jurisdiction of another budget division and that she had invited Bradshaw and

Johnson to the hearing in order to make other division members aware of the activities in law enforcement education.

Dennis Benson, deputy commissioner, Dept. of Corrections, outlined the needs of the state's correctional facilities. He said the department's capital project objectives were to maximize efficiencies to lower costs, ensure the safety of staff and offenders and to prevent the escape of dangerous offenders. Warden Connie Roehrich, Faribault Correctional Facility, said the department's top priority is the phase II expansion of the Faribault facility. She said the department is requesting \$28 million to construct a 416 bed living unit, demolish one living unit, remodel existing living units into program space and remodel the long-term care unit. She said the expansion will add 181 beds to the facility, address officer safety and security issues and meet the need for a long-term care unit.

Warden Lynn Dingle, Stillwater Correctional Facility, said the top priority for Stillwater is completion of a new 150-bed segregation unit. The governor is requesting \$19.6 million in bond proceeds for the project, Dingle said. The completion of the project will increase the population by 150 beds, but will minimize staff additions because of technology and efficient design, Dingle said. Dingle added that the project will reduce facility per diem by \$5.

The Shakopee Women's Correctional Facility needs two major projects said Warden Rick Hillengass. He said the governor is recommending \$5.4 million to be used to add 92 beds to the facility and \$4.9 million for a perimeter fence and enhanced surveillance system. Hillengass said the perimeter fence is needed because of the growing offender population, inmate profile and the state's commitment to public safety. He said there are ongoing meetings with community leaders in order to develop a design that will be aesthetically acceptable to the community. Hillengass said the construction of a perimeter fence will reduce the risk of escapes, reduce the risk of intrusion and the introduction of contraband and increase the efficiency of staff deployment.

The Lino Lakes Correction Facility warden, David Crist, said the facility is requesting, and the governor is recommending, \$2.5 million to renovate a portion of an existing building to include

newly consolidated health care service functions, improve operational efficiency and replace substandard mechanical systems.

Benson said the governor is also recommending \$10 million for asset preservation projects throughout the correctional system.

Division members discussed prioritizing the items presented to the division and forwarding a recommendation to the Capital Investment Committee. Members decided to list the Faribault phase II expansion project as their number one priority at the amount recommended by the governor. The other projects were listed in descending order as the Stillwater Segregation Unit, the Shakopee expansion, the Shakopee perimeter fence and the Lino Lakes medical building renovation. Members also recommended that asset preservation be the sixth priority with funding of \$9 million and that a training facility be listed as the seventh priority with funding of \$1 million.

Rules and Administration

Opening resolutions approved

The Rules and Administration Committee met Wed., Mar. 1, in order to take care of a number of routine house-keeping tasks necessary to begin every Legislative Session. The panel, chaired by Majority Leader Dean E. Johnson (DFL-Willmar), adopted opening day resolutions relating to mileage, postage, committee assignments and interns.

The committee also adopted a resolution setting the deadlines for committee activity this year. Under the resolution, the first deadline is Tues., Mar. 28, the second deadline is Tues., Apr. 4, and the final deadline is Tues., Apr. 11. The first deadline is the time by which bills originating in the Senate must be heard by Senate committees. The second deadline is for bills originating in the other body to be heard by Senate committees. The third deadline refers to the time by which omnibus bills must be heard in Senate committees. Under the Senate Rules, the Finance Committee, the Tax Committee and the Rules and Administration Committee are exempt from the deadlines.

Members also adopted the changes made to the Senate permanent and temporary staff rosters and endorsed



Sen. Amy Koch (R-*Buffalo*), right, converses with Sen. Michelle Fischbach (R-*Paynesville*) in the Senate Chamber, Wed., Mar. 1.

Photo by David J. Oakes

technical changes to the Legislative Coordinating Commission's Legislative Plan for Employee Benefits and Policies.

State and Local Government Operations

Pension bill gains

The State and Local Government Operations Committee met Wed., Mar. 1, to consider the confirmation of Gopal Khanna as state chief information officer. The panel, chaired by Sen. Linda Higgins (DFL-Mpls.), also considered a large bill containing the recommendations of the Legislative Commission on Pensions and Retirement.

Members approved the appointment of Khanna as the state's chief information officer. The position is a newly created cabinet level position designed to

more strategically employ technology across all state government.

The bill, authored by Sen. Lawrence Pogemiller (DFL-Mpls.), contains all or part of several bills heard by the commission. S.F. 2239 phases in member and employer contribution rate increases in installments for the various larger retirement plans administered by the Minnesota State Retirement System (MSRS), Pogemiller said. The measure also expands the active membership of the Correctional Employees Retirement Plan of MSRS by adding 12 positions in the Dept. of Human Services, adding 10 positions in the Dept. of Corrections, he said. Pogemiller said the plan makes a number of changes in the various retirement plans' administrative provisions.

Included in the bill is a provision for survivor benefits for the spouse of a St. Louis Park police officer. The officer was

married for less than a year and was killed in Iraq, Pogemiller said. He said that previously the survivor benefit provision was turned down by the commission, but last year the provision was approved in another bill. Pogemiller said the current bill specifies that the state appropriate the benefit and that St. Louis Park pay what the state does not. Pogemiller said the provision sets a precedent wherein the definition of "death in the line of duty" in the Public Employees Retirement Association (PERA) is changed. He said the amount, about \$346,000, is not inconsiderable for a pension fund and that the state or the city should pay, but not the pension fund.

Other sections relate to privatization retirement coverage changes, social security coverage changes, supplemental retirement plan coverage changes and retirement fund investment authority

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changes, Pogemiller said. One of the sections gives the Minneapolis Employees Retirement Fund (MERF) the authority to invest with the State Board of Investment, he said. Pogemiller said there are also changes to the Minneapolis Police Relief Association, a clarification and recodification of statewide specialty retirement plans and recodification and changes in the Judges Retirement Plan. Finally, he said, the bill makes changes in provisions relating to the Volunteer Firefighter Relief Association and authorizes various individuals or small groups of public employees to purchase prior service credit, transfer retirement coverage to correct earlier errors or to gain an earlier payment of a divided pension benefit in a previous marriage dissolution.

Pogemiller said the last section also corrected an error made by former Senator Randy Kelly when he became mayor of St. Paul.

Sen. Debbie Johnson (R- Ham Lake) moved to delete the provision dealing with the death benefit for the spouse of the St. Louis Park police officer. Pogemiller opposed the motion and said the situation needs to be resolved in an equitable manner. He said the benefit has already been paid; it is simply a matter of who pays. The motion to delete the provision failed on a voice vote. Members then adopted an amendment making a direct appropriation from the general fund for the benefit.

The bill was approved and re-referred to the Finance Committee.

Transportation

Transit presentation heard

The Transportation Committee, chaired by Sen. Steve Murphy (DFL-Red Wing), met Mar. 2, to hear a report on the \$300 million shortfall for the Metro District.

Lt. Gov. Carol Molnau introduced staff members to update the members on challenges associated with the shortfall. She said the federal government transportation bill is not delivering the funds expected. In addition, she said there has been an unprecedented increase in construction materials. Molnau said MnDOT is working to keep projects on budget and on schedule. In the coming years, from 2006 to 2010, MnDOT is

planning on \$3.2 billion in investments in transportation with 45 percent designated for the Metro Area and 55 percent designated for Greater Minnesota.

Tim Henkel, MnDOT, spoke on the reason for the \$300 million need in the Metro Area to complete the statewide transportation plan and how the department is addressing the need. He said a volatile programming and revenue forecasting environment requires significant flexibility. MnDOT is in the business of delivering projects that are safe, sound and reliable, Henkel said. He said project development takes many years to evolve from concept to construction and that short and long-term spending plans are based on uncertain state and federal revenue projections. He said planning begins with a 20-year plan to prepare for long-term needs. The next step is developing a 10-year work plan and the final step is a 4-year state transportation improvement plan. He said the project cost estimate environment is extremely volatile.

He said there were higher than anticipated Safe, Accountable, Flexible, Efficient Transportation Equity Act: A Legacy for Users (SAFETEA-LU) earmarks. SAFETEA-LU earmark projects resulting in smaller growth in federal formula funds and that some of the earmarks require state matching funds. Thus, he said, in the Metro District, MnDOT has delayed or deferred projects to manage the program. In addition, costs have skyrocketed in recent years. He said the \$150 million of additional funding need is associated with the I35W/Crosstown, I494, TH212 and the I694/I35E unweave projects. In addition, \$60 million is needed for projects associated with the Wakota Bridge design fix, as a match for SAFETEA-LU earmarks, the TH100 interim project, the TH65/TH242 project, and TH36/McKnight project. Finally, Henkel said \$90 million will be needed in 2009 – 2010 because of changing revenue projections.

Henkel said the department's solution to the shortfall is to use \$100 million of the SAFETEA-LU federal formula funding increases, using \$50 million from a Metro Council - Transportation Advisory Board loan of SAFETEA-LU federal formula funding increases, using \$60 to \$80 million of statewide corridor fund and make additional adjustments to the Metro District pro-

gram. He said the potential net transfer from Greater Minnesota could be as much as \$40 million over 2006-2008. In addition, MnDOT's cost management/cost estimating initiative is intended to improve cost estimates and reduce scope changes, particularly on large-scale urban projects. The department is also implementing financial strategies to manage program funding needs, Henkel said. According to Henkel, no projects in Greater Minnesota are deferred or delayed under the department's strategy to manage the program.

Abbie McKenzie, director of the MnDOT Office of Investment Management, presented information on target formula evaluation. The target formula is used to distribute federal funds, she said. McKenzie said the target formula needs to be refined to better reflect statewide transportation policies and goals. The 1996 formula is not linked to system performance, she said. The refined target formula is needed to address mega projects, McKenzie said. She said the refined target formula will be effective for FY 2009. The new formula aligns with priorities and distributes funding based on priority performance needs, especially bridge and pavement preservation, McKenzie said. She added that the formula will not meet all needs and that to meet all performance needs over the next 20 years would require an additional \$1 billion per year.

Members also said farewell to Nacho Diaz, a long-time director of transportation services for the Metropolitan Council. Diaz, who has served as the chief transportation planner of the Met Council for the last two decades, is retiring this month.

MyBills system available

The MyBills personalized bill tracking system is now available. Users can add House and Senate bills to their lists by bill number, subject, or author, and view the legislative status of their bills, with items with significant current floor action highlighted. Users can modify their lists at any time. The MyBills system is available from the Legislative website at: <http://www.house.mn/leg/bills/billsublogin.asp>

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Capital Investment

Bonding projects reviewed

The Capital Investment Committee, chaired by Sen. Keith Langseth (DFL-Glyndon), visited sites throughout the state during the course of the interim. In early September, members visited projects in Glencoe, Granite Falls, Marshall, Pipestone, Luverne, Windom, New Ulm, Mankato, St. Peter, Jordan, Fort Snelling and Shakopee. Later in the month, the panel visited projects in Brooklyn Center, Dayton, St. Michael, St. Cloud, Little Falls, Alexandria, Morris, Appleton, Willmar, New London, Spicer, Grass Lake, Richmond and Medina.

Later in the autumn, the committee visited sites in Northern and Northwestern Minnesota. Late in October, the group traveled to Southeastern Minnesota and in January the committee spent several days touring project sites in the Metro Area.

The committee will receive recommendations from all the Senate budget divisions on the projects meriting funding this year before assembling and omnibus capital investment bill.

Crime Prevention and Public Safety

Substance abuse report received

A report by the legislative auditor on the state's substance abuse treatment programs was the sole focus of a Wed., Feb. 22, joint meeting of the Crime Prevention and Public Safety Committee and the Public Safety Budget Division. The panels are chaired by Sen. Leo Foley (DFL-Coon Rapids) and Sen. Jane Ranum (DFL-Mpls.).

Project Manager Joel Alter said research on the effectiveness of substance abuse treatment has yielded mixed results. Thus, broad claims about effectiveness are misleading, he said, but evidence does indicate that people who complete their treatment programs fare better. For example, inmates who complete treatment programs have lower post-release arrest and conviction rates than other inmates, Alter said. He said the state's prisons lack sufficient space to serve all inmates needing treatment.

Alter said the auditor's study indicated the Dept. of Human Services

(DHS) has not provided enough oversight of local practices to ensure that people are placed in appropriate treatment. More treatment options need to be developed, he said, to meet the diverse needs across the state. Treatment tends to vary based on where clients live, Alter said. He said many inmates who are identified as chemically dependent do not enroll in post-release treatment programs.

In light of the findings, the Office of the Legislative Auditor made several recommendations. The office recommended DHS develop strategies to increase the availability of effective treatment options and that the department enhance information provided to counties on treatment programs' outcomes and quality. The report also recommended the Dept. of Corrections work with the Legislature to improve the availability of treatment programs in prison and work internally and with local officials to improve the post-release inmate substance abuse treatment usage rate.

Representatives of both agencies briefly discussed their responses to the report. Both departments agree with the key recommendations, according to agency staff, and are already working to implement many of the suggestions.

Early Childhood Policy and Budget Division

Programs discussed

Review of a report commissioned by a group of the state's business leaders was the focus of a joint meeting of the Senate Early Childhood Policy and Budget Division and the House Jobs and Economic Opportunity Policy and Finance Committee, Thurs., Feb. 2. The panels are chaired by Sen. John Hottinger (DFL-St. Peter) and Rep. Bob Gunther (R-Fairmont).

Al Stroucken, president and CEO of the H.B. Fuller Company and a member of the Itasca Project, told the panels that business leaders have both conceptual and pragmatic concerns about the state's future workforce. We need workers who can continue learning well into their lives, he said. Stroucken said the drive to learn is highest in the first five years of life, before traditional education starts. Minnesota is at a critical juncture in preparing itself for the future, he said, and

must recognize the importance of beginning a strong education in the early years of life.

Kenneth Saldanha and Deniz Cultu, both of McKinsey and Co., reviewed the study. The study found \$1.5 billion is spent annually on early childhood development programs, of which about \$337 million is government spending, with spending split in half between the federal government and state and local governments. Government spending, according to the report, is directed at two separate focuses: early education and child care. The study examined each of the public programs in these focuses and analyzed their participation rates and average spending. About 12 to 21 percent of eligible families participate in the state's two child care programs, while participation rates in the early education programs range from 30 to 50 percent. Saldanha and Cultu said the report identified a lack of objective measures for program effectiveness and the need to provide blended offerings or more closely aligning the goals for child care and early education programs.

Child care is central to the needs of working parents, said Helen Blank of the National Women's Law Center. It makes a difference in the parents' ability to work knowing that their children are in safe hands, she said. Blank said it is equally important that children enter school ready to succeed. For years, Minnesota was a leader in child care and early education, but recent trends have moved the state backward, she said. Blank said providers cannot afford to keep going without inflation adjustments in their compensated rates. She urged legislators to expand eligibility for public programs and raise reimbursement rates. Child care and early education are a good investment in the state's economic future, she said.

Rep. Fran Bradley (R-Rochester) said the speakers had over-emphasized the government role in providing child care and early education. The corporate world has a responsibility to meet these needs, he said, if it expects to keep current workers and have a well-trained workforce in the future. Bradley noted that many companies are already providing on-site child care. Some families will need government support, he said, but the solution cannot come entirely from government. Sen. Linda Scheid (DFL-Brooklyn Park) said Minnesota's taxpayers

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are beyond generous, but spending on early childhood programs are the best uses of public money available. Spending now saves money down the road and offers an excellent return on our investment, she said.

Child care assistance reviewed

The Early Childhood Policy and Budget Division met Thurs., Feb. 16, to hear an overview of the child care assistance program. The panel, chaired by Sen. John Hottinger (DFL-St. Peter), also reviewed 2004 statewide household child care survey.

Members began with a review of child care assistance programs presented by Cherie Kotilinek, manager, Dept. of Human Services Childcare Assistance. Kotilinek said the focus of the program is to make childcare affordable for families, to ensure children are well cared for and ready to learn and to enable parents to work or attend school. She said there are income eligibility guidelines for family participation. The program specifies that families with incomes at or under 175 percent of the federal poverty guideline are eligible to enter the program, Kotilinek said. She said families are required to pay a co-payment, which increases as their incomes increase. Other eligibility criteria require that parents use a legal provider, cooperate with child support enforcement and be in an authorized activity, such as work, job search, education or social service activities identified in the Minnesota Family Investment Program (MFIP).

Kotilinek said the rates of all licensed providers are surveyed at least once every two years based on age of child, provider type, county and provider's method of charging. The program specifies that child care payments may not exceed the maximum rate specified by statute. Most maximum rates are currently set at the lesser of the 75th percentile of 2005 rates or the previous rate increased by 1.75 percent, she said. If the provider charges more than the program maximum, the parent must pay the difference, Kotilinek said.

She said the program consists of three subprograms: MFIP child care for families who receive assistance from MFIP or a diversionary work program (DWP), transition year child care (TY), which is available to eligible families after their MFIP or DWP case closes, and basic

sliding fee (BSF) child care for other income eligible families. She said the subprograms are funded two ways. The appropriations for MFIP and TY are forecast to meet demand and are fully funded at that level, but the BSF appropriation is not forecast and is capped.

The Legislature made three changes last year, she said. The changes specify that child care providers may not be reimbursed for more than 25 absent days per child or for more than 10 consecutive days, unless the child has a documented medical condition. In addition, co-payment fees were reduced as a percent of income and maximum rates were increased in most cases. Kotilinek also reviewed expenditure and caseloads for all three subprograms.

Deb Swenson-Klatt, manager, DHS Child Development Services, and Richard Chase, senior research scientist, Wilder Research, reviewed the 2004 statewide household child care survey.

Elections

Equipment problems discussed

Problems facing four Metro Area counties in implementing a requirement to have assistive voting machines in every polling place were the main focus of the Tues., Jan. 24, meeting of the Elections Committee.

Kevin Corbid, elections director for Washington County, outlined the current state of affairs in the assistive voting market. The four counties that have chosen to continue using optical scan machines manufactured by Diebold—Anoka, Dakota, Ramsey and Washington—have learned that Diebold's assistive voting system will not be ready for this fall's elections. Using the only available and certified assistive voting technology poses compatibility problems, Corbid said. Solutions will take time, money and perhaps a change in state elections law, he said. Fridley City Clerk Deb Skogen discussed the increased costs of maintaining and transporting two types of machines.

Sen. John Hottinger (DFL-St. Peter) said national news items have suggested that Diebold machines may be easily hacked into, rendering their results suspect. Corbid said the main problem in machine integrity is access; Minnesota counties closely restrict the access to

machines, data and software, so hacking is not a significant concern now, he said.

Alberto Quintela, Office of the Secretary of State (OSS), said the office and the counties have been in discussions to seek solutions to the problems identified. The four counties are going through growing pains, he said. There are smart minds that could reduce the time and costs involved in making these machines work together, Quintela said, and we just need an opportunity for that work to happen.

The panel, chaired by Sen. Charles "Chuck" Wiger (DFL-North St. Paul), also briefly considered the results of a survey of OSS elections publications conducted by the Minnesota Alliance for Progressive Action. Beth Fraser, public policy director, noted that the survey found errors relating to the use of tribal identification cards, the procedure to challenge a voter's eligibility and to the vouching procedure used by residential facility employees.

Judicial elections considered

Possible changes in the way Minnesota selects its judges were the focus of a joint hearing of the Elections and Judiciary Committees. The panels met Wed., Feb. 8, to hear from former judges, representatives of bar associations and others on the wide variety of options Minnesota has, if legislators choose to seek new ways to staff the state bench. The committees, chaired by Sen. Charles "Chuck" Wiger (DFL-North St. Paul) and Sen. Don Betzold (DFL-Fridley), did not have any specific legislation in front of them.

Assistant Attorney General Tom Vasaly began the meeting by reviewing the U.S. Supreme Court and Eighth Circuit Court of Appeals decisions in a case challenging campaign activities regulations in the code of judicial conduct. The U.S. Supreme Court struck down as a violation of free speech rights a provision of the code prohibiting candidates for judicial office from announcing their views on disputed legal issues, Vasaly said. The Eighth Circuit, applying the Supreme Court's decision, also invalidated portions of the code prohibiting candidates from identifying themselves with political parties and from personally soliciting campaign funds.

There are five basic judicial selection models, said Senate Counsel Kathleen



James Bono, a member of the Patriot Guard Riders, left, urges members of the Judiciary Committee, Thurs., Mar. 2, to pass a bill restricting protests during funerals. Prompted by the recent protest by Westboro Baptist Church members during the funeral for Cpl. Andrew Kemple in Anoka, Sen. Don Betzold (DFL-Fridley), right, introduced the legislation.

Photo by David J. Oakes

Pontius. Some states use a lifetime appointment system, occasionally with a mandatory retirement age, she said. Others use a model relying on legislative confirmation or required selection from candidates recommended by a merit-examination commission to constrain the governor's choice of judges, Pontius said. She said three models use a form of election to select judges: candidates run in either partisan elections or nonpartisan elections or incumbent judges are subjected to retention elections. Some states mix models, she said, by using one method to name appellate judges and another for trial-court judges. Minnesota is classified as a nonpartisan election state, she said, though common practice has been for judges to retire early, thereby allowing the governor to appoint a

replacement who later runs for reelection. The state has a merit selection commission, Pontius said, but its choices are not always binding on the governor.

Senate Counsel Peter Wattson provided the panels with a history of changes to the process proposed as legislation since 1989. He said most of the proposals have focused on eliminating judicial elections and replacing them with a gubernatorial appointment and Senate confirmation process. Terms for judges under the appointment-and-confirmation proposals have ranged from three to ten years, he said. In recent years, bills have tended to provide for appointment by the governor with no confirmation, but again with a fixed term, Wattson said. Other bills, he said, have proposed eliminating the incumbency designation on the ballot.

Judicial independence is important to our legal system, said George Soule, former chair of the judicial selection commission. Judicial independence means that judges make decisions free from outside pressures, strictly according to the law and without fear of reprisal, he said. Soule reviewed the recent history of partisan elections in other states. These states are not known for their outstanding judiciaries, he said. Instead, they have a reputation of expensive, contested elections for the bench, he said. Campaigns based on political issues are deceptive to voters, Soule said, because hot-button cases rarely come before the courts. Our courts are busy with important, but low-profile, cases, such as criminal matters, divorces and child protection proceedings, he said. Soule added that too much discussion of a particular case or particular issue would also require candidates-cum-judges to recuse themselves from hearing a case. Political and partisan elections are likely to create or reinforce a perception among citizens that moneyed special interests have bought justice, he said. Qualified candidates will avoid seeking judgeships, Soule said, because they have no background of political involvement and no desire to become active in a bruising electoral battle.

Susan Holden, president of the Minnesota State Bar Association, Will Fluegel, president of the Minnesota Trial Lawyers Association, and Greg Bulinski, president of the Minnesota Defense Lawyers Association, said their groups and others are studying possible courses of action. Concerns about possible drastic changes in Minnesota's culture of qualified judges rendering their decisions without regard to the personal preferences but in accord with the law are not limited to a specific segment of the legal community, Bulinski said. We are all proud of the present state of our judiciary, Fluegel said.

Former District Judge John Stanoch said Minnesota's judiciary is nationally recognized for its quality. Our judges move cases through the system quickly and have been innovative to create new solutions to existing societal problems, he said. Stanoch highlighted the establishment of drug courts, the use of restorative justice and former Chief Justice Kathleen Blatz's focus on the child protection system. He said there is no apparent move by anyone on any side of the legal

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community—the plaintiffs’ bar, the defense bar, labor, business—to dramatically change our culture. Legislators should not worry too much, he said, about this year’s judicial elections, but should be commended for starting to think about the best long-term option.

Sen. John Hottinger (DFL-St. Peter) said lawmakers should consider modifying the state’s campaign finance rules, such as by imposing contribution limits, to cover judicial races. Hottinger and Sen. Julianne Ortman (R-Chanhassen) also probed the possibility of limiting independent expenditures and special interest influence.

Environment, Agriculture and Economic Development Budget Division

Bonding proposals reviewed

Members of a joint House Agriculture, Environment and Natural Resources Finance Committee and the Senate Environment, Agriculture and Economic Development Budget Division devoted an entire day, Thurs., Feb. 2, to hearing bonding proposals from the Dept. of Natural Resources (DNR) and those contained in a variety of bills relating to trails and other natural resource bonding proposals.

The joint panel, chaired by Sen. Dallas Sams (DFL-Staples) and Rep. Dennis Ozment (R-Rosemount), spent the morning portion of the hearing on the governor’s recommendations, presented by representatives of the DNR. The afternoon portion was given over to discussion of a number of bills containing bonding appropriations for a number of projects.

One of the major initiatives, a bill co-sponsored by Sams and Ozment, is a state trail initiative. The measure, which has yet to be introduced, includes provisions relating to the Gitchi Gami Trail, the Cuyuna Trail, the Munger Trail, the Paul Bunyon Trail, the Glacial Lakes Trail, the Gateway Trail, the Minnesota River Trail, the Shooting Star Trail and several others.

In addition, members considered proposals for the Wild Rice Watershed District flood hazard mitigation project, Wright County Regional Park, the Big Bog Recreation Area, the Prairie Wet-

lands Environmental Learning Center and for the rehabilitation of state parks and camper cabins.

Finally, the panel reviewed the governor’s bonding recommendations for the Minnesota Zoological Board, the Dept. of Agriculture, the Pollution Control Agency and the Water and Soil Resources Board.

Review of proposals continued

Members of the Senate Environment, Agriculture and Economic Development Budget Division met jointly with members of the House Agriculture, Environment and Natural Resources Finance Committee, Fri., Feb. 3, to continue their examination of projects seeking state bond sale proceeds. The panel, chaired by Sen. Dallas Sams (DFL-Staples) and Rep. Dennis Ozment (R-Rosemount), began by considering the governor’s recommendations for metropolitan parks.

Members also considered a series of other projects and proposals, including the Springbrook Nature Center, Mississippi West Regional Park, Como Zoo, Luce Line Trail, Soo Line Trail Recreational Bridge, Lake Redwood Reservoir, Dakota County Empire Wetlands Wildlife Area and Ripidan Dam.

Funding for state park land acquisition, diseased shade tree removal and replacement, regional parks in Greater Minnesota, parks and trails in Central Minnesota, flood hazard mitigation in the Wild Rice Watershed District, corridor improvements along the Red Lake River, restoration of Grass Lake, flood mitigation in Lebanon Hills Regional Park, safety improvements for the Byllesby Dam, landfill reclamation and parkland conversion in South St. Paul and flood mitigation near Lake of the Isles.

Bonding requests heard

Members of two Legislative panels continued their joint review of requests for bond sale proceeds, Tues., Feb. 21. The Senate Environment, Agriculture and Economic Development Budget Division and the House Economic Development Finance Committee, chaired by Sen. Dallas Sams (DFL-Staples) and Rep. Bob Gunther (R-Fairmont), heard the governor’s recommendations for the Minnesota Housing Finance Agency, the Dept. of Employ-

ment and Economic Development and the Minnesota Historical Society.

The panels also heard requests for a Bird Island sewer separation project, a swimming pool in Dawson, Lake Township wastewater infrastructure improvements, the Winnebago Museum, Farm America, renovation of the John Rose Minnesota Oval skating rink, East Bethel water treatment facilities and affordable housing in Dakota County. Other requests heard included assisted living facilities in Dakota County, a water reclamation project in Faribault, a storm sewer project in Blooming Prairie, Ellendale sanitary sewer and water infrastructure investments, Watkins sewer infrastructure improvements and transitional housing. Nancy Larson, League of Minnesota Cities, discussed wastewater projects across the state. Members also heard presentations from Terry Kuhlman of the Minnesota Public Facilities Authority and Michael Dahl of the Minnesota Coalition for the Homeless.

Bonding hearings continue

Members of the Senate Environment, Agriculture and Economic Development Budget Division and the House Economic Development Finance Committee continued hearing bonding requests at a meeting Wed., Feb. 22. The joint panels, chaired by Sen. Dallas Sams (DFL-Staples) and Rep. Bob Gunther (R-Fairmont), heard a number of requests dealing with water and sewer projects.

On the agenda were proposals for a Burnsville water treatment project, a Lewis and Clark rural water system, a Windom economic development wastewater extension, an Albert Lea sewer upgrade, McGregor wastewater infrastructure, a Mille Lacs wastewater treatment project, a Royalton wastewater treatment project, a Richmond sewer project and a Minnesota steel industries water and sewer infrastructure project.

The panels also considered several additional economic development projects, including a proposal for Albert Lea’s Katherine Island improvement, proposals for Richfield athletic field replacement and arterial street construction, proposals for an Itasca County steel mill and power plant, a proposals for a Grand Rapids fire hall and research facility, a proposal for the Great River Shakespeare Center, a proposal for a Minneapolis East Phillips neighborhood

cultural center, a proposal for Maple Bruentrup Farm restoration and a proposal for a Bemidji regional events center.

Economic development capital investment proposals heard

The week's joint meetings of the Senate Environment, Agriculture and Economic Development Budget Division and the House Economic Development Finance Committee concluded Thurs., Feb. 23, with a series of economic development bonding proposals. The two panels, chaired by Sen. Dallas Sams (DFL-Staples) and Rep. Bob Gunther (R-Fairmount), took no formal action on the proposals.

Members heard bonding proposals for financing the Shubert Theatre, the Lowrey Ave. Corridor development, Heritage Park development, Cloquet business park site improvements, Thomson light industrial park funding, a Mountain Iron renewable energy industrial park development, Pierce Butler corridor development, Great River Park development, Union Depot renovation, a Polk County ethanol plant access road construction, Workforce Centers land and building development, University Research Park funding and for St. Paul Asian Community Center construction.

A number of sewer and water proposals were also heard, including proposals for Carlton water storage tower construction, Wrenshall water storage, an Askov wastewater treatment facility, a Midway Township-St. Louis County Sanitary Sewer District, for East Range Joint Powers wastewater collection, the Eveleth water treatment facility renovation, and the Central Iron Range Sanitary Sewer District.

Health and Family Security

Use of IT discussed

A series of joint meetings focused on improving health care delivery and outcomes in Minnesota began, Tues., Jan. 17, with a review of the current and projected future uses of technology in health fields. Members of the Senate Health and Family Security Committee, chaired by Sen. Becky Lourey (DFL-Kerrick), and of the House Health Care Cost Containment Division, chaired by Rep. Jim Abeler (R-Anoka), will be

meeting during the weeks leading up to the resumption of the legislative session to hear a variety of information.

Dr. Donald Connelly, director of the Health Informatics Division of the University of Minnesota Medical School, provided an overview of what health information technology (HIT) includes, what systems are currently available in the state and what barriers the industry faces in expanding the use of HIT in Minnesota. HIT can be used to facilitate work flow, communicate orders regarding patient care, and provide easy access to patient data for any medical professional who needs it, he said. However, Connelly noted, the health care arena has not historically been friendly to new computer technology. HIT adoption is not a panacea, he said, but it does offer tremendous improvements in dealing with medical errors, patient safety and quality of care. Connelly outlined the major barriers to increased HIT adoption, including its significant up-front cost, the major cultural shift required and the variety of systems that are being used by providers across the state and nation. Dr. Gary Ofterdahl, medical director of Institute for Clinical Systems Improvement, also discussed the ability of HIT to significantly improve the quality of patient care and to provide the best treatment choices for individual patients.

Health care can be greatly improved by encouraging public reporting of health care quality measures, said Jim Chase, executive director of Minnesota Community Measurement. Reporting offers both recognition for providers performing well and motivation for sub-par providers, he said. Chase said reporting will lead to fewer deaths, strokes, heart attacks and complications as the public, community leaders and health plans track reported data. Tami Lichtenberg, program manager for the Rural Health Resource Center in Duluth, discussed the challenges facing Greater Minnesota health care providers in adopting HIT and public reporting. She noted that smaller communities and smaller medical offices lack significant technological expertise and support, impeding their ability to participate. The joint panel also heard about the Dept. of Health's e-Health Initiative, which is a public-private collaboration dedicated to accelerating the use of HIT in all areas of the state.

Disease management, alternative care methodologies considered

Review of background topics in health care continued Tues., Jan. 31, as members of the Senate Health and Family Security Committee met jointly with members of the House Health Care Cost Containment Division. The panels, chaired by Sen. Becky Lourey (DFL-Kerrick) and Rep. Jim Abeler (R-Anoka), heard from providers regarding chronic disease management and alternative care strategies.

Dr. Charlie Fazio, chief medical officer of Medica, said disease management provides patient-centered education and support and focuses on preventing complications. Disease management targets individuals with specific diseases, but seeks to maintain a high quality of life and low overall health care costs by identifying care gaps early, he said. Fazio used diabetes as an example disease to illustrate how disease management works for the patient and for the health care system. Dr. Anne Kelly discussed the disease management techniques used by U Special Kids, which focuses on adolescents. Helen Healy of the Minnesota Association of Naturopathic Physicians reviewed the alternative and complementary strategies used in the holistic philosophy of naturopathy.

Panel members heard about the use of alternative care techniques, including homeopathy, chiropractic and acupuncture. Dr. Jacob Mirman, Minnesota Homeopathic Association, reviewed the techniques used in homeopathy, including the principle that "like treats like." He said homeopathy should be included in the state's planning for epidemics, such as avian flu. Gert Bronfort, a professor at Northwestern Health Sciences University, and Jennifer Blair, a licensed acupuncturist, discussed the effectiveness of chiropractic care and acupuncture and offered evidence supporting increased use of both techniques.

Commissioner Cal Ludeman and Health Policy Specialist David Haugen, both of the Dept. of Employee Relations, also briefly reviewed a report on the concept of a health care purchasing authority. The study committee preparing the report included representatives of the Departments of Health, Human Services, Administration and other agencies. The

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report recommends going beyond seeking volume discounts and aiming at buying smarter while sending reinforcing messages to the health care market. The report lays out a variety of options for structuring a health care purchasing authority, ranging from a new cabinet-level agency to a higher level of interaction among the government agencies involved in purchasing health care.

Market reform discussed

A series of joint meetings providing common background information continued Thurs., Feb. 16, as members of the Senate Health and Family Security Committee and the House Health Care Cost Containment Division heard presentations on insurance market reform and the safety net for the uninsured.

Kip Sullivan, Minnesota Universal Health Care Coalition, said the newest fad in health care asserts that information technology (IT) can improve quality and thereby cut costs. There is absolutely no strong evidence to support the conclusion, he said. The concept of using IT is being promoted by parties with financial interests in its use, he said, such as insurance companies, care providers and the technology industry. Policymakers should treat these concepts as if they are new drugs or treatments, Sullivan said, and not blindly advocate wholesale adoption. Instead, we should encourage small-scale testing of the various proposals and move forward with caution.

Jenny Peterson, Twin Ports Health Access Program, and Jo Ann Hoag, St. Luke's Hospital and Clinics, discussed a proposed demonstration project for a community-based health care coverage program in Northeastern Minnesota. Under the multiple-share model, small employers, their employees and community and public sources would contribute funding to make the program affordable, Peterson said. Vondie Woodbury related the experiences a similar project that she directs has had in Muskegon, Michigan. Dr. Robert Meiches presented the Minnesota Medical Association's proposal for reform. The proposal is based on four features: a strong public health system, a reformed insurance market, a reformed care delivery market and systems fully supporting the delivery of quality care. John Nyman, a professor at the University of Minnesota, presented information he

said suggests that health care savings accounts are not favored by the public and are not improving care.

Dr. Michael Belzer, medical director of Hennepin County Medical Center, said safety net hospitals focus on care, not cost. The hospitals are the last resort for no-pay patients, he said. A lack of insurance is more than an inconvenience, Belzer said, because uninsured patients are sicker, die earlier and have a generally worse health status. Contrary to myth, they are not primarily minorities, immigrants, unemployed or poor, he said. Sherlyn Dahl, executive director of the Family HealthCare Center of Fargo-Moorhead, said Greater Minnesota community care centers serve high-risk populations with few resources. We have done the best we can, she said, but there comes a time when creativity and determination are not enough and we need more money. She said community centers have a strong focus on preventive care and are using evidence-based medicine. Several others also discussed the challenges faced by community and last-resort providers across the state.

Health and Human Services Budget Division

Medicare Part D drug benefit, bonding requests reviewed

Members of the Health and Human Services Budget Division, chaired by Sen. Linda Berglin (DFL-Mpls.), began a series of hearings Wed., Jan. 18, to review pertinent issues that will come before the panel. The division began with a review of the efforts made to prepare for the implementation of the new Medicare Part D prescription drug program. In addition, officials from the Dept. of Human Services outlined the difficulties dual eligible persons have encountered. Christine Bronson, Medicaid director, said the dual eligible population includes those who are Medical Assistance enrollees, Medical Assistance spend down enrollees, Medical Assistance for Employed Persons with Disabilities enrollees and Medicare Savings Program enrollees. She said there are approximately 104,000 dual eligible persons in the state. The difficulties included computer system glitches, persons enrolled incorrectly and the assignment of incorrect cost-sharing, she said. Bronson said the governor has

issued an executive order to have the state step in to assist those experiencing difficulties getting their prescriptions filled.

Sandra Anderson, Minnesota Board on Aging, said that eventually enrollees will benefit greatly from prescription plan. She said the board is the state health insurance program assistance point. At the current time the board is occupied with acting as a triage point for Medicare Part D difficulties. Catherine Sampson and Dawn Simonson, from the board, described the activities of the board's Linkage Line. They said the Linkage Line acts to assist seniors with a variety of programs, but the last few weeks have been devoted to assisting seniors with Medicare Part D. They outlined the types of difficulties seniors have been running into ranging from not being auto enrolled, not showing up in the system, and being charged the wrong co-pay. Sampson said, while the majority of the problems are nationwide the state still needs to assist seniors with the program. Simonson said the board averages about 300 calls a day, but there has been a decline in the number of calls from dual eligible individuals since the governor issued the executive order last week. However, Simonson said, the order will expire shortly. The panel also heard testimony from a variety of individuals about the program.

Members then discussed bonding proposals that fall within the division's jurisdiction. Wes Kooistra, assistant commissioner, DHS, said one of the major items is a proposal for \$44 million to expand the sex offender program at Moose Lake. He said the growth in the number of offenders and the increase in those committed for treatment mean that the state's sex offender facilities need to be expanded. Kooistra said the proposal also includes design money for further expansion. He said the rate of growth has changed how the department plans for capital budgeting. This year's request is for 400 beds using an adapted corrections model that allows the department to serve 400 individuals at the Moose Lake facility. The expanded facility could be used by the Dept. of Corrections if the need for sex offender beds diminishes, Kooistra said.

Stephen Musser, executive director, Veterans Home Board, outlined the board's \$60 million bonding request.



Senators Terri Bonoff (DFL-Minnetonka), left, and Ann Rest (DFL-New Hope) converse on the floor of the Senate during the opening day of the 2006 session. Photo by David J. Oakes

Musser said the request includes \$10 million for asset preservation, \$2.4 million for the upgrade of the emergency power system at the Minneapolis campus, a proposal for adult day-care at the Minneapolis campus to make up for a lack of federal funds, renovation at the Silver Bay facility, \$500,000 for an addition to the Luverne special care unit, \$5.3 million for the kitchen upgrade at the Minneapolis campus, \$637,000 for the design of an Alzheimers' unit at Fergus Falls, renovation of Building 16 at the Minneapolis facility to add assisted living at the campus, \$6.2 million for a 30 bed supportive living facility in Hastings, and \$175,000 for design of phase three of the master plan for the Minneapolis campus.

Bonding, potential federal program funding cuts discussed

The Health and Human Services Budget Division began the Thurs., Jan. 19, hearing with a discussion of S.F. 2332. The bill, authored by Sen. James Metzen (DFL-South St. Paul), provides \$3.1

million for an assisted living facility in Dakota County. Cheryl Jacobson, assistant director of administration, Dakota County Community Development Agency, said the facility is designed for low income individuals, over the age of 75, who need the types of services an assisted living facility provides. She said the units would rent at below market rates. Jacobson also said that it has been found that assisted living facilities provide services at lower cost than other types of accommodations.

Members, chaired by Sen. Linda Berglin (DFL-Mpls.), then began the process of prioritizing the bonding projects that are under the panel's jurisdiction. Berglin said the ballots for bonding projects will be given to the Capital Investment Committee for consideration.

Potential federal cuts in human services programs were the focus of the second portion of the hearing. Berglin said the cuts are significant and could have quite an impact on state and county government budgets. Christine Bronson,

Medicaid director, Dept. of Human Services, outlined the proposed changes. Bronson said in many cases federal reimbursement for state expenses are being eliminated. She said Temporary Aid for Needy Families (TANF) reauthorization provisions in the conference report now before Congress would discourage the present state practice of placing families in separate state programs. Under the conference report, TANF is authorized through Sept. 30, 2010, and funding for the TANF block grant is at the current level of \$16.5 billion through 2010. In addition, funding for the TANF supplemental grants to states is provided at current funding levels and continues the \$2 billion contingency fund through FY 2010. The conference report changes the base year for the credit to 2005 from the current base year of 1995, Bronson said. The measure also contains changes to participation rates, verification and oversight procedures and data reporting, she said. In addition, Bronson said there are changes in the child care and development fund, child support provisions, the

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federal parent locator service, and medical support.

Bronson also outlined changes in third party recovery, restructuring Medicaid pharmacy payments, Medicaid long-term care reform, asset tightening provisions for long-term care, reductions in payments to nursing facilities for bad debt and revising the state children's insurance health program funding rules.

The panel also heard testimony from Nan Madden of the Minnesota Budget Project and Ramsey County Commissioner Victoria Reinhardt about the effects on the state and counties. Madden said the savings in the budget reconciliation bill before Congress are derived from an expectation of states' failure to meet federal requirements and having to make up the funding difference. Reinhardt said the targeted case management cuts are devastating for counties.

The division also heard reports on changes to alternative care grants and restructuring of mental health funding mechanism.

Lisa Rotegard, DHS, and Dan Peterson, Perham Memorial Home and Hospital, spoke on concerns relating to changes in alternative care grants.

Wes Kooistra, assistant commissioner, Dept. of Human Services, provided an overview of restructuring the funding for mental health services to a prepaid model rather than a fee for service model. He said there as been a lot going on in the development of community mental health services over the last four years. He outlined the types of community services available for persons with mental health issues. In addition, he said the restructuring is an ongoing collaborative process. Kooistra said the goal is to provide services that best suit the individual, including improving screening, improving outcome reporting, changing the Mental Health Act to better focus county and state efforts and improving state wide infrastructure. Marion Brandt, South Country Health Alliance, described the mental health services provided by her organization and the way the new funding model will affect service delivery.

Mental health funding, health impact fee on tobacco discussed

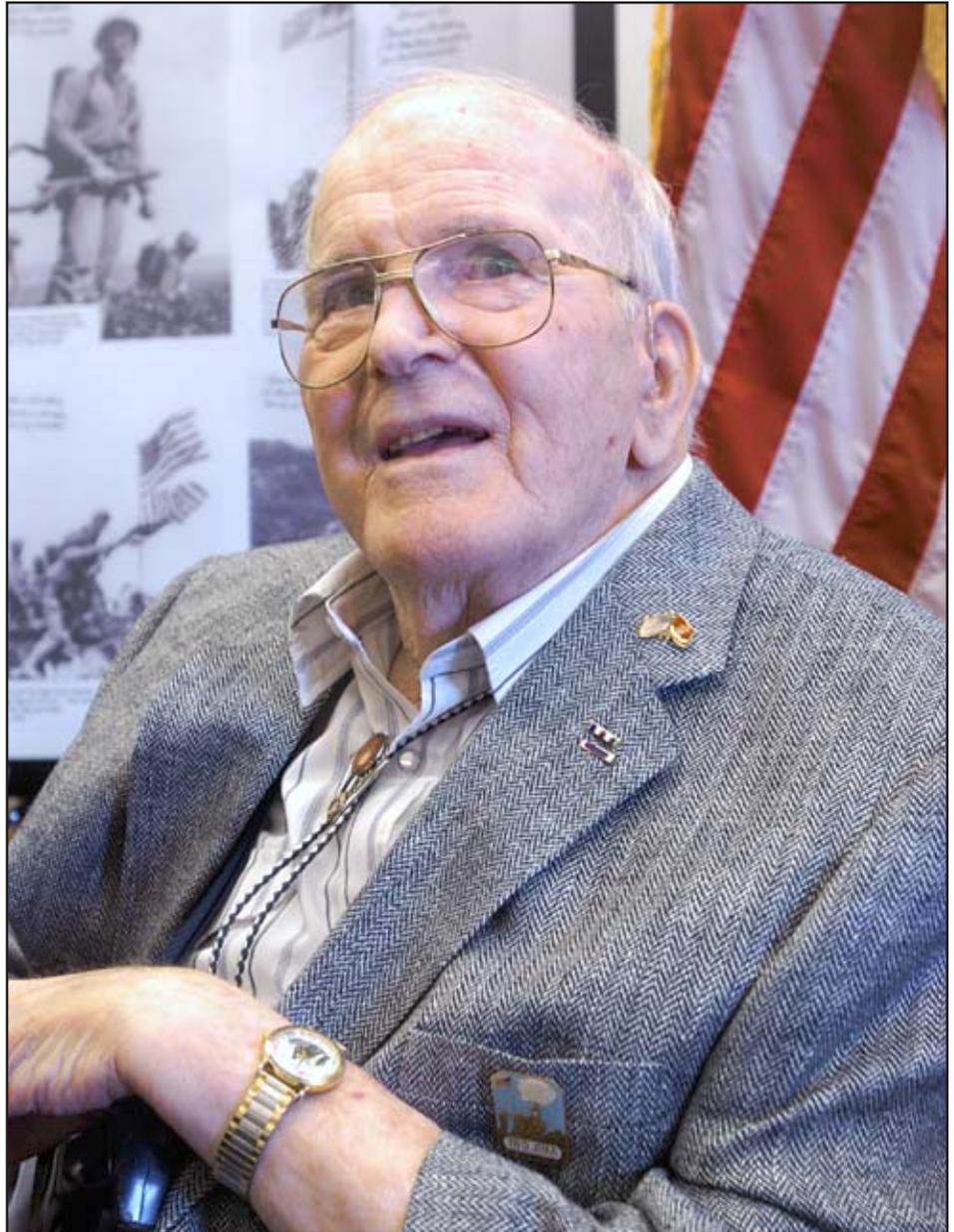
The Health and Human Services Budget Division met Tues., Jan. 31, to continue their discussion on mental

health funding restructuring. The panel, chaired by Sen. Linda Berglin (DFL-Mpls.), heard a presentation from Rachel Tschida and Kathy Thurstone, both of AXIS Health Care.

Tschida said the aim of AXIS is to work in partnership with persons with physical disabilities along with mental health or brain injury conditions. Thurston said the organization works to integrate coordinated care for persons with complicated health conditions. She

said Axis's responsibilities include care coordination, provider relations, member services and enrollment services.

Commissioner Gail Dorfman, Hennepin County, said the mental health programs in Minnesota are too fragmented. She said the state needs to be sure that the infrastructure is in place at the right time in order for clients to have access to a wide array of services. Programs must integrate physical care, health care and social services, Dorfman said.



One of the soldiers to have placed the first U.S. flag on Iwo Jima during World War II, Charles W. Lindberg of Richfield sits in front of historic photos during a reception at the Capitol, Thurs., Mar. 2. Earlier, a resolution to rename the Rochester Veterans Clinic in his honor was passed.

Photo by David J. Oakes

She also outlined some suggestions for improvement and said that counties want to work with the administration to provide integrated mental health services. Dorfman also expressed concern over federal budget cuts.

Members also heard an update on the status of the court ruling on the tobacco health impact fee. Mike Vanselow, Office of the Attorney General, said after the last session the major tobacco companies claimed that the state had breached the settlement agreement and that the breach violated the contract clause of the constitution. Two groups joined in, the distributors and a group of smaller cigarette manufacturers, he said. The smaller manufacturers argued that if the large manufacturers were successful, they also would not have to have the fee imposed. The state's argument is that the agreement was not violated, because the fee is not a claim against the manufacturers. The court found on the side of the tobacco companies and the state immediately appealed, he said. He said the state also asked for accelerated review by the Minnesota Supreme Court. He added that the case is on the Supreme Court's April calendar. Brent Gustafson, Dept. of Finance, also briefed the panel on the impact of the loss of the fee on the budget.

Dr. Sonne Magnan, director of consumer health for Blue Cross/Blue Shield said the cigarette fee was one of the most successful ways of deterring young people between the ages of 18 and 24 from starting to smoke. She said the population is particularly sensitive to price increases. In addition, she said that after the implementation of the fee, calls to the Blue Cross/Blue Shield smoking cessation telephone line increased dramatically.

Kristen Ehresmann, Dept. of Health, outlined the governor's budget request from the department that is part of his immigration package. She said hepatitis B and tuberculosis are of particular concern among immigrant and refugee populations. The budget request of about \$500,000 will be used to address the health problems of those populations.

Mary Manning, Dept. of Health, updated the division on goals of the smoking cessation program.

Reverse mortgages discussed

The use of reverse mortgages to finance long-term care at home was the focus of the Wed., Feb. 15, meeting of the Health and Human Services Budget Division.

Reverse mortgages are loans that allow homeowners age 62 and over to convert their home equity into cash while living at home, said Barbara Stucki of the National Council on Aging. Homeowners can choose to receive the cash as a lump sum, a line of credit or monthly payments, she said. Stucki said a common misconception is that the lender or bank assumes ownership of the home; the homeowner maintains ownership, she said, and any growth in value of the home is additional equity for the homeowner. The reverse-mortgage loan comes due when the borrower dies, sells the home, or moves out, Stucki said. Funds from a reverse mortgage are useful for filling gaps in services, providing a cash-flow cushion and helping seniors stay in their homes by making repairs and necessary modifications, such as the installation of adaptive devices, she said.

The panel, chaired by Sen. Linda Berglin (DFL-Mpls.), also heard an update on the Medicare Part D program from Christine Bronson, Medicaid director at the Dept. of Human Services (DHS), and Jim Varpness, director of Adult and Aging Services at DHS. Bronson and Varpness discussed the state's efforts to deal with problems in the federal program, especially difficulties encountered by dual-eligible persons. While the state has been able to provide temporary assistance, they said, many of the problems need final resolution at the federal level. Julie Johnson, Minnesota Pharmacists Association, said the state's pharmacists assumed a huge financial burden as the program began. We have ensured that people get their medications without knowing if we would ever get paid, she said, but we cannot continue that practice. Chris Eaton, a nurse at the Anoka Regional Treatment Center, said nurses across the state have observed that the complexities of the Part D program have added significant stress to their clients' lives.

Jobs, Energy and Community Development

Transmission capacity for renewables discussed

Members of the Jobs, Energy and Community Development Subcommittee on Energy met Mon., Feb. 6, to discuss the need for space on transmission lines for energy generated from renewable sources, including wind and biomass. The panel, chaired by Sen. Gary Kubly (DFL-Granite Falls), heard from private citizens, local government officials and representatives of power companies and environmental groups. Subcommittee members were told that numerous issues affect the erection of new transmission lines, including their cost, the distance between where power is generated and where it is being used and the resistance of property owners to allow transmission lines to cross their property; renewable energy sources also face special problems competing for space on transmission lines with traditional sources. Suggested remedies included adjusting the process by which energy sources reserve transmission space and requiring all new transmission lines to reserve a portion of their capacity for renewable energy.

Judiciary

Custody presumption discussed

The Judiciary Subcommittee on Family Law, chaired by Sen. Thomas Neuville (R-Northfield), met Tues., Feb. 21, to discuss a proposal to specify that there is a presumption of joint custody in marriage dissolutions. Neuville said the hearing was simply to gather information and that no action would be taken on the proposal until after the session begins.

Former Representative Andy Dawkins, now an attorney in private practice, said the parties involved in drafting the proposal all had a common purpose of reducing the conflict in child custody hearings. He said joint physical custody should be the norm unless the court finds differently. "Now that the income sharing method for setting child support has passed, it is necessary to move toward the sharing of custody," Dawkins said. He said, "Kids need meaningful relationships with both parents."

Dr. Susan Phipps-Yonas, psychologist, said what is most important for children is

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that there be as much continuity as possible in their relationships with both parents. In addition, we need to be sensitive to developmental issues, she said. Phipps-Yonas said, "Children don't need a label as to who their primary caretaker is. What they do need is a predictable schedule and an agreement in place about how to resolve conflicts when they arise."

Stephen Arnott, of the Family Law Section of the Minnesota Bar Association, said the Family Law Section is opposed to the proposal. "It is important to note that children are not property and that one size does not fit all cases." There are instances parents should not agree to joint physical custody, but the proposal presumes joint custody, he said. "The ideal situation is to have no presumption," Arnott said. Ellen Abbott, also of the Family Law Section, said, "I am exceedingly concerned about the effect the proposal will have." She said parenting plans are great when people have the time and resources to do it, but having a joint custody presumption doesn't conform to the reality of families.

Other speakers also spoke against the proposal and said that having no presumption was a preferable situation. Ron Elwood, Legal Services Advocacy Project, said, "Custody issues should be looked at on a case by case basis and having a presumption of joint custody flies in the face of doing that." He also said that another problem is that the joint presumption apparently would apply to paternity cases. Finally, Elwood said having mandatory mediation is problematic for many families.

Tax

Tax issues discussed

The Tax Committee, chaired by Sen. Lawrence Pogemiller (DFL-Mpls.), met Thurs., Feb. 16, to discuss several tax issues. Pogemiller said he wanted to meet and review property tax issues, the impact of the Federal Deficit Reduction Act on local governments and tax fairness in order to prepare for the upcoming legislative session.

Senate staff reviewed market value growth rates, limited market value increases, and a comparison of 2005 and 2006 final certified net tax capacity and market value levies. Staff also reviewed a

summary of fee changes from all areas of state government.

In addition, members heard from state and county officials on the impact of the federal Deficit Reduction Act of 2005 on local governments. According to Don Allen, Dept. of Human Services, the act will impact Temporary Assistance for Needy Families (TANF), child care, child support, child welfare and Medicaid. Kris Johnson (DHS) reviewed Title IV foster care administration claiming changes that will result in an additional \$28 million per year for counties and local collaboratives. In addition, Anne Martineau (DHS) said states will be prohibited from using incentive grant funds to draw a federal match for child support enforcement. Finally, changes in Medicaid prohibit federal matching fund for any service that the federal government's Center for Medicaid and Medicare Services (CMS) believes would be provided by state or local government in the absence of Medicaid coverage, Allen said.

Nancy Schouweiler, Dakota County commissioner, said the cost to counties will be much larger than the federal government claims. In addition, she said the act assumes states will make up the counties' shortfall particularly in the area of targeted case management. Dan Papin, Washington County Community Services, said the cuts in targeted case management alone will result in the loss of \$87 million for Minnesota counties.

According to the Metropolitan Inter-County Association, the act will disproportionately harm Minnesota and is likely to lead to additional property tax increases in 2007.

The panel also briefly touched on the difference in the state and federal married/joint standard deduction. Pogemiller said the issue is one the committee may want to address during the session.

Transportation

Airport zoning and land use planning discussed

A joint Senate Transportation and House Transportation Subcommittee on Aeronautics, chaired by Sen. Ann Rest (DFL-New Hope) and Rep. Michael Beard (R-Shakopee) met Wed., Feb. 15, to discuss airport zoning and compatible land use planning.

Members heard a presentation from representatives of the Dept. of Transportation (DOT) Office of Aeronautics that provided a national perspective, the purpose behind hiring an airport zoning consultant, the history of airport zoning statutory changes in the state and the conclusions and recommendations of the airport zoning consultant.

According to the presentation, federal airport law enacted in 2003 requires compatible land use planning and projects by state and local governments. The presentation indicated that on average less than five percent of the national aviation system is being protected 80 to 100 percent of the time. Among the initiatives recommended by the American Planning Association is to revise the Federal Aviation Administration advisory limiting height of objects around airports to focus on compatible airspace and land use. Another initiative aims at protecting the national airports system while meeting national aviation demand and making airports valued neighbors. A third initiative aims at assessing the impacts of incompatible land uses near airports. The results of the assessment will provide the basis for zoning rules.

The presentation also described how other states are addressing the issue and the scope of the task for an airport zoning consultant. According to the presentation, the consultant is to evaluate national and Minnesota laws and rules, make recommendations for Minnesota law changes and identify "best practices" based on national experiences.

Members also reviewed a draft report of the consultant hired by the Minnesota Department of Transportation Office of Aeronautics. The report contains recommendations that representatives from the department said have not been completely reviewed. The recommendations for the Legislature include changes to address enforcement of existing laws, changes to clarify or correct existing laws and changes to enact new laws and rules.

The panel also heard from William Towle, St. Cloud Regional Airport director. Towle described the expansion plan for the airport over the course of the next 20 years and the zoning changes that will be needed. He said that the scenario for the St. Cloud Regional Airport is not unique and that other airports will face similar challenges.

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Senate Majority Leader Dean Johnson (DFL-Willmar) holds an autographed baseball he received from former Minnesota Twin Kirby Puckett as he pays tribute to the popular baseball player on the floor of the Senate, Wed., Mar. 8. Puckett died unexpectedly two days earlier after suffering a stroke. Photo by David J. Oakes



March 10, 2006

Senate Highlights

Payments to pharmacies extended

Senators returned to floor sessions Wed., Mar. 8, after breaking for precinct caucuses. The main order of business for the session was to process a bill extending funds to pharmacies for reimbursement for costs associated with Medicare Part D, and to process bill introductions, committee reports and messages from the other body.

Majority Leader Dean E. Johnson (DFL-Willmar) moved to suspend the rules in order to place S.F. 2653 on its way to final passage. The bill, sponsored by Sen. Julie Rosen (R-Fairmont), appropriates \$570,000 for pharmacy and pharmacy-related costs for dual-eligible individuals under a process detailed in Gov. Pawlenty's executive order. Rosen said the executive order expires at midnight and needs to be renewed. Under the bill, the state will be the payer of last resort for costs associated with the roll-out of Medicare Part D. If there is reimbursement from the federal government, the monies will be returned to the general fund, Rosen said. Sen. Linda Berglin (DFL-Mpls.) urged the body to support the bill in order for dual eligible persons to continue to get their drugs.

Sen. Brian LeClair (R-Woodbury) offered an amendment specifying that instead of using money from the general fund, the money be taken from funds sent by the state to the federal government. He said that the state should not be trying to fix a federal problem. Because the federal

government isn't fulfilling its promises, the state is trying to fix the problem with a direct appropriation, LeClair said. He said, "We should not be spending state taxpayer dollars to fix the problem, instead we should offset the money we are paying to Washington." Rosen said the issue is important, but there is an urgency in passing the bill without amendments. The amendment failed on a voice vote. The bill was granted final passage on a 62-0 roll call vote.

Johnson then paid tribute to Hall of Fame baseball player Kirby Puckett, who died earlier in the week after suffering a massive stroke. He said he wanted to take a few moments to acknowledge Puckett's untimely death and to relate personal memories of meeting with him. He said Puckett meant a great deal to the people of Minnesota and to the sport of baseball. Johnson said that he met Puckett several times and has a signed baseball as a cherished memento. He said Puckett often spoke about his life, about baseball and about growing up in Chicago. He said Puckett's effervescent smile and enthusiasm were infectious and helped his off the field work with children and children's charities. "His charitable work was nothing short of astounding," Johnson said, "and it was for the children, always for the children." Johnson asked members for a moment of silences and said, "Now, the state Senate and the people of Minnesota join together in extending condolences to Puckett's friends and family, especially his two children."

Governor emphasizes innovation

Senators joined members of the other body in receiving the governor's State of the State address, Thurs., Mar. 9. The governor's address focused on the need to innovate in four key areas to create Minnesota's future—education, health care, natural resources and job growth. The governor reviewed the groundwork laid during the first three years of his administration, including taking the state from a \$4.5 billion budget shortfall to a budget surplus.

In the area of education, the governor's proposals included additional focus on early childhood education, requiring at least 70 percent of school funding be spent in classrooms and developing a model Chinese language curriculum. For health care, the governor

proposed directing health plans to aggressively market low-cost basic health insurance, requiring health care providers to provide cost information on more procedures and providing \$12 million to help small providers implement electronic medical record keeping and \$10 million to defend against an avian flu outbreak.

The governor's natural resources proposals included developing a long-term statewide strategic plan for conservation, constitutionally dedicating funding for conservation and clean water, reducing mercury emissions from electricity production facilities by 90 percent and setting a goal of having 25 percent of all energy produced from renewable sources by 2025. For job growth, the governor proposed capping property taxes, adopting a single sales factor corporate income tax, eliminating the marriage penalty in the individual income tax and enacting a dairy investment tax credit.

Before the address, Senators met briefly to handle routine business. The body also observed a moment of silence to honor the death of the sister of Sen. Carrie Ruud (R-Breezy Point).

Nature and culture sales tax dedication amendment okayed

A proposed constitutional amendment increasing the state sales and use tax by 0.25 cents and dedicating the new revenue to natural and cultural resource projects was approved by members of the Environment and Natural Resources Committee, Fri., Mar. 10.

S.F. 2734, carried by Sen. Dallas Sams (DFL-Staples), places the amendment on the general election ballot this November. If approved, the sales tax increase takes effect July 1, 2007. The additional revenue is allocated 34 percent to fish, wildlife and habitat projects, 22 percent to parks, trails and zoos, 22 percent to clean water projects, and 22 percent to arts, humanities, museums and public broadcasting. Sams said projections indicate \$65 million per year would go to the fish, wildlife and habitat area, while \$42 million annually would go to each of the other three areas. The constitutional language in the bill prevents the Legislature from using the dedicated revenue to replace traditional funding for cultural and natural resources.

Representatives of a broad range of groups spoke in favor of the bill. Carol

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Sen. Becky Lourey (DFL-Kerrick) acknowledges recognition from fellow Legislators on the floor of the House of Representatives during the State of the State address. In his speech, the governor paid tribute to Lourey's son, who was killed in action in Iraq last year.

Photo by David J. Oakes

Kummer, Minneapolis Park and Recreation Board, discussed the importance of parks and trails in the Metropolitan Area. Metro parks are a gateway to nature for urban residents, especially children, and their users quickly become users of state parks in Greater Minnesota, Kummer said. Minnesotans value their parks, open space and recreation, she said, but our parks are being loved to death. Kummer said the additional funding provided by the tax increase would help ensure the longevity of quality parks in Minnesota.

Natural resources feed our souls and our economy, said Dave Zentner, coordinator of the Rally for Ducks, Wetlands and Clean Water. We need a meaningful infusion of funding to support and maintain these resources, he said.

We are at an historic point in a long journey, said Larry Redmond, Citizens for the Arts. A blue ribbon commission on the arts concluded, 32 years ago, that Minnesota needs a strong regional arts support system. We have built that system and have more arts programs and events

in Greater Minnesota than in any other rural area of any state, he said. Redmond said the Metro Area also has a strong arts infrastructure. The arts are a principal activity of Minnesotans, he said. Ten of our arts organizations, he said, are not just of national importance, they are internationally recognized. Arts and nature fill the same need for cultural connection, he said, and should not be treated as competing or contradictory interests.

Sams said that dividing the funding has been a sticky issue throughout the history of the proposal. Clean water advocates want one-eighth of a percent, he said, as do hunting and fishing groups, while the arts also deserve funding. Sams asked the committee to adopt an amendment increasing the additional tax from 0.25 percent to 0.375 percent. Sen. John Hottinger (DFL-St. Peter) offered an amendment conforming to Sams' request. The amendment was adopted.

Sen. Pat Pariseau (R-Farmington) offered an amendment modifying the allocation of the new revenue. The amendment increases the allocation to the fish, wildlife and habitat area from 34 percent to 40 percent and the parks, trails and zoos allocation from 22 percent to 28 percent. Under the amendment, the arts, humanities, museums and public broadcasting allocation is reduced from 22 percent to 10 percent; the allocation is also restricted to arts and museums, eliminating public broadcasting and humanities projects as recipients of dedicated funding. The amendment was defeated on a 3-5 roll call vote.

I support this bill, but with hesitation and reservations, said Sen. Sean Nienow (R-Cambridge). He said its current form diminishes the constitutional amendment's ability to get on the ballot or to gain public approval. Sams said he disagreed with Nienow's assessment. Public polling indicates strong support for this proposal, Sams said.

The bill was advanced to the State and Local Government Operations Committee on a unanimous 8-0 roll call vote.

Schedule available online

Next week's schedule is available at <http://www.senate.mn/schedule/2006/0313.htm>

Committee update

Agriculture, Veterans and Gaming

Vets-military service bill gains

Members of the Agriculture, Veterans and Gaming Committee met Wed., Mar. 8, to consider an omnibus veterans-military initiative. Carried by Committee Chair Jim Vickerman (DFL-Tracy), the bill includes provisions to assist and protect Minnesota's current military personnel, veterans and their families and provides an appropriation of \$8.8 million to carry out the bill. Vickerman said the initiative is the result of bipartisan work on the part of committee members.

The bill requires employers to grant an unpaid leave of absence to immediate family members of military personnel injured or killed in active service. Vickerman said nothing in the bill prevents employers from providing paid leave, but at the very least family members must be allowed to attend to the injured family member, or to attend

services for and attend to the affairs of an immediate family member who has been killed. The measure specifies that unless the leave would unduly disrupt the operations of the employer, an employer must allow an employee the actual time necessary for the employee to attend send-off or homecoming ceremonies of a family member who has been mobilized.

In addition, the bill requires each campus of the U of M and the Minnesota State Colleges and University (MNSCU) system to provide space for a veterans assistance office and encourages private colleges and universities to do the same. Vickerman said the veterans service officers will be there to help veterans regarding the availability of state, federal, local and private resources for their education.

The measure also requires MNSCU to recognize courses and award credits for courses that were part of a veteran's military training or service if the courses meet the standards of the American Council on Education or equivalent

standards for awarding academic credits. The bill encourages the University of Minnesota and private colleges and universities to recognize and award credit under the same circumstances.

Another provision dealing with higher education is a requirement that a state college or university must treat a veteran as a Minnesota resident for purposes of determining undergraduate tuition and must treat a veteran as a state resident for the graduate school tuition rate, if the veteran was a Minnesota resident on entering the military service and starts the graduate program within two years of leaving the service.

A final higher education provision directs that neither the U of M or the MNSCU system may assess late fees or other late charges for veterans who are eligible to receive, have applied for or are awaiting federal education assistance. The bill also prohibits state higher ed institutions from preventing a veteran from registering for a subsequent term if the federal assistance is late.



Members of the University of Minnesota marching band await their turn to play as students and staff from the University's Carlson School hold a rally in the Capitol Rotunda, on Mon., Mar. 6.

Photo by Shelley Hawes

Finally, the bill allows veterans and veteran's dependent survivors to subtract military retirement pay from federal taxable income for state income tax purposes. The measure specifies a phase-in of the amount over a four year period.

Major General Larry Shellito, adjutant general, Minnesota National Guard, spoke in support of the bill. He outlined the mission of National Guard troops in Afghanistan and Iraq. He also described the duties of the guard in the state. He said members of the guard want their families taken care of while they are serving.

Commissioner Clark Dyrud, Dept. of Veterans Affairs, spoke in support of the portions of the bill relating to appropriations for county veterans service enhancement grants. He said the veterans service officers are well versed in the needs of returning veterans and will be able to offer improved services under the bill. He also spoke in support of a provision establishing an office on each campus of the University of Minnesota and the Minnesota State Colleges and Universities system to assist veterans with higher education services. He said the offices would be staffed by veterans who are in the best position to know what their peers need in terms of higher education.

Richard Shearer, enrollment director, Southwest Minnesota State University, described the actions the university has taken to ease the ability of veterans to gain higher education.

Other supporters included representatives from the Minnesota Office of Higher Education, the Minnesota Commanders' Task Force, the United Veterans Legislative Council, the Retired Enlisted Association and the Military Officers Association of America.

The bill was approved and re-referred to the Jobs, Energy and Community Development Committee.

Capital Investment

Bonding background heard

Members of the Capital Investment Committee used their first meeting of the 2006 Legislative Session, Wed., Mar. 8, to review the bonding process and to examine the governor's list of recommended projects for bond funding.

Assistant Commissioner Peter Sausen, Dept. of Finance, provided the

committee members, led by Chair Keith Langseth (DFL-Glyndon), with information about the state bonding process, including the application and review process for projects, and the calculation of the state's debt capacity. Finance Commissioner Peggy Ingison reviewed the list of the governor's recommendations, which totals \$811.129 million in general obligation bonding. Requested projects totaled \$2.315 billion in general obligation bonding.

Commerce

Liquor regulation report heard

A report indicating that reducing restrictions on retail sales of alcohol could save consumers as much as \$100 million per year was the sole topic of discussion at the Wed., Mar. 8, meeting of the Commerce Committee. However, committee members, led by Chair Linda Scheid (DFL-Brooklyn Park), also learned that reduced restrictions could mean fewer product choices for consumers, less revenue for municipalities and an uptick in alcohol abuse.

James Nobles and John Yunker, Office of the Legislative Auditor, summarized the report for the committee. The study indicates that Minnesota restricts retail liquor competition more than most states, while the state is comparable to most other states in its restrictions on the wholesale market. Most city-owned liquor stores in Minnesota have a monopoly on off-sale purchases, according to the report. The study adjusted retail prices in Minnesota and Wisconsin for taxes and insurance and found that Minnesota prices are higher by five to nine percent for wine and beer, but almost ten percent lower for distilled spirits.

The report concluded that while adopting retail laws similar to those in Wisconsin would save Minnesota consumers almost \$100 million annually, it would endanger the \$16 million in annual profits city-owned liquor stores provide their local governments. Reducing retail restrictions would also threaten private liquor stores, according to the study. Yunker said many studies suggest a link between lower beer prices and increases in problem alcohol use, while other studies indicate non-price factors are more responsible for alcohol abuse. However, even a small increase in alcohol abuse, he said, would offset consumer savings.

Crime Prevention and Public Safety

Funeral protest prohibition gains

A bill prohibiting and criminalizing protests that intentionally disrupt funerals was approved by members of the Crime Prevention and Public Safety Committee at their Thurs., Mar. 9, meeting. The panel, chaired by Sen. Leo Foley (DFL-Coon Rapids), advanced the measure to the full Senate.

S.F. 2614, carried by Sen. Don Betzold (DFL-Fridley), makes it a misdemeanor to intentionally disrupt a funeral ceremony, graveside service or memorial service by publicly protesting or picketing from one hour before the ceremony until one hour after the ceremony. The bill also criminalizes intentionally disrupting funeral processions, intentionally blocking access to ceremonies, and knowingly engaging in targeted residential picketing of the home of a deceased's immediate family on the day of the ceremony.

In other action, committee members were joined by members of the Public Safety Budget Division, chaired by Sen. Jane Ranum (DFL-Mpls.), to hear two reports. The first report was an annual report from the Minnesota Sentencing Guidelines Commission. The report includes information on the impact of a U.S. Supreme Court decision—*Blakely v. Washington*—requiring determination of aggravating factors to be made by juries, not judges. The report also includes enhanced sentencing guidelines for sex offenders who are not subject to mandatory or indeterminate life sentences. The second report was from the Minnesota Supreme Court Advisory Committee on Rules of Criminal Procedure. The report recommends, for adoption by the Supreme Court, modifying criminal court rules in response to *Blakely*.

Early Childhood Policy and Budget Division

Early screening bill okayed

A bill expanding early childhood screening to include socioemotional developmental screening was advanced at the Thurs., Mar. 9, meeting of the Early Childhood Policy and Budget Division. The bill, sponsored by Division Chair John Hottinger (DFL-St. Peter), specifies

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St. Louis Park High School junior Mara Fink participates in a meeting of the Youth Advisory Council, Mon., March 6. The council, composed of high school students from around the state, met to discuss and vote on their education priorities for the 2006 Session.

Photo by David J. Oakes

that the social/emotional component be completed using a social/emotional screening instrument approved by the commissioner of education and consistent with the standards of the commissioners of health and human services. Hottinger said families want to have the best

information available about their children.

Andrea Ayres, policy advocate, Family and Children's Services, spoke in support of the measure. The bill would ensure that the socioemotional development would be screened using an ap-

proved tool, Ayres said. Approved tools insure a high degree of accuracy, quality and reliability developed by the agencies. Suzette Scheele, a parent, told of her experiences with trying to obtain an evaluation for her child. She urged support of the bill in order to help other parents in similar situations be able to obtain an accurate evaluation of their child and to obtain the appropriate services.

Karen Effrem, Ed Watch, said it is not the government's role to do subjective assessments of small children. She said not only does the idea have philosophical and ideological flaws, but it is also flawed in physiological and medical reasoning. Tom Pritchard, Minnesota Family Council, also opposed the bill. He said, with mental health screening, the government is taking significant responsibilities away from parents for raising their children. It raises questions about the expanded role of government in the lives of very young children.

Both Sen. Linda Scheid (DFL-Brooklyn Park) and Sen. Sean Nienow (R-Cambridge) expressed concern that the bill did not make clear that parents have the ability to opt out of the screening. However, after hearing the testimony, Scheid said her concerns had been addressed. Nienow said he continued to oppose the measure.

Hottinger said that in most states the socioemotional screening is already included in early childhood screening and is seen as a valuable tool for parents. Karen Cadigan, school psychologist, University of Minnesota, explained the terminology in the bill. There are three important reasons for early screening to include socioemotional development, she said. The time is critical in a child's development, the screening gives parents important information and it allows for early intervention when needed, she said.

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

Members also heard an overview of Family, Friend and Neighbor (FFN) studies. Deb Swenson-Klatt, Dept. of Human Services, defined the term family, friend and neighbor childcare as informal, legal, unlicensed home-based childcare. FFN caregivers include grandparents, aunts, siblings, cousins and non-relatives such as friends and neighbors. According to the study, FFN care is the most common type of child care with 46

percent, or 150,000 households used for FFN care. Richard Chase, Wilder Research, said overall, parents choose their primary care arrangement based on convenient location, quality of care and cost. For FFN care, he said, the main reasons also include a preference for care by a family member, trust and having a place where children will be cared for when they are sick. He said families using FFN care like the flexibility and more individual attention that their children receive.

Chase said that 52 percent of caregivers are the child's grandparents and 15 percent are other relatives, 16 percent are friends and 9 percent are neighbors. He said 81 percent of FFN caregivers are eager for or open to support and interaction for quality improvement in their caregiving. In addition, Chase said FFN care was often a financial benefit for both parties.

Kathryn Tout, program director, Applied Research in Early Care and Education, said a clear strength of FFN was caregiver interactions with the children. She said responsiveness, verbal interaction, warmth and encouragement and appropriate supervision and opportunities to play and explore were benefits of FFN. There were missed opportunities, she said, to engage children in a variety of activities including reading, music, math and art. Caregivers also missed opportunities to talk about and address feelings, to foster cooperative play and teach sharing and to teach new activities and work on specific skills.

Education

School elections bills advance

Two measures modifying school board elections were advanced by members of the Education Committee at their Thurs., Mar. 9, hearing. The panel, chaired by Sen. Steve Kelley (DFL-Hopkins), also heard a bill requiring school districts to conduct regular lockdown drills.

S.F. 358, carried by Sen. Wesley Skoglund (DFL-Mpls.), increases the number of members of the Minneapolis School Board from seven to nine and requires six of the members to be elected from proportional election districts or wards. Skoglund said the current, at-large system disfavors involved parents who

have no history of political activity. Having a board member represent a specific geographic area would also increase responsiveness to parent concerns, he said. Duane Reed, president of the Minneapolis NAACP, said the school board needs to avoid the path of blame and politics. We need total community representation on our board, he said, and the bill gives everyone a chance to participate in all aspects of the political process, not just voting for school board candidates. Former school board member Denny Shapiro said the measure is an attempt to infuse the board with better, qualified leaders. It is hard for a neighborhood to be heard if no one on the board lives in the area, said Kristin Berg Thompson, a Minneapolis parent. Shapiro said the city is going through a period of growing neighborhood identification.

School Board Chair Joe Erickson spoke against the proposal. He said he had no previous political experience before he ran for the board. Erickson said no data exist to suggest that student achievement or parent satisfaction would be improved if the district shifted to a ward system. District voters rejected, two to one, the concept of moving to a ward system in 1987, he said. Adopting a ward system risks narrowing board members' focus to parochial, neighborhood interests at the expense of the rest of the district and encouraging neighborhood-versus-neighborhood struggles, Erickson said. Board Member Lydia Lee said the current board is diverse and representative of city residents. Three of seven members, or 42 percent, are people of color, she said, while other city boards have only 22 to 25 percent minority membership. Julie Mattson Ostrow said schools and parents are already divided because of housing patterns and scarce resources. The bill will only exacerbate those divisions, she said.

The measure was re-referred to the Elections Committee without recommendation.

Sen. Paul Koering (R-Fort Ripley) sponsored S.F. 625, which permits the Little Falls School District to implement an alley system for electing its at-large school board members. Under an alley system, each seat on the school board is numbered and candidates run for a specific seat; currently, the top three vote-getters at each election win seats on the board. The bill was approved and re-referred to the Elections Committee.

Committee members also heard S.F. 2292. The bill, authored by Sen. John Marty (DFL-Roseville), reduces the number of required fire drills from nine to five and requires districts to conduct five lockdown drills annually. Officer Dan Murphy, Bloomington Police Dept., said the importance of regular training cannot be overemphasized. In a moment of crisis, people will fall back on what they have been trained, he said. Pat Doepke, Bloomington Public Schools, said lockdown drills are less disruptive than fire drills. The bill was laid over for possible inclusion in the committee's omnibus policy bill.

Elections

June primary stumbles

A proposal to move the state primary from September to June failed to gain the support of a majority of the members of the Election Committee at a Wed., Mar. 8, hearing. The 10-member committee, chaired by Sen. Charles "Chuck" Wiger (DFL-North St. Paul), reached a 5-5 deadlock on a motion to approve the bill.

S.F. 1389, carried by Sen. Linda Higgins (DFL-Mpls.), moves the state primary to the first Tuesday in June; currently, the primary is held on the Tuesday after the second Monday in September. Brian Melendez, chair of the DFL Party, said the electoral process is backwards when candidates and political parties spend six months on internal matters and choosing a nominee and only eight weeks on the inter-party contest. While the DFL Party would prefer holding the primary in the second or third week of June, any date in June is better than September, he said. Chris Georgacas, co-chair of a bipartisan task force on legislative reform, said a June primary was a bipartisan priority for both the DFL Party and the Republican Party when he chaired the latter in the 1990s. Everyone benefits from a healthy debate between the parties and their chosen standard-bearers, he said. Debating the issues across the political and partisan divide, he said, also better prepares winners for what the legislative environment is like after they take office.

Sen. Warren Limmer (R-Maple Grove) said the bill seems like a solution in search of a problem. The public has not expressed a compelling desire for an earlier primary or a longer general

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election season, he said. The proposal hobbles incumbent Legislators, he said, by severely reducing their time to campaign if they have a challenger in the primary and the Legislative Session does not end until late May. The current system gives candidates—both incumbents and challengers—all summer to campaign for the primary, he said. Georgacas said incumbency is usually considered a benefit, because Legislative action puts the incumbent in the news. The summer events, including community festivals and parades, that are now part of the primary

race could be put to better use to help the public better understand the differences between the parties on the major issues of the day, Georgacas said.

This bill triples the general election season, said Sen. John Marty (DFL-Roseville). With the general election season starting in June, we may see television advertising starting as early as January, he said. A shorter campaign is actually more likely to encourage the public to focus closely on the issues and the candidates, Marty said. Higgins noted that the current, relatively short general

election timeframe does not mean a short election season overall. It is hard to believe that we could have an election season much longer in feel than the one we are already in, she said.

In other action, committee members advanced four bills to the full Senate. S.F. 2737, authored by Sen. Jane Ranum (DFL-Mpls.), allows for absentee voting in cases of isolation or quarantine or when the governor has issued an advisory to avoid public places. S.F. 642, carried by Marty, permits cities to use instant runoff voting for city elections. S.F. 385, also carried by Marty, permits voters to vote by absentee ballot for any reason, allows voters to request absentee ballots be supplied by commercial delivery service at the voters' expense and provides for the delivery of absentee ballots to adult residential programs and battered women's shelters by election judges or agents. Wiger sponsored S.F. 2758, which makes numerous changes to election laws governing school boards.

The panel also approved the nominations of Sven Wehrwein and Scott Heintzman to the Campaign Finance and Public Disclosure Board. The nominations advanced to the full Senate for confirmation.

Environment and Natural Resources

Lands and forest bills gain

The Environment and Natural Resources Committee met Wed., Mar. 8, to consider several bills, all sponsored by Sen. Tom Saxhaug (DFL-Grand Rapids), relating to land forestry. The panel, chaired by Sen. John Marty (DFL-Roseville), approved all the bills.

S.F. 2632 authorizes the commissioner of natural resources to declare an emergency in the event of abnormal surface conditions that prevent the proper and timely harvest of existing permits for standing timber. Saxhaug said the past winter, particularly the month of January, has been unusually warm and resulted in unfavorable conditions for timber harvesting. The measure was recommended for placement on the Consent Calendar.

Members then adopted the subcommittee report on a bill, S.F. 2637, containing the Dept. of Natural Resources (DNR) land sales bill and the DNR land policy



Mark Peters, Marshall, listens to Gov. Tim Pawlenty speak in the Governor's Reception Room as part of Bikers' Day on the Hill, Wed., Mar. 8.

Photo by David J. Oakes

bill. The first portion of the bill contains the land sales provisions. The measure adds and deletes lands from state parks and authorizes the sale or transfer of various plots of land throughout the state. The second portion of the bill contains the department land policy provisions.

The panel began by considering the land sales portion of the bill. Sen. Thomas Bakk (DFL-Cook) offered and members adopted, an amendment deleting some portions relating to St. Louis County and a provision authorizing the sale of a specific piece of land in St. Louis County. The committee also adopted an amendment authorizing the sale of land in Pine County. And amendment authorizing sale of land in Clearwater County was amended to specify that if the land is not used for public purposes it reverts back to the department.

Kathy Lewis, DNR, outlined the land and minerals provisions in the land policy portion of the bill and Robert Tomlinson, DNR, detailed the forestry provisions of the measure.

Bakk moved to delete a section of the bill requiring special use permits for specialty forest products. He said items such as blueberries, pinecones and nuts are used extensively in local festivals and having a permit requirement could make many people lawbreakers. The amendment was adopted. Bakk also offered an amendment specifying that fees go into a dedicated account in order to provide more accountability. The amendment was also adopted.

Saxhaug moved to lay the bill on the table. Members then deleted the contents of S.F. 2851 and added the land sales portion of S.F. 2637 onto S.F. 2851. S.F. 2851 was approved and re-referred to the Tax Committee. Members also deleted the content of S.F. 2852 and added the land policy portion of S.F. 2637 to S.F. 2852. S.F. 2852 was approved and re-referred to the State and Local Governmental Operations Committee.

Environment, Agriculture and Economic Development Budget Division

Bonding requests reviewed

The Environment, Agriculture and Economic Development Budget Division, chaired by Sen. Dallas Sams (DFL-Staples), met for three hearings over the

course of two days, Thurs. and Fri., Mar. 9 and 10, to consider a lengthy agenda of requests for bond funds for a wide range of projects. No formal action was taken on any of the bills or proposals; instead the measures were laid over for possible inclusion in the division's bonding bill.

S.F. 2563, sponsored by Sams, appropriates \$22 million to acquire land for wildlife management purposes. Sen. Jim Vickerman (DFL-Tracy) sponsored four measures. S.F. 2594 appropriates \$413,000 for a grant to Jackson County for design, land acquisition and construction of trail connections for the Des Moines Trail, the Nelson Creek Trail, the Fort Belmont Trail, the Loon Lake Trail, and the Heron Lake/Okabena Trail. S.F. 1747 appropriates \$800,000 for a grant to the city of Worthington for soil remediation on the site of the former Campbell Soup factory. S.F. 1748 appropriates \$300,000 for a grant to the city of Worthington for projects to replace infrastructure and repair damage caused by a storm. S.F. 2891 appropriates \$5 million for grants to political subdivisions to predesign, design, construct and furnish publicly owned infrastructure required to support bioscience development outside the Metropolitan Area and Rochester.

Sen. LeRoy Stumpf (DFL-Plummer) also carried four bills. S.F. 2572 appropriates \$910,000 for a grant to the Red Lake Watershed District for erosion assessment and completion of erosion control along the Red Lake River. The bill specifies that \$610,000 of the total appropriation is for a grant to the Red Lake River Corridor Joint Powers Board to enhance signage, campsites, river accesses and portages along the Red Lake River. S.F. 2697 appropriates funds for an economic development project in Hallock. S.F. 2698 appropriates \$159,000 for a flood hazard mitigation grant to Kittson County to prevent or alleviate flood damage along county roads. S.F. 2556 appropriates \$355,000 for the state share of a flood hazard mitigation grant to the city of St. Vincent in Kittson County to renovate the existing dike on the Red River of the North to a condition that will protect the city from a 25-year flood. The measure also authorizes a \$100,000 grant to do predesign on the same dike to bring the dike to a condition that will protect the city from a 100-year flood.

Three measures were carried by Sen. Gary Kubly (DFL-Granite Falls). S.F. 86

appropriates \$300,000 for a grant to Big Stone County to acquire and upgrade an excursion boat and to develop a dock, parking and loading area for the boat within the boundaries of Big Stone Lake State Park. In addition, the bill specifies that the boat, dock and parking and loading area may be leased to the Bonanza Education Center. S.F. 2620 appropriates \$50,000 for the purpose of constructing electric, sewer and water hookups at Monson Lake State Park. S.F. 2795 appropriates \$226,000 to develop a 3.5-mile bike trail between Big Stone National Wildlife Refuge and Ortonville in Big Stone County.

Sen. Cal Larson (R-Fergus Falls) authored two bills. S.F. 2183 appropriates \$2.5 million to design, construct, furnish and equip the expansion of the Prairie Wetlands Environmental Learning Center. S.F. 2355 appropriates \$320,000 for a grant to the city of Ottertail for design and construction of river restoration projects on the Otter Tail River. The bill specifies, though, that the appropriation is not available until the commissioner of natural resources determines that \$80,000 has been committed to the project from nonstate sources.

Three bills were sponsored by Sen. Paul Koering (R-Fort Ripley). S.F. 2408 appropriates \$400,000 to the city of Little Falls to design and construct capital improvements at the Little Falls Zoo. The measure also requires that at least an equal amount be raised from nonstate sources before the appropriation is available. S.F. 2406 appropriates \$175,000 for a grant to the city of Bowlus in Morrison County to build a warming house at the head of the Soo Line Recreational Trail. The bill requires an equal amount to be raised before the appropriation is available. S.F. 2405 appropriates \$125,000 for a park-and ride lot and restroom building adjacent to the Soo Line Recreation Trail. Again, the project must also be funded by an equal amount from nonstate sources.

Sen. Yvonne Prettner Solon (DFL-Duluth) authored two bills. S.F. 2542 appropriates \$200,000 for a grant to the city of Duluth to make repairs and improvements in order to continue the development of the Lake Superior Zoo's master plan. The second bill, S.F. 2547, appropriates \$33.737 million for the Duluth Entertainment and Convention Center. The bill specifies that the funds

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be used for a 217,446 square foot area with an ice rink, and concert space. In addition, the bill requires an equal amount to be obtained from nonstate sources, including an annual payment from the University of Minnesota-Duluth and an annual payment from the Duluth Entertainment and Convention Center.

Two measures were sponsored by Sen. Tom Saxhaug (DFL-Grand Rapids). S.F. 2391 appropriates \$10 million for a grant to Koochiching County to design, construct and equip a plasma torch gasification facility that converts municipal solid waste into energy and slag, reducing the need to dispose of the waste in a landfill. The measure specifies the facility be located in International Falls and requires an equal amount of funding to come from nonstate sources. S.F. 2717 authorizes an appropriation of \$10 million for the acquisition of forestland conservation easements with state designated forest legacy areas and to provide matching funds for private and federal dollars for the conservation of large block forestlands.

Two bills were authored by Sen. Dan Sparks (DFL-Austin). S.F. 2711 appropriates \$917,150 for a grant to the city of Albert Lea to construct a remediation system to clean up the soil and groundwater contamination in the North Edgewater Park. The measure also requires an equal amount of matching funds from nonstate sources. S.F. 2714 appropriates \$5.704 million for a flood hazard mitigation grant to the city of Austin for publicly owned capital improvements to prevent or alleviate flood damage.

S.F. 2504, sponsored by Sen. Dean E. Johnson (DFL-Willmar), appropriates \$2 million for capital improvements to repair and rehabilitate the New London Dam.

S.F. 2401, carried by Sen. David Tomassoni (DFL-Chisholm), appropriates \$750,000 for a grant to the city of Virginia to build a helipad and access elevator on the roof of the Virginia Regional Medical Center. S.F. 2595, sponsored by Sen. Thomas Bakk (DFL-Cook), appropriates \$300,000 for development allowing all-terrain vehicles along the Northshore Trail between Normana Road and the Moosewalk Trail. S.F. 2434, authored by Sen. Betsy Wergin (R-Princeton), appropriates \$485,000 to the

Central Minnesota Regional Parks and Trails Coordination Board to construct 6.3 miles of trail and two parking areas along the Mississippi River in Sherburne County, to be known as Xcel Energy Great River Woodland Trail.

S.F. 2388, carried by Sen. Charles "Chuck" Wiger (DFL-North St. Paul), appropriates \$321,000 for construction of a bicycle and pedestrian trail on the north side of Lower Afton Road between Century Ave. and McKnight Rd. Wiger said the bill requires at least an equal amount of money to come from nonstate sources. S.F. 2955, sponsored by Sen. Scott Dibble (DFL-Mpls.), appropriates \$5 million for the metro greenway program and for grants to local units of government to protect or better natural areas in the Metropolitan Area.

S.F. 2480, carried by Sen. Amy Koch (R-Buffalo), appropriates \$1.2 million for a grant to the city of Delano to acquire property and remove structures in the flood plain. The bill specifies the grant to the city is for approximately 75 percent of the project costs and is not available until at least \$400,000 is committed to the project from nonstate sources. S.F. 2916, sponsored by Sen. James Metzen (DFL-South St. Paul), appropriates \$8.301 million for a grant to the city of Inver Grove Heights to acquire land and to construct and equip capital improvements to develop the Heritage Village Park on the Mississippi River. Sen. Sean Nienow (R-Cambridge) sponsored a proposal, S.F. 3000, to appropriate \$4 million for a grant to Chisago City for the creation of Ojiketa Regional Park in Chisago County. The proposal specifies that each \$3 of state money must be matched by \$2 of nonstate funds.

Health and Family Security

Universal kids' coverage gains

A proposal providing universal public health care coverage for children was approved by members of the Health and Family Security Committee at their Thurs., Mar. 9, meeting. The panel, chaired by Sen. Becky Lourey (DFL-Kerrick), advanced the measure to the Tax Committee.

S.F. 20, authored by Sen. Yvonne Prettner Solon (DFL-Duluth), creates a

voluntary enrollment program to offer health care coverage to all children up to age 18, or to 24 for dependent full-time students. The bill phases the program in by initially extending eligibility, in 2008, only to children eligible for MinnesotaCare or Medical Assistance. In 2010, eligibility expands to all children, under the bill. The measure increases the tax on tobacco products by 25 cents per pack of cigarettes.

We have been moving backwards in covering children, Solon said. Minnesota is one of only six states that has seen an increase in the number of uninsured children, she said. We know that children with health care coverage are more likely to get necessary care, to attend school and to do well in school, she said. The proposal creates a purchasing pool to contract with private health care providers to offer services, she said. Solon said the bill purposefully moves the state's children away from depending on their parents' employers for health care coverage.

Jim Koppel, Children's Defense Fund, said employer-based coverage threatens children. We have lost control of costs and the complexities of the health care system, he said. No longer can Minnesota say that all children have access to health care, Koppel said. The proposal delivers more care to children, does it more effectively and efficiently and leaves no child uncovered, he said. Assuming the state obtains a waiver to use federal funds for the program, he said, the initial phase of the plan costs the state \$290 million per year. The increase in tobacco taxes is the primary funding source, but other sin taxes may be raised to cover the funding needs, Koppel said.

In other action, committee members approved two additional bills. S.F. 1695, sponsored by Sen. Wesley Skoglund (DFL-Mpls.), authorizes mental health care providers to disclose information about a patient to a family member involved in providing care for the patient, if the patient is informed of the disclosure and the disclosure is needed to assist in providing care or monitoring treatment. The bill was re-referred to the Judiciary Committee. S.F. 2532, carried by Sen. Linda Berglin (DFL-Mpls.), removes a sunset date on a statute imposing limits

on the construction of new radiation therapy facilities. The measure was advanced to the full Senate.

Health and Human Services Budget Division

Veterans Home report heard

Members of the Health and Human Services Budget Division devoted much of their Thurs., Mar. 9, hearing to discussion of a comprehensive review of the Minnesota Veterans Homes. The panel, chaired by Sen. Linda Berglin (DFL-Mpls.), also advanced a bill relating to pharmaceutical pricing criteria reporting.

Steve Musser, executive director of the Veterans Home Board, and Jeffrey Johnson, chairman of the Veterans Home Board, laid the groundwork for the report's recommendations by outlining the triggering events that led to the system-wide examination of the homes. During the summer of 2005, a Dept. of Health survey resulted in the issuance of 29 citations, Johnson said. In addition, key management staff was replaced on Aug. 30, 2005, and the decision to conduct the study was made, he said. He said the study of the veterans homes was conducted by an outside consulting organization, Health Dimensions Group, to provide a comprehensive review of the quality of care at all veterans homes and included issues relating to patient care, staffing, finance, governance and quality assurance.

Sergei Shvetzoff, Health Dimensions Group, said, "A clear strength of the veterans homes is a deep commitment to the mission and vision of the homes by employees." He said the staffing in all the facilities is adequate, with a couple of exceptions. Many of the identified problems were already being addressed when we started the study, Shvetzoff said. He said staffing issues in Minneapolis have been resolved, but not all of the vacant positions have been filled. "There are good things going on," Shvetzoff said, "and the veterans home in Fergus Falls was one of the best we have ever seen." Chronic employee issues related to performance have been tolerated because the process is cumbersome and difficult, he said.

He said recommendations include recruiting a top quality Minneapolis management team, operating the Board of

Directors as a governing board rather than an advisory board, establish a shared strategic agenda, developing public affairs programming at each facility and regionalizing staff union salaries on a cost of living index.

Nancy Dahl, director of nursing at the Minneapolis facility, described the actions taken at the facility to date. She said staffing improvements have reduced the use of contract nursing support, special schedules of nursing staff have

been revised to allow for more effective scheduling, the use of mandation for nursing staff has been limited and an employee council has been implemented to work on issues associated with employee morale, recognition and communication.

Johnson said that a number of steps have been taken to address the report's recommendation. He said an interim administrator has been hired for the Minneapolis campus, a new director of



Roger Ball, St. Paul, right, and Jim Hamilton, South St. Paul, second from right, listen to an overview of a study on Veterans Homes during a Health and Human Services Budget Division hearing, Thurs., Mar. 9.

Photo by David J. Oakes

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Sen. Cal Larson (R-Fergus Falls), far right, visits with Concordia College students Amy Ravenhorst, far left, and Natalie Hanson during Minnesota Private College Scholars at the Capitol Day, Thurs., Mar. 8. Also present was Concordia biology Prof. Greg Hoch.

Photo by David J. Oakes

nursing was hired, a quality manager has been hired, the board has established three standing committees to improve oversight and the board and staff are developing better reporting requirements for more comprehensive oversight.

A supplemental budget request has been submitted to cover the costs of staffing adjustments at Minneapolis and other facilities, the increased cost of heating fuels, restoration of a repair betterment fund and wage and benefit adjustments.

Members also heard from Dennis O’Gorman, state commander of the Disabled American Veterans, and Jerry Kyser, chair of the United Veterans Legislative Council, who urged the panel to continue their oversight of the veterans homes. Erin Murphy of the Minnesota Nurses Association, said she wanted to express concern about the recruiting and

retention of nurses and the use of mandated to reduce the need for additional staffing. She said mandated overtime is used to require nurses to work double shifts.

Members then turned to S.F. 23, a bill requiring drug manufacturers to disclose pharmaceutical pricing to the commissioner of human services as a requirement for licensure. Sen. Yvonne Prettner Solon (DFL-Duluth), chief author, said the bill became part of the omnibus last year, but never reached the floor on its own. She said the measure will be helpful in determining the accuracy of the rebates the state obtains. The bill could save the state over \$7 million every year, she said. The measure requires drug manufacturers to report the pharmaceutical pricing criteria for each of their drugs, Solon said. She said the pricing criteria

include average wholesale price, wholesale acquisition cost, average manufacturer price and best price as defined under federal law.

Marjorie Powell, representing the Pharmacy Research and Manufacturing Association (PhRMA), said the bill requires the gathering large quantities of information that would be of little use. Powell said the reporting would result in more expensive administrative costs. Sen. Brian LeClair (R-Woodbury) said the rebate program in Minnesota is one of four states with no problems and the bill is not needed. However, Paul Civello, Attorney General’s Office, said the rebate program is not the only use for the bill. He said the goal is to head off problems at the front end, rather than go to court to regain funds owed to the state.

The bill was approved and advanced to the full Finance Committee.

Jobs, Energy and Community Development

Mechanics' benefits bill gains

The Jobs, Energy and Community Development Committee met Wed., Mar. 8, to consider a bill providing unemployment and dislocated worker benefits eligibility to striking Northwest Airlines workers. Committee Chair Ellen Anderson (DFL-St. Paul), chief sponsor of the bill, said the measure allows the Northwest Airlines mechanics to receive benefits. Anderson said a court case determined that the mechanics would not be eligible for unemployment benefits under current law. She said the law needs to be changed in order for the mechanics to obtain the benefits so that they could get on with their lives and support their families.

Ted Ludwig, president of Airline Mechanics Fraternal Association (AMFA), Local 33, spoke in support of the bill, S.F. 2702. He said when the members went on strike they filed for unemployment insurance. Ludwig said the custodians and cleaners were granted unemployment benefits, but the mechanics were not, even though the pay cut for both groups was the same. The judge said the custodians made so little, the pay cut amounted to a lockout, but the mechanics made enough to weather the pay cut. Ludwig said the airline has informed the union that the jobs are no longer there. He said the union cannot end the strike because the union is national and the vote by the national union was to reject the contract. He said the bill is the right thing to do for the AMFA members.

Kevin Horgan, a member of AMFA, said after Sept. 11, 2001, Northwest began systematically dismantling its maintenance operations and union members were faced with layoffs and salary cuts. He described the efforts of his family to survive under the current situation. A number of other AMFA members also spoke.

Anderson said the bill does not change the law going forward, but is drafted for the particular situation the Northwest employees are in. She said she has heard that up to 800 workers would apply for the benefits.

Keith Goodwin, director of customer service centers, Dept. of Employment and Economic Development, said the gover-

nor does not object to making the mechanics eligible for dislocated worker benefits, but does not support unemployment benefits for the union members. He said in the past, the law has held that striking employees have not been laid off and are not eligible for unemployment compensation. In addition, Goodwin said the ongoing lawsuits are also of concern for the department. Sen. James Metzen (DFL-South St. Paul) said the Legislature has a duty to do the right thing and not to worry about what may or may not happen in court. Goodwin said because the issue of unemployment compensation is in active litigation there may be consequences later on. Anderson responded that the situation described fits that of a lockout and it is necessary to do something for the families affected by the mechanics' situation. "It is a very narrow bill and we are not trying to affect the outcome of any pending litigation," Anderson said.

Sen. David Senjem (R-Rochester) offered an amendment specifying that an applicant for unemployment benefits in a case involving a labor dispute whose case was ordered to hearing without an initial determination is eligible for the state dislocated worker program. Anderson said the effect of the amendment eliminates the ability of workers, who have already begun dislocated worker training at their own expense, to be reimbursed. The amendment failed on a voice vote.

Sen. Chris Gerlach (R-Apple Valley) urged members to support the bill. "We need to have bipartisan cooperation in order for this bill to become law," he said. He said the jobs are no longer there, so workers should be eligible for benefits.

Tom Hesse, representing the Minnesota Chamber of Commerce, said the bill sets a dangerous precedent. He said despite the assurances the bill is drafted very narrowly, it would be impossible to deny other striking employees if the bill becomes law. Sen. Scott Dibble (DFL-Mpls.) said it is in the best interest of Minnesota communities to support the bill.

The bill was approved and sent to the full Senate.

Members also considered a bill making housekeeping changes in programs in DEED. S.F. 2705, authored by Senjem, requires the commissioner to assist small businesses with accessing federal funds, requires the department to

implement fees for some services and appropriates the revenue from the fees. Senjem said there is no controversy associated with the bill. The measure was approved and re-referred to the State and Local Government Operations Committee.

S.F. 2662, sponsored by Sen. Linda Higgins (DFL-Mpls.), was also advanced by the committee. The bill creates a blighted housing rehabilitation program to provide housing for low and moderate income persons. Higgins said the bill provides for the transfer of possession or ownership of nuisance property, which has been unoccupied for more than a year, to nonprofit housing organizations. The organizations must have a rehabilitation and financing plan, and must use the property for low and moderate income housing, under the bill, she said. The bill also provides that upon the request of the nonprofit organization, the court must grant the owner 120 days to bring the property into compliance with various codes, or if the property is transferred to the nonprofit, the owner may petition the court for restoration of possession. Higgins said that many owners, though, just walk away from the property.

Minneapolis Council Member Barbara Johnson said the problem of abandoned and neglected properties is a growing problem. Sherrie Pugh, Northside Residents Redevelopment Council, and Paula Sanders, Kwanzaa Community Church, also spoke in support of the bill.

The measure was approved and advanced to the Judiciary Committee.

The final bill under consideration, S.F. 2677, requires that construction and renovation of buildings, funded at least in part by the state bond proceeds fund, must create no net gain in greenhouse gas emissions through their construction and operation. Sen. Sandra Pappas (DFL-St. Paul), chief author, said the measure applies to buildings designed on and after July 1, 2006. She said that the no net greenhouse gas increase obligation may be met by activities related to the building or not connected to the building. She said that if there is an increase in greenhouse gases, they must be offset by other activities or by buying renewable energy. Other offset activities include tree planting, and switching to low emission vehicles, she said.

Sen. Thomas Bakk (DFL-Cook) said he was concerned that the bill was too

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broad. He said he would prefer that the bill apply only to state-owned buildings. Pappas said she wanted to consider the types of buildings to which the bill would apply before making any changes in the measure. The bill was approved and advanced to the State and Local Government Operations Committee.

Judiciary

Eminent domain bills heard

Members of the Judiciary Committee met Thurs., Mar. 9, to consider three bills dealing with eminent domain. Sen. Don Betzold (DFL-Fridley), committee chair, said the three bills provide three different approaches in dealing with eminent domain. He said a number of other bills had been introduced on the topic, but the three before the panel contained distinct differences from other measures.

Senate Counsel Kathleen Pontius provided background on Minnesota's eminent domain law and summarized the U.S. Supreme Court's Kelo decision. The decision spurred the drafting of the various new eminent domain proposals. Key factors in the Kelo decision reflect that the courts give a great deal of deference to local units of government and that the deliberations for the economic development project indicated the use of the property was a public purpose.

The first of the three bills, S.F. 2432, sponsored by Sen. Betsy Wergin (R-Princeton), defines public use for purposes of eminent domain. Under the bill public use is limited to the possession, occupation, or enjoyment of the taken property by the general public or a public body, the acquisition of an interest in property by a public service corporation or common carrier that is essential to the performance of the duties, function or purpose of the public service corporation or common carrier, or the acquisition of property by a public body necessary to protect the public health or safety. Finally, the bill specifies that property or an interest in property acquired by eminent domain may not be transferred or conveyed to a private person or for a use that is not a public use.

Betzold carried a bill, S.F. 2694, containing several provisions requested by municipalities. Tom Grundhoefer, League of Minnesota Cities, outlined the provisions of the bill. He said the first portion of the bill expands the appraisal and

negotiation requirements used to acquire property for transportation projects to include all eminent domain proceedings. The bill also increases the cap on fees for appraisals. In addition, Grundhoefer said, the bill requires notice of an eminent domain petition to include provisions regarding the procedures for challenging the public purpose or necessity of the taking. Other provisions contain requirements for the appeal of an order challenging the public purpose, authorize the court to award reasonable attorney fees, and contain right of first refusal requirements applicable in cases where the governing body of an acquiring authority determines the publicly owned property acquired through eminent domain is not longer in use. The bill also modifies provisions dealing with reimbursement for reestablishment expenses of a displaced business and makes notice requirements and appeals for eminent domain proceedings by the Dept. of Transportation consistent with the changes in the bill.

The bill also contains limitations on the use of eminent domain in cases where property will be transferred to a person or nongovernmental entity without the power of eminent domain, Grundhoefer said. The bill outlines the circumstances under which economic development is a proper purpose and outlines the process for exercising eminent domain powers by a condemning authority in cases of abandoned, blighted, environmentally contaminated, nuisance or structurally substandard property.

Sen. Thomas Bakk (DFL-Cook) carried the third measure, S.F. 2750. "I am not a new-comer to the issue," Bakk said. He said that in his area of the state, when the Boundary Waters Canoe Area was created, 84 resorts were taken under eminent domain. He said many other instances of the use of eminent domain by the federal government have occurred in the northern part of the state. He said the taking of property hurts no matter who does the taking. He said the bill defines public use or purpose, prohibits the use of eminent domain for economic development, requires clear and convincing evidence for specific takings, provides for attorney fees and other additional elements of compensation and make other changes in the exercise of eminent domain.

Bjorn Skogquist, mayor of Anoka, spoke on behalf of S.F. 2694. He said the

legislation would make cities go through the process, whereas now, there can be abuses in the use of eminent domain. Duane Reed, president of the Minneapolis NAACP, said the bills were a bipartisan effort that speaks to the civil rights of all property owners. "There has been a long history of using eminent domain to target minority neighborhoods for urban renewal," he said. Duluth Mayor Herb Bergson spoke in support of S.F. 2750. Bergson said, "The damage comes when we confuse public benefit with public purpose."

Members considered an amendment combining elements of S.F. 2750 and S.F. 2694. Betzold said there is a legitimate use of eminent domain as a last resort, but it should not be the first means used to acquire a property. Bakk said his goal was limit the use of eminent domain for public use and eliminate the use of eminent domain for economic development.

The committee recessed before taking any action on the amendment. When members returned, another amendment to S.F. 2750 was offered to the panel. Betzold said considerable work had been done during the time the panel was in recess and the new amendment was the result of that work. The amendment sets forth a number of definitions including definitions for abandoned property, blighted area, dilapidated building, environmentally contaminated area, public nuisance, public service corporation and public use. Under the bill, public use or public purpose means the possession, occupation, ownership and enjoyment of the land by the general public or by public agencies, the creation or functioning of a public service corporation or mitigation of a blighted area, remediation of an environmentally contaminated area, reduction of abandoned property or removal of a public nuisance. Further, the definition specifies that the public benefits of economic development, including an increase in tax base, tax revenues, employment or general economic health do not by themselves constitute a public use or public purpose. The measure also spells out the conditions for the taking of nondilapidated building in areas of blight mitigation by using an absolute necessity standard.

The amendment also contains provisions for appraisal and negotiation requirements, notice and public hearing requirements and compensation require-

ments. The measure also establishes preponderance of the evidence as the evidentiary standard for takings involving blighted areas, contaminated areas and public nuisances.

Members heard testimony on the amendment and then discussed amendments to the amendment. Sen. John Marty (DFL-Roseville) offered an amendment specifying that if the taking is for removal of blight, environmental contamination remediation or removal of a public nuisance, the resolution of a local government or agency authorizing the use of eminent domain must identify and describe the public costs and benefits that are known or expected to result and address how the acquisition serves one or more identified public purposes and why the acquisition is necessary. The amendment to the amendment was adopted.

The second amendment to the amendment, offered by Sen. Julianne Ortman (R-Chanhassen), specifies that if the final judgment or award of damages is at least 20 percent greater than the last written offer made by the condemning authority before the filing of the petition, the court may award the owner reasonable attorney fees and costs in addition to other compensation and fees authorized. Members discussed requiring the court to find bad faith on the part of the condemning authority before ordering the award of attorney fees, but did not include the language. Representatives of several local government associations spoke against the amendment and said the 20 percent figure was arbitrary and did not account for small awards. Ortman responded that if homeowners are offered such a low amount of money for their property and need to go to court to obtain a reasonable price, then they should not have to bear the additional burden of attorneys' fees. The amendment was adopted.

Member adopted the entire amendment, approved the bill and re-referred the measure to the State and Local Government Operations Committee.

State and Local Government Operations

LCMR reform measure okayed

A bill overhauling the commission that recommends appropriations from the Environment and Natural Resources trust fund was approved by members of the



Senators Julie Rosen (R-Fairmont), left, and Claire Robling (R-Jordan) consult during a Senate floor session.

Photo by David J. Oakes

State and Local Government Operations Committee at their Wed., Mar. 8, meeting.

S.F. 2814, sponsored by Sen. Dallas Sams (DFL-Staples), is the product of a task force that met during the interim to recommend changes in the structure and organization of the Legislative Commission on Minnesota Resources (LCMR).

The bill replaces the existing LCMR, which is composed of 20 Legislators, and its citizens advisory committee with a 17-member commission composed of 10 Legislators and 7 non-Legislator citizens. The new panel will be named the Legislative and Citizen Commission on Minnesota Resources (LCCMR), under the bill. Susan Thornton and John Velin, LCMR

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staff, reviewed the details of the bill, which provides for how the members will be selected, authorizes the commission to recommend regional block grants and requires the commission to annually recommend appropriations from the trust fund.

Sen. David Tomassoni (DFL-Chisholm) offered an amendment to change the appointing authorities for the non-Legislator members of the new commission. The amendment reduces the number of members appointed by the governor from five to three and increases from one to two the non-Legislator appointees of the Senate and House. The amendment also removes a requirement that the commission chair rotate between a Legislator and a non-Legislator and removes term limits on membership. Tomassoni said the appointing authority should be more dispersed and that a requirement that the chair rotate is unnecessary.

Term limits give more ownership to committee members and members of the public, said Sen. Betsy Wergin (R-Princeton), and we should allow more interested citizens an opportunity to serve. However, Committee Chair Linda Higgins (DFL-Mpls.) said the memory of members who have served for many years often helps a panel place current issues in context. Sen. Debbie Johnson (R-Ham Lake) spoke against the portion of the amendment deleting the chair rotation requirement. She said citizen members deserve an opportunity to direct the work of the commission. They are just as dedicated as Legislators to these issues, Johnson said. Sams said the rotation requirement is the only way to ensure a non-Legislator has the opportunity to chair the commission, since Legislators make up a majority of the panel.

The amendment was divided, permitting committee members to vote on the three provisions separately. The appointment allocation provision of the amendment was adopted. The provision of the amendment eliminating term limits was not adopted. Tomassoni withdrew the portion of the amendment requiring the commission chair to rotate.

S.F. 2814 was approved and referred to the Environment and Natural Resources Committee.

In other action, committee members approved a measure permitting Carver County to combine the offices of recorder, auditor and treasurer. S.F. 1878, carried by Sen. Julianne Ortman (R-Chanhassen), was forwarded to the full Senate.

State Government Budget Division

Bonding requests heard

Members of the State Government Budget Division met Thurs., Mar. 9, to consider several projects seeking funding from bond sale proceeds. The panel, chaired by Sen. Sheila Kiscaden (DFL-Rochester), took no action on the requests.

S.F. 2472, sponsored by Sen. David Senjem (R-Rochester), provides \$3.8 million to expand the National Volleyball Center in Rochester. Chub Stewart, a member of the center's board, said the funds are needed to complete the original intent to make the center a high-performance world class training facility.

Major General Larry Shellito, adjutant general, presented the Dept. of Military Affairs' requests. The department is seeking \$8.629 million, including \$5.2 million for asset preservation, \$1 million for life and safety alterations to National Guard training and community centers across the state, \$1.029 million for lead abatement and conversion of indoor firing ranges and \$1.4 million to bring training and community centers into compliance with the Americans with Disabilities Act.

The Dept. of Administration requested \$32.547 million from various funds, of which \$21.703 million was recommended by the governor. Assistant Commissioner Nicky Giancola reviewed the recommendations, which include \$10.161 million to replace structural support for the granite panels on the exterior of the Dept. of Transportation building, \$5.862 million for the Capital Asset Preservation and Replacement Account, \$5 million for asset preservation by other agencies, \$330,000 for temporary relocation costs associated with asset preservation projects, \$150,000 to develop a long-range commuting plan for the Capitol Complex and \$200,000 to

address unanticipated agency relocation costs. Giancola also briefly discussed the non-recommended requests, including predesign and design for a new state office building and a tunnel connecting the Stassen and Freeman Buildings in the Capitol Complex. Another request not recommended was \$5.062 million to renovate existing state-owned space for use by state agencies that are currently in leased space. Judge Ray Krause discussed one possible relocation: moving the Office of Administrative Hearings from leased space in Minneapolis into state-owned space in St. Paul.

A request for the first phase of renovations to the Capitol amounted to \$23.485 million. Representatives of the Capitol Area Architectural Planning Board and the Friends of the Capitol discussed the overall renovation plan. Two bills provide funding for memorials on the Capitol Complex. S.F. 2548, authored by Sen. Steve Murphy (DFL-Red Wing), provides funding for a workers memorial to be constructed. S.F. 2868, carried by Sen. Mady Reiter (R-Shoreview), provides funding to restore and repair the existing peace officers memorial.

Division members also heard an update from Jim Rhodes, Dept. of Administration, on the possible future uses of the Ford Building. Rhodes said a working group that included community members and state officials met several times during the interim. The group concluded the building's history and connection to the Capitol Complex mean it should not be torn down, he said. One possible use, Rhodes said, would be as temporary office space during Capitol restoration. However, using the building for offices will require a complete overhaul of the Ford Building's interior, he said.

Tax

Noncompliant taxpayers targeted

Members of the Tax Committee devoted their Wed., Mar. 8, meeting to discussing efforts to improve voluntary tax compliance and programs targeting noncompliant taxpayers.

Legislative Auditor James Nobles and Project Manager Deborah Junod reviewed a report on tax compliance. The report noted that \$604 million of \$5.7 billion

due in income taxes and \$451 million of \$4.3 billion due in sales and use taxes are not paid annually. Junod said the Dept. of Revenue has made progress in addressing nonfiling issues, but has not significantly addressed problems related to underreported self-employment income.

She said the department could improve in four strategic areas to enhance compliance. Better access to telephone assistance for taxpayers seeking to comply would reduce losses to nonfiling and underreporting, Junod said. The department should also reexamine the productivity of its auditing programs, she said, reassigning staff time from nonproductive audit activity to efforts yielding significant results. Junod said the department can make better use of existing data, such as W-2 statements filed by employers and the Fed-State electronic filing program operated by the IRS. The agency also needs to improve its collection techniques for identified delinquencies and focus on high-dollar delinquent taxpayers, she said.

Commissioner Dan Salomone discussed the legislative auditor's report with committee members. The panel also considered the department's staffing problems, including a shortage of mid-career auditors. Junod noted the agency had faced significant retention issues, two years ago, with auditors after their first year, losing staff to the private sector and higher-paying public sector organizations. Now, she said, the agency has improved its entry-level salaries, but the retention issue has shifted to after the third year.

Salomone and agency staff also reviewed an agency report on the results of the first six months of a two-year tax compliance initiative directed by the Legislature. The department has spent \$2.4 million and hired almost 93 full-time staff, yielding \$17.1 million in additional collections, or about \$7 for every \$1 spent. The total appropriation for the initiative is \$17.8 million for FY 06-07, with a target collection amount of \$90.7 million. Salomone said the data indicate

the department will accomplish the goal over the next 18 months of the program.

Transportation Budget Division

Bonding requests considered

The Transportation Budget Division, chaired by Sen. Steve Murphy (DFL-Red Wing), met Thurs., Mar. 9, to consider a variety of bonding proposals.

One measure, S.F. 2747, sponsored by Sen. Michael Jungbauer (R-East Bethel), was not among the bonding proposals. The bill authorizes the transfer of \$15 million from the general fund to the airports fund. The amount offsets a 2003 transfer of \$15 million from the airports fund to the general fund. In addition, the measure authorizes the transfer of \$15 million from the tax relief account in the general fund to the unrestricted general fund. Finally, the bill strikes language requiring a \$15 million transfer from the general fund to the state airports fund on



With protesters lined up behind them, members of the Minnesota Supreme Court patiently wait their turn to enter the House of Representatives Chamber prior to the State of the State address, Thurs., Mar. 9.

Photo by David J. Oakes

Committee update

July 1, 2007. The measure was approved and advanced to the full Finance Committee.

Sen. Thomas Bakk (DFL-Cook) authored a bill, S.F. 2606, appropriating bond proceeds for a grant to St. Louis County for renovation and upgrades to the St. Louis County Heritage and Arts Center (the Duluth Depot) and for phase I design, construction and purchase of rolling stock, railway stations, park-and-ride lots and other appurtenances necessary to facilitate the return of inter-city and commuter rail service within Duluth and the Duluth-Twin Cities rail corridor.

Murphy sponsored two measures. S.F. 2617 appropriates \$90 million in bond proceeds from the state transportation fund for grants to political subdivisions for the replacement, rehabilitation and repair of key bridges in the state transportation system. In addition, the bill authorizes the appropriation of \$159 million from bond proceeds from the local road improvement account for local roads. S.F. 2600 appropriates \$6 million from the state transportation fund for port development assistance.

Sen. Sharon Marko (DFL-Cottage Grove) authored four measures. S.F. 2335 appropriates \$200,000 for a study of regional travel demand between Washington and Dakota Counties. S.F. 2375 appropriates \$5 million for a grant to the city of Cottage Grove for a marked Trunk Highway 10/61 corridor vista enhancement project. The measure specifies the funds be used for design and construction of a scenic overlook, picnic shelters, trails and other improvements. S.F. 2791 appropriates \$10 million for the state's share of a high-speed rail line between St. Paul and Chicago. S.F. 2790 appropriates \$1 million for preliminary engineering and environmental review of the Red Rock Corridor Transit Way between Hastings and Minneapolis via St. Paul.

Two bills were authored by Sen. LeRoy Stumpf (DFL-Plummer). S.F. 2558 appropriates \$1.222 million for a grant to Kittson County to construct, reconstruct or recondition local roads with statewide or regional significance. Of the appropriation, \$572,000 is to be used to assist in paying costs of capital improvements on state-aid highways in order to reduce traffic crashes, deaths, injuries and property damage. S.F. 2559 appropriates \$250,000 for a grant to Polk County to build approximately one mile of ten-ton

road to provide access to a new ethanol plant outside the city of Erskine.

S.F. 2597, sponsored by Sen. Mee Moua (DFL-St. Paul), appropriates \$50 million for final design and construction of the Central Corridor Transit Way between St. Paul and Minneapolis. S.F. 2812, authored by Sen. Sandra Pappas (DFL-St. Paul), appropriates \$12.5 million for a grant to the Ramsey County Regional Railroad Authority to acquire land and structures and for design, engineering and environmental work to revitalize Union Depot for use as a multimodal transit center in St. Paul. S.F. 2904, carried by Sen. Lawrence Pogemiller (DFL-Mpls.), appropriates \$24.3 million from the bond proceeds account in the state transportation fund for the bridge crossing the Mississippi River at Hennepin County State-Aid Highway 153.

S.F. 2433, sponsored by Sen. Betsy Wergin (R-Princeton), appropriates \$250,000 to provide the state's match of the cost for the Soo Line Multiuse Recreational Bridge project in Mille Lacs County. S.F. 2549, carried by Sen. Dennis Frederickson (R-New Ulm), provides for an appropriation for a grant to the Minnesota Valley Regional Rail Authority to rehabilitate 33 miles of railroad track from Gibbon to Norwood-Young America. The bill specifies that the appropriation not be made until \$500,000 in federal funding is obtained. S.F. 2664, authored by Sen. Wesley Skoglund (DFL-Mpls.), appropriates \$2 million to the city of Minneapolis to purchase, install and replace lighting fixtures along the Grand Rounds Parkway. The bill also authorizes the funds to be used to improve the roadway.

No formal action was taken on any of the bonding bills. The measures were laid over for possible inclusion in the division's bonding recommendation to the Capital Investment Committee.

Educational Videos Available

Three videos, "Discover the Capitol," "Power in the Process: The Anti-Hazing Law," and "Rules, Laws and the Process," can be accessed at <http://www.leg.mn/leg/youth/video.htm>

These videos are excellent sources of information on the history of the State Capitol, how laws are made in Minnesota and how even the state's youngest citizens can get involved in the legislative process.

MyBills system available

The MyBills personalized bill tracking system is now available. Users can add House and Senate bills to their lists by bill number, subject, or author, and view the legislative status of their bills, with items with significant current floor action highlighted. Users can modify their lists at any time. The MyBills system is available from the Legislative website at: <http://www.house.mn/leg/billslogin.asp>

Frequently called numbers

Senate

Secretary of the Senate	
231 Capitol	(651) 296-2344
Voice mail/order bills	(651) 296-2343
Senate Index	
110 Capitol	(651) 296-2887
Senate Information	
231 Capitol	(651) 296-0504
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*With a brilliant sky above, a fresh blanket of snow covers the Capitol grounds, Tues., Mar. 14, following the winter's largest snowfall to date.
Photo by David J. Oakes*



March 17, 2006

Senate Highlights

Bonding corrections approved

Senators met briefly Mon., Mar. 13, to approve a bill making technical corrections to bonding appropriations made last year. H.F. 2623, sponsored by Sen. Keith Langseth (DFL-Glyndon), revises the previous appropriation so that funds can be released for infrastructure improvements related to the Medtronic expansion in Mounds View. The bill was granted final passage, 46-0. Members also approved a concurrent resolution, authored by Sen. Linda Higgins (DFL-Mpls.), recognizing the third Saturday in June each year as Juneteenth Day at the Capitol. Senators also held a brief meeting, Wed., Mar. 15, to handle the movement of bills between committees and bill introductions.

Funeral protests prohibited

Senators granted final passage, Thurs., Mar. 16, to a bill prohibiting disruption of funerals.

H.F. 2985, carried by Sen. Don Betzold (DFL-Fridley), prohibits disruption of funerals, burials, memorial services and funeral processions by protesting or picketing. The bill also prohibits protesting or picketing the homes of immediate family members of the deceased on the day of the ceremony. The first violation is a misdemeanor and a subsequent violation is a gross misdemeanor, under the bill. The measure also includes violations of similar laws in other states as a previous

violation for treatment as a repeat offender.

It is unfortunate that we even have to consider this bill, Betzold said, but one group has started traveling the country to target military families. We were mindful of constitutional rights in drafting this bill, specifically the rights of free assembly and free speech, he said. Betzold said the U.S. Supreme Court evaluates potential speech restrictions to ensure that they are content neutral, are narrowly tailored to meet significant government interests and provide ample opportunity for affected groups to communicate their message. A previous version of the bill included a distance limitation, he said, but the focus shifted to the activity and not an artificial line.

Sen. Scott Dibble (DFL-Mpls.) offered an amendment changing references in the bill from "immediate family" to "family or household." Dibble said policymakers often discuss who should be considered family for various purposes. The amendment, he said, adopts a definition already used elsewhere in statute. The definition includes spouses, former spouses, parents, children, persons related by blood, persons residing together or who have resided together, persons who have a child in common, a man and woman if the woman is pregnant and the man is alleged to be the father, and persons involved in a significant romantic or sexual relationship.

This group has shown up for 10 years at the funerals of people killed for being gay or who died of HIV/AIDS, Dibble said. Now, military families are unfortunately being exposed to the ugly side of a debate in our society and being treated to vile and despicable hatred, he said. This is "the clouded judgment of people whose minds have been poisoned by hate," Dibble said, but "no hate-filled group can ruin the compassion we all have."

The amendment was adopted on a unanimous roll call vote.

Sen. Paul Koering (R-Fort Ripley) offered an amendment increasing the penalties in the bill to a gross misdemeanor for the first offense and a two-year felony for a repeat offense. This is not proper behavior and I want to send a message that we are serious about this, Koering said. "We are not going to tolerate this in Minnesota," he said. Betzold spoke against the amendment, noting that Senate Rules require referring

to committee any bill imposing a felony penalty. Our committees have not had an opportunity to examine what the occupancy and fiscal impacts would be on our correctional system, he said. Betzold said the bill should not be delayed. We want this prohibition in place as soon as possible, he said, because we do not know when the next protest might be. Sen. Mike McGinn (R-Eagan) said he shares Koering's frustration, but the Legislature should enact this law quickly. "We need to practice the policies of the possible," he said, and consider enhancing the penalties later. The amendment was not adopted, 16-42.

H.F. 2985 was granted final passage, 58-1.

In other action, Senators also granted final passage to a bill permitting Carver County to combine its recorder, auditor and treasurer positions. Members adopted an amendment, offered by Sen. Gary Kubly (DFL-Granite Falls), granting the same authority to Renville County. The measure, S.F. 1878, authored by Sen. Julianne Ortman (R-Chanhassen), was granted final passage, 57-1.

Human trafficking bill okayed

A bill aimed at curtailing human trafficking in Minnesota was approved at the Tues., Mar. 14, meeting of the Crime Prevention and Public Safety Committee. The panel, chaired by Sen. Leo Foley (DFL-Coon Rapids), also approved a bill concerning domestic violence.

Chief Author Sandra Pappas (DFL-St. Paul) said, "S.F. 2870 is a human trafficking bill. When we first began studying human trafficking we had no idea of the extent of the problem." The bill directs the commissioner of public safety to analyze and use trafficking data to address trafficking problems in Minnesota and directs the commissioner to establish policies to provide assistance to trafficking victims, Pappas said. In addition, the bill creates a human trafficking task force, creates an unclassified position of trafficking coordinator and enhances the penalties for trafficking crimes, she said. The increased penalties in the bill are aimed at trafficking offenses against persons under the age of 18, Pappas said. Under the bill, a 20-year felony is created for trafficking persons under the age of 18 and a 10-year felony is created for complicity in trafficking persons under the age of 18.

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Senators Paul Koering (R-Fort Ripley), left, and Scott Dibble (DFL-Mpls.) work on the details of a proposed amendment to a funeral protest bill during the Senate's floor session, Thurs., Mar. 16.

Photo by David J. Oakes

Linda Miller, executive director, Civil Society, spoke on behalf of the bill. Miller said Civil Society is a non-profit agency that helps trafficking victims obtain visas, get work permits and access health care. She said that within the last 10 months at least 24 immigrants were brought to Minnesota for sexual purposes, forced labor or both. She said the immigrants are from all over the world and that Minnesota is one of the top destination states.

Pappas said, "Even though the numbers seem small, we suspect it is just the tip of the iceberg." Miller said St. Paul Police Sergeant John Bandemer is working full time investigating human trafficking and educating police and service providers on how to recognize trafficking victims. "It is time to work together and it is time to have a plan to deal with trafficking," Miller said.

Sen. Jane Ranum (DFL-Mpls.) offered an amendment adding a representative of the U.S. Attorney's Office as a member of the task force. The amendment was adopted. Members advanced the measure to the State and Local Government Operations Committee.

Ranum sponsored a bill, S.F. 2911, creating enhanced penalties for the crime of violating a domestic abuse no contact order and adding the crime of violating a domestic abuse no contact order to the list of qualified domestic violence related offenses. Lona Stevens, Minnesota Coalition for Battered Women, said there are often multiple violations of no contact order with no enhancement of penalties. Pete Cahill, Hennepin County Attorney's Office, said the bill makes a uniform system of having a 10-year look-back for domestic violence violations.

Ranum offered an amendment, which was adopted, to make the same changes to

harassment/stalking laws. She said the amendment makes the conforming changes in the other areas of the law. The bill was forwarded to the Finance Committee.

MyBills system available

The MyBills personalized bill tracking system is now available. Users can add House and Senate bills to their lists by bill number, subject, or author, and view the legislative status of their bills, with items with significant current floor action highlighted. Users can modify their lists at any time. The MyBills system is available from the Legislative website at: <http://www.house.mn/leg/billsblogin.asp>

Committee update

Agriculture, Veterans and Gaming

Soldiers' rest bill gains

The Mon., Mar. 13, meeting of the Agriculture, Veterans and Gaming Committee was devoted to discussion of two bills. Members, chaired by Sen. Jim Vickerman (DFL-Tracy), approved both measures.

S.F. 2749, carried by Sen. Dennis Frederickson (R-New Ulm), removes the \$3,500 limit on counties' expenditures for soldiers' rest. Under current law, counties may purchase a plot of ground in any cemetery to be designated and used exclusively as a soldiers' rest. However, current law limits the amount a county may appropriate for the costs of the land, up keep and the opening and closing of graves to \$3,500. The bill was recom-

mended for placement on the Consent Calendar.

The second bill, S.F. 1678, sponsored by Sen. Becky Lourey (DFL-Kerrick), requires the commissioner of veterans affairs to develop and make available to physicians, other health care providers, veterans and other persons at high risk for hepatitis C educational materials, in written and electronic form, on the diagnosis, treatment and prevention of the disease. The bill also specifies the materials be written in terms understandable by members of the general public. The measure was re-referred to the full Senate.

Animal control, vets bills okayed

Members of the Agriculture, Veterans and Gaming Committee met Wed., Mar. 15, to consider four bills dealing with

animal control and veterans issues. The panel, chaired by Sen. Jim Vickerman (DFL-Tracy), approved all four bills.

S.F. 2374, authored by Sen. Don Betzold (DFL-Fridley), modernizes archaic language from a statute relating to the seizure of unlicensed dogs. The bill also eliminates the requirement that animal control officers post written notices in three public places that a dog whose owner is unknown has been impounded for being unlicensed. The measure was sent to the full Senate.

Betzold also carried S.F. 2373, which makes technical changes to exotic animal control provisions adopted two years ago. Members adopted an amendment, at Betzold's request, removing a section eliminating a grandfather clause that allows regulated animal owners to replace their animals. Betzold said he would rather deal with only the technical modifications this year. The bill was re-referred to the Crime Prevention and Public Safety Committee.

Sen. Mady Reiter (R-Shoreview) sponsored a bill, S.F. 2553, memorializing Congress to allow veterans and members of the armed forces to transfer educational assistance to their dependents. S.F. 3096, authored by Sen. Paul Koering (R-Fort Ripley), permits the Veterans Homes Board to hold meetings by electronic means. Both bills were advanced to the full Senate.

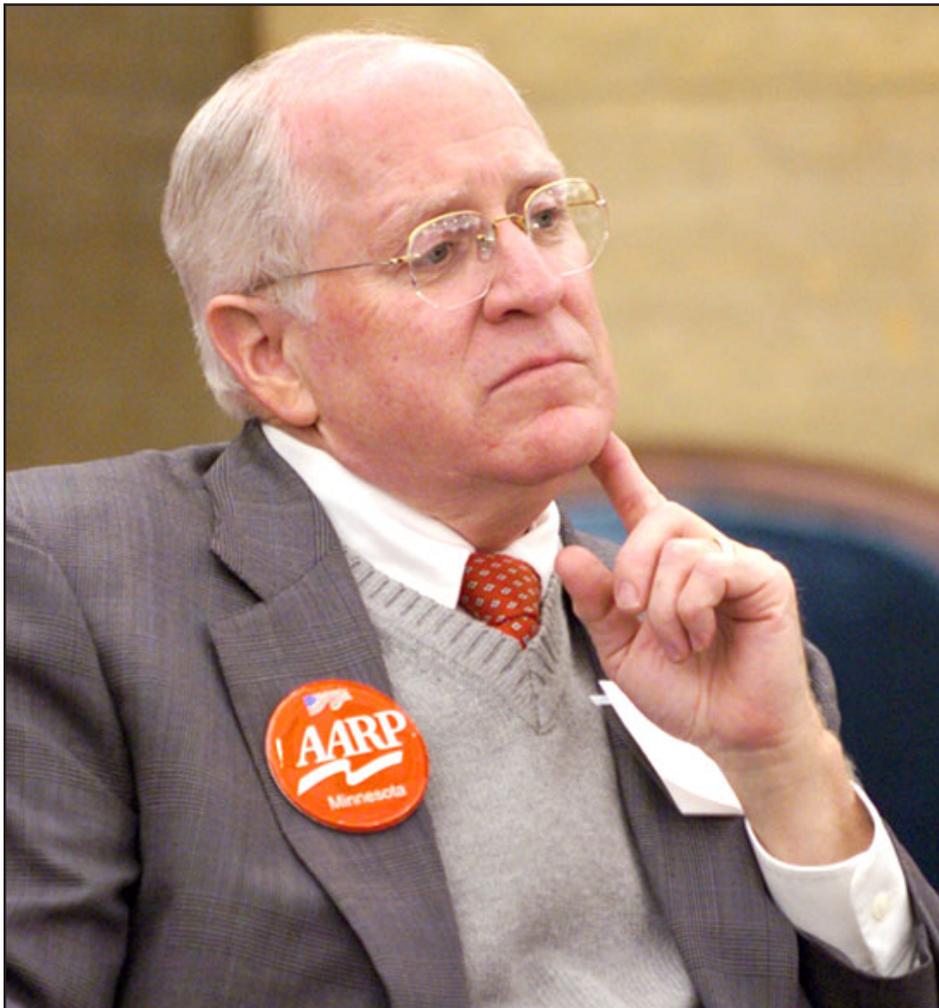
Commerce

Five bills gain

Members of the Commerce Committee, chaired by Sen. Linda Scheid (DFL-Brooklyn Park), approved five measures at their Mon., Mar. 13, meeting.

S.F. 2319, carried by Sen. Don Betzold (DFL-Fridley), adopts the Uniform Securities Act (2002) recommended by the National Conference of Commissioners on Uniform State Laws. The uniform act is designed to coordinate federal and state securities regulation. The bill was re-referred to the State and Local Government Operations Committee. S.F. 2523, sponsored by Sen. Tom Saxhaug (DFL-Grand Rapids), permits a bank that has its main office in the city of McGregor to open a branch bank in Shamrock Township. The bill was recommended for placement on the Consent Calendar.

Sen. Sandra Pappas (DFL-St. Paul) carried a bill, S.F. 2575, regulating



Former Attorney General Skip Humphrey, now president of AARP Minnesota, listens to testimony on an omnibus identity theft bill during a Commerce Committee hearing, Wed., Mar. 15.

Photo by David J. Oakes

international marriage brokers. The bill was advanced to the Judiciary Committee. S.F. 2576, sponsored by Sen. Dan Sparks (DFL-Austin), extends the state's "lemon law" to cover ambulances. S.F. 2527, authored by Sen. Michelle Fischbach (R-Paynesville), allows township mutual insurance companies to insure property in cities of the second class and removes a policy liability limitation concerning coverage extended to secondary property located outside the territorial limits of the company. Both S.F. 2576 and S.F. 2527 were sent to the Senate floor.

ID theft protections approved

Measures aimed at protecting consumers from identity theft were the subject of the Wed., Mar. 15, meeting of the Commerce Committee, chaired by Sen. Linda Scheid (DFL-Brooklyn Park).

S.F. 2002, authored by Sen. Dan Sparks (DFL-Austin), permits consumers to get monthly credit reports from reporting agencies, at a cost of up to \$3 per report. The bill also allows consumers to place a security freeze on their credit reports; with a freeze in place, the credit report cannot be released to a third party without express authorization from the consumer. In addition, the measure establishes a court procedure for identity theft victims to get a court declaration of their victimhood. Sparks said the bill "provides a means for victims to protect their names" and helps banks protect themselves and consumers against new account fraud, a popular identity theft method.

While we all suffer from identity theft, older Minnesotans are a prime target of identity thieves, said Skip Humphrey, president of AARP Minnesota. People over 50 are targeted because they have more savings and longer credit histories, he said. Humphrey said an AARP showed that 80 percent of all Minnesotans are concerned about becoming victims of identity theft. He said a Federal Trade Commission survey indicated that, nationwide, businesses lose \$50 billion annually and consumers lose \$5 billion annually to identity theft.

Michelle Hummel described her experience as an identity theft victim. Though Hummel lives in Minnesota, her identity was stolen by a woman in Georgia. Hummel discovered the fraud within a month of its start and immediately acted. However, she said she is still

dealing with the repercussions of the theft a year later. In addition to filing police reports in both states, Hummel said she instituted a seven-year fraud alert on her credit report. The commercially offered fraud alert does not work properly, she said, because her credit report has been accessed by lenders without her prior approval.

Representatives of several business organizations said they are also concerned about protecting consumers from identity theft. However, we need to balance that interest against the benefits of information sharing in our economy, said Bob Johnson, Insurance Federation of Minnesota. Our state's business community has a long history of working with law enforcement and prosecutors to pursue criminals, he said. Consumers today are more informed and have higher expectations than a generation ago, said Buzz Anderson, Minnesota Retailers Association. Among the expectations is instant credit, he said. Anderson said the credit freeze proposed by the bill could mean that a consumer would buy a product on instant credit and the retailer would receive a later denial of credit without being informed that the credit was being denied because of the freeze. In that situation, the retailer becomes the bad guy, Anderson said. He said credit alert programs, which are federally regulated, allow retailers to know that a credit alert is in place and to comply with the requirements of the alert to extend credit to the consumer.

Johnson, Anderson and representatives of banking and financial services organizations urged the panel to reject a provision repealing an exemption to the data security breach notification law enacted last year. Under the existing law, businesses subject to federal laws relating to consumer data in the financial services and health care fields are exempted from the requirement to notify consumers of security breaches. Keith Weigel, AARP, said consumers should have the security of knowing that they will be notified if the information might have fallen into the wrong hands, regardless of the nature of the institution whose security was breached. Committee members adopted an amendment removing the exemption repeal language.

Before acting on the bill, the committee considered four related proposals. S.F. 2145, sponsored by Sen. Mike McGinn

(R-Eagan), allows consumers to permanently block the reporting on their credit reports of any information that is the result of identity theft. The bill requires consumers to submit a police report before the permanent block takes effect. Chris Abbas, Financial Crimes Task Force, said blocking fraudulent information makes it easier for consumers to clean up their credit reports after identity theft. More information, he said, also helps police track down identity criminals. McGinn also carried S.F. 2144. The bill requires credit card issuers to verify a consumer's address if the issuer receives an application that lists a different address from the one on a solicitation sent to the consumer. The language of both bills was incorporated into S.F. 2002.

Sen. Michael Jungbauer (R-East Bethel) authored two proposals. S.F. 2193 allows consumers to place security alerts on their credit reports. S.F. 2194 allows consumers to have their names removed from solicitation lists provided by credit reporting agencies to credit card issuers. Jungbauer said similar laws have been enacted in other states and the bills are modeled on California enactments. Jungbauer and Sparks agreed to discuss the provisions of the bills with an eye toward redrafting them as amendments to S.F. 2002.

S.F. 2002 was approved and referred to the Judiciary Committee.

Crime Prevention and Public Safety

Internet crimes task force okayed

A bill establishing an Internet Crimes Against Children (ICAC) Task Force was approved at the Thurs., Mar. 16, meeting of the Crime Prevention and Public Safety Committee. S.F. 2607, authored by Sen. Mady Reiter (R-Shoreview), also specifies the task force's duties and provides for grants. Reiter said the task force expands upon the activities of the St. Paul Police Department's ICAC Task Force, which is funded by the federal Office of Juvenile Justice and Delinquency Prevention. The measure requires the ICAC Task Force to service as a statewide source of prevention, education and investigative expertise to provide assistance to parents, teachers, law enforcement and other professional working child victimization issues. Membership of the

Committee update

task force will be a multijurisdictional, multiagency task force, Reiter said. She said the task force may include law enforcement officers, investigators, prosecutors, federal law enforcement officers and investigators from local governmental units. She said the task force is charged with investigating individuals, based on their criminal activity, who commit crimes involving the possession or distribution of child pornography through the use of computers or the Internet or commit crimes involving the exploitation or solicitation of a minor for sexual purposes. Under the measure, \$250,000 is appropriate to fund the task force. Rich Anderson, trainer, National Internet Crimes Against Children, and Timothy O'Malley, assistant superintendent, Bureau of Criminal Apprehension, both spoke in support of the bill. The bill was approved and re-referred to the State and Local Government Operations Committee.

The committee, chaired by Sen. Leo Foley (DFL-Coon Rapids), also approved two additional bills. S.F. 2539, authored by Sen. Mike McGinn (R-Eagan), modifies public safety peer counseling and debriefing provisions. McGinn said public safety personnel encounter extreme stress after traumatic events. He said currently, the term "peer counseling debriefing" is used in statutes, but the bill separates the counseling and debriefing processes and provides procedural safeguards. Under the bill, public safety peer counseling or debriefing means a group process oriented debriefing session or one-to-one contact with a peer counselor held for peace officers, firefighters, medical emergency persons, dispatchers, or other persons involved with public safety emergency services. McGinn said public safety personnel need to be able to share elements of the trauma in order to begin the process of healing and dealing with stress related occupational issues. Bill Gillespie, Minnesota Police and Peace Officers Association, said many officers maintain a stoic façade after a traumatic event and deny the need for any type of counseling. He said the bill makes it easier for officers to seek assistance. The bill was approved and advanced to the Jobs, Energy and Economic Development Committee.

The final bill before the committee, S.F. 2757, authored by Sen. Jane Ranum (DFL-Mpls.), related to response to

unauthorized releases of extraordinarily hazardous substance. Ranum said one of the nation's most serious vulnerabilities lies with extremely hazardous chemical releases. The bill provides for the prevention, preparedness and response to chemical substances.

Ranum said the bill requires the commissioner of public safety to develop and issue a registration form to be completed by the owner or operator of each facility that generates, stores or handles any of the extraordinarily hazardous substances on a list of substances contained in the bill. The registration must contain an inventory of the substances, a description of the processes and equipment involved in the management of the substances, the extent to which the risks and hazards of the processes have been identified and the name of all insurance carriers underwriting the facilities' environmental liability. Further each facility must conduct an assessment of the vulnerability of the facility to a terrorist attack or other unauthorized release and assess the use of inherently safer technology in reducing or eliminating the possibility of a release. In addition, each facility must prepare a prevention, preparedness and response plan. The bill was re-referred to the Judiciary Committee.

Early Childhood Policy and Budget Division

Adult education funding heard

A bill increasing state aid for adult basic education was heard by members of the Early Childhood Policy and Budget Division at their Thurs., Mar. 16, meeting. The panel laid the bill over for possible inclusion in its omnibus supplemental budget package.

S.F. 894, carried by Sen. Tarryl Clark (DFL-St. Cloud), also requires state-approved adult basic education (ABE) programs that offer high school credit to meet the Adult Basic Education Standards, establishes an adult literacy grant program for recent immigrants and refugees. The ABE system is facing heavy demands, said Tom Cytron-Hysom, Literacy Minnesota. A recent flood of immigrants needs services to help the group acclimate to Minnesota, while many non-immigrants are seeking to upgrade their job skills, he said. The

system is stretched nearly to its limit, Cytron-Hysom said, and is now dealing with long waiting lists and turning away people. He said the business community and demographers note that the labor force will decline rapidly in coming years as a large group of workers retire and need to be replaced. Businesses are already saying the limited skills of available workers do not meet employers' needs, he said. The need for more adult basic education is not just an urban issue, he said, but affects communities across the state. Three students—Meda Esperanza, Chue Lor and Chee Xiong—discussed the importance of ABE in helping them learn English, acquire job skills and become self-sufficient and able to support their families.

Division members considered two additional bills. S.F. 2885, authored by Sen. Cal Larson (R-Fergus Falls), authorizes bond funds for a regional family resource and early childhood center in Verndale. S.F. 3233, sponsored by Division Chair John Hottinger (DFL-St. Peter), authorizes bond funds for an early childhood facility in St. Peter. Both proposals were set aside for consideration among the division's bonding recommendations to the Capital Investment Committee.

In other action, the panel heard two reports. One report discussed current coordination of early care and education programs by the Departments of Education, Health and Human Services. The report also reviewed possibilities for further coordination. The second report examined family child care licensing fees.

Education

Nat'l certification grants approved

A proposal to establish a grant program to promote national board certification for teachers was approved by members of the Education Committee, Tues., Mar. 14.

S.F. 3073 enhances and supports the goals of members of this committee and the governor, said Sen. Tarryl Clark (DFL-St. Cloud), chief author. It supports teacher development and the good things that are happening in classrooms, she said. Three nationally board certified teachers spoke in support of the bill and discussed the benefits of national board certification.

Lynette Wayne, a first grade teacher in Hastings, said national board certification is a rigorous professional development experience. You have to examine what you are doing in the classroom, why you are doing it and what effect it has on students, she said. Wayne said 40,000 teachers across the nation are nationally board certified, with 279 in Minnesota. Years after going through the certification process, she said, I continue to use what I learned. She said the bill provides three key means of support: assistance with the fees involved in seeking certification, creation of a candidate support system and provision for a one-time \$1,000 grant for certified teachers. Iowa and Wisconsin, Wayne said, provide nationally board certified teachers \$2,500 annually for the life of the 10-year certificate.

This was the most important professional development project I ever undertook, including my master's thesis, said Sheri Tamte, a high school art teacher in Buffalo. She said her students' understanding, knowledge and interest increased because of the skills she gained through certification. The theory becomes personal, Tamte said, and that makes it powerful and effective. Sandy Hayes, an English teacher from Becker, stressed the importance of providing a support network for teachers seeking certification. Hayes, who was the first teacher in the state to be nationally board certified, said an official support network is especially important in Greater Minnesota, where there are few teachers and even fewer nationally certified teachers.

National board certification allows teachers to be leaders in the classroom with their colleagues, instead of having to leave the classroom environment to take on a leadership role, said Keith Geiger, a staff member of the National Board for Professional Teaching Standards. Geiger, who is also a former president of the National Education Association, reviewed several outside studies measuring the positive results of national board certification on student achievement.

Committee members approved the bill and advanced it to the Finance Committee.

In other action, committee members considered S.F. 2994, sponsored by Committee Chair Steve Kelley (DFL-Hopkins), the Dept. of Education technical bill. Commissioner Alice Seagren and department staff led the panel through the

bill's numerous provisions. The measure was laid over for possible inclusion in the committee's omnibus education policy bill.

Two reports heard

Members of the Education Committee, chaired by Sen. Steve Kelley (DFL-Hopkins), met Thurs., Mar. 16, to hear two reports.

The first report, from the Rochester Higher Education Development Committee, a panel created by the Legislature last year, recommends creating a world-class higher education institution focused on health sciences, biosciences, engineering and technology. The proposed institution combines the research capability of the University of Minnesota and the existing infrastructure and expertise of local business leaders, such as the Mayo Clinic and IBM. Under the proposal, the new institution would be a campus of the University of Minnesota and would be governed only the University's Board of Regents. The panel recommends phasing out the current partnership between the U and the Minnesota State Colleges and Universities system. Drew Flaada, a development committee member, Barbara Brandt, assistant vice president of the University of Minnesota Academic Health Center, and Dr. Patricia Simmons, vice chair of the Board of Regents, discussed the proposal and its potential. Gregory Wright, faculty president at Rochester Technical College, urged policymakers to be careful not to harm existing education providers in Rochester as they move forward.

The second report discussed the readiness of Minnesota high school students for college or highly-skilled entry-level work. The report, presented by Education Commissioner Alice Seagren and Cyndy Crist of MnSCU, sought to define what skills students need to be classified as ready in reading, writing and mathematics and examined how closely current educational practices and standards align with readiness.

Elections

Minneapolis school wards ok'd

A bill requiring the Minneapolis School District to elect six members of its board from internal districts, also known as precincts or wards, rather than at-large

gained the approval of members of the Election Committee, Mon., Mar. 13.

S.F. 358, carried by Sen. Wesley Skoglund (DFL-Mpls.), increases the board's size from seven members to nine members and provides that the six election districts will mirror the city's park board election districts. The three remaining members of the board will continue to be elected at-large, under the bill. Committee members advanced the bill to the full Senate.

The panel, led by Chair Charles "Chuck" Wiger (DFL-North St. Paul), also approved two additional bills, both sponsored by Sen. John Marty (DFL-Roseville). S.F. 386 makes numerous changes to election law governing local government elections. The measure eliminates the prohibition on a city redrawing its ward boundaries before the Legislature has been redistricted, shortens the decennial freeze on changes in precinct boundaries, requires city council redistricting to take effect no later than the year ending in three and requires all members of the city council to be elected at that election, lowers the threshold for candidates for local government elective office to begin reporting their contributions to the same level as for candidates for state office, requires campaign finance reports filed by local government candidates to include the amount and date of each expenditure and requires that all county commissioners run at the next election following redistricting. The bill also makes changes to state office election provisions. It changes the target date for completing Legislative redistricting from the middle of March to January 31 in the year ending in two, eliminates the requirement that election judges who are appointed after the party lists have been exhausted be affiliated with a major political party and repeals a ballot-appearance requirement placed on major party candidates that was struck down by the state Supreme Court. S.F. 489 prohibits independent expenditures by political parties as a condition of receiving public subsidies, such as the income tax check-off and political contribution refund, limits soft money expenditures by political parties and limits multi-candidate expenditures by political parties. Both bills were advanced to the full Senate.

Committee members considered two additional bills. S.F. 625, authored by

Committee update

Sen. Paul Koering (R-Little Falls), permits the Little Falls School District to implement an alley system for electing its at-large school board members. Under an alley system, each seat on the school board is numbered and candidates run for a specific seat; currently, the top three vote-getters at each election win seats on the board. The bill was laid on the table. S.F. 2880, carried by Sen. John Hottinger (DFL-St. Peter), authorizes two food or beverage exceptions to the gift ban. Under the bill, food or beverages costing up to \$15 per Legislator may be provided at Metro Area receptions during the Legislative Session if all Legislators have been invited. The bill also allows food or beverage costing up to \$15 per Legislator to be provided at formal meetings with specific agendas where Legislators' constituents are in attendance. A motion to advance the bill was defeated.

Environment and Natural Resources

LCMR bill heard

Members of the Environment and Natural Resources Committee, chaired by Sen. John Marty (DFL-Roseville), met Mon., Mar. 13, to consider a bill making changes in the structure and operation of the Legislative Commission on Minnesota Resources (LCMR).

S.F. 2814, authored by Sen. Dallas Sams (DFL-Staples), creates a Legislative-Citizen Commission on Minnesota Resources of 17 members to take the place of the current LCMR. Under the bill, the membership would consist of the chairs of the House and Senate committees on environment and natural resources finance, four members of the Senate and four members of the House, three citizens appointed by the governor, two citizens appointed by the House and two citizens appointed by the Senate. The citizen members are required to have experience or expertise in the science, policy or practice of the protection, conservation, preservation and enhancement of the state's air, water, land, fish, wildlife and other natural resources. The measure requires the governor to appoint a trust fund citizen selection committee to identify citizen candidates, review candidate applications and to interview the citizen candidates. The measure also provides for information gathering on the

part of the commission and requires the commission to develop a strategic plan for making expenditures from the natural resources trust fund. The strategic plan must identify the priority areas for funding for the next six years and must be reviewed every two years. The commission is also directed to consider the long-term strategic plans of agencies with environment and natural resource programs and responsibilities and the plans of conservation and environmental organizations during the development of the strategic plan. The commission is also charged with recommending an annual legislative bill for appropriations from the environment and natural resources trust fund. Finally, the bill requires the Legislative Auditor's Office to perform audits to ensure that money is spent for the purposes it was appropriated. The bill was approved and advanced to the Finance Committee.

In other action, the committee also advanced three additional bills. S.F. 2872, sponsored by Sen. Dennis Frederickson (R-New Ulm), provides for temporary state park permits for vehicles towed by a vehicle used for camping. The temporary permit allows the vehicle to be driven in the park until the camping permit expires. The bill also specifies that a state park permit is not required and a fee may not be charged for motor vehicle entry or parking at the visitor parking area of Soudan Underground Mine State Park. In addition, the bill changes some state park fees. Under the bill, a state park permit valid for one day is reduced to \$5 from \$7, a daily vehicle state park permit for groups is reduced from \$5 to \$3, a state park permit for disable persons is \$12, and an annual permit for motorcycles is \$20. Members approved the measure and re-referred the bill to the Finance Committee.

S.F. 2969, sponsored by Sen. Satveer Chaudhary (DFL-Fridley), authorizes advance deposits or payments for boat slip rental. The measure was approved and sent to the Senate floor. S.F. 2999, sponsored by Sams, specifies that while riding, leading or driving a horse on horse trails and day use areas on state trails, in state parks and in state recreation areas, persons over the age of 16 must carry and display a valid horse trail pass. Under the bill, the fee for an annual horse trail pass is \$20 for an individual and the fee for a daily horse trail pass is \$4. The measure was approved and advanced to the Finance Committee.

Omnibus game, fish bill approved

Members of the Environment and Natural Resources Subcommittee on Game and Fish met Wed., Mar. 15, to consider the omnibus game and fish bill. S.F. 2794, carried by Chair Tom Saxhaug (DFL-Grand Rapids), contains numerous proposals relating to game and fish, many recommended by the Dept. of Natural Resources. The bill was approved and advanced to the full Environment and Natural Resources Committee.

Environment, Agriculture and Economic Development Budget Division

Minerals fund considered

Two proposals for supplemental appropriations were heard by members of the Environment, Agriculture and Economic Development Budget Division at their Tues., Mar. 14, meeting. The panel, chaired by Sen. Dallas Sams (DFL-Staples), took no action on the bills.

S.F. 2399, sponsored by Sen. David Tomassoni (DFL-Chisholm), transfers \$49 million from the general fund to the Minnesota minerals 21st century fund. The latter fund is used to make loans or equity investments in mineral processing facilities. S.F. 1644, carried by Sen. Linda Higgins (DFL-Mpls.), provides \$1.92 million annually for summer youth employment programs in North Minneapolis.

Division members also discussed the many projects seeking bond sale proceeds and spent a portion of the hearing focusing on wastewater treatment proposals. Sams asked panel members to review the list of bonding projects before giving them priority rankings as recommendations to the Capital Investment Committee.

Reports heard

The Environment, Agriculture and Economic Development Budget Division, chaired by Sen. Dallas Sams (DFL-Staples), met Thurs., Mar. 16, to hear three bills and reports from the Blandin Foundation and the Legislative Auditor's Office.

Members advanced one bill to the full Finance Committee. S.F. 2697, authored by Sen. LeRoy Stumpf (DFL-Plummer), defines a qualified business in a

small declining population county for purposes of receiving economic development funds. The bill was drafted to say that a qualified business includes a food service business if the business is located solely in a qualified county, and if the business began operations in January 2004, with employment of between 15 and 20 part-time and full-time employees. Further, the bill defines “qualified county” as a county having an estimated population of less than 5,000 in 2004 and experienced a reduction in population of at least 7.5 percent between 2000 and 2004. Stumpf said the bill was drafted to provide an opportunity for a small business in Hallock to receive a grant.

The two other bills were laid over for possible inclusion in the division’s omnibus supplemental appropriations bill. S.F. 2526, sponsored by Sen. Michelle Fischbach (R-Paynesville), appropriates \$6,000 for a grant to the city of Avon for an air quality study to determine the sources of emissions and ambient levels of xylene in the city. Stumpf also carried a proposal to provide \$25,000 for a grant to the city of Oslo in Marshall County to repair and rehabilitate property damaged by flooding, including river erosion in or near the city.

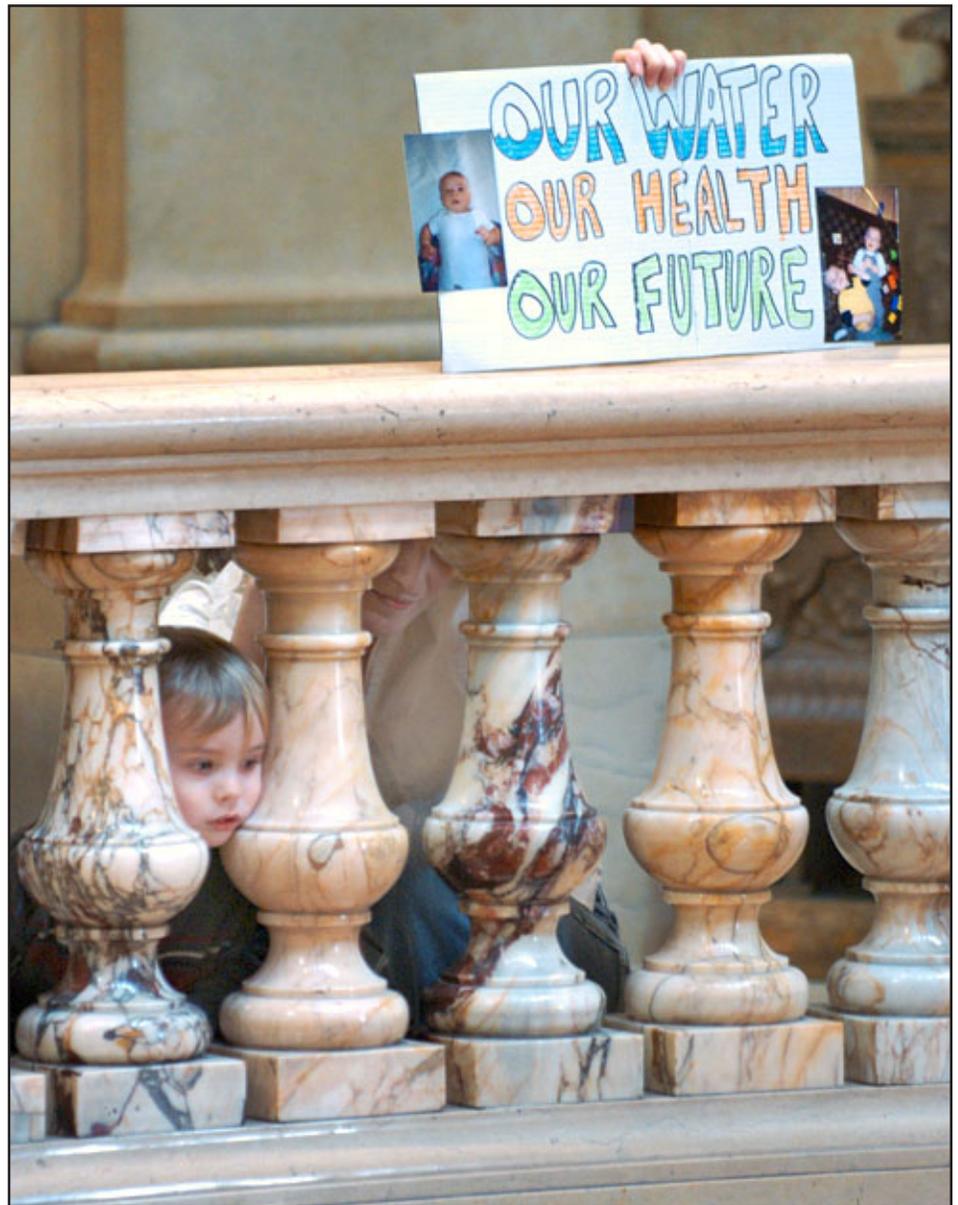
Representatives of the Blandin Foundation reported on the foundation’s “Get Broadband” initiative. “Get Broadband” is a community-based program dedicated to increasing the use of broadband-based technology to make Greater Minnesota communities’ residents, businesses and institutions more efficient and competitive. According to the foundation, high speed, always-on broadband-based Internet applications and services help rural communities attract and retain higher paying jobs, make entrepreneurs and traditional industries more competitive and productive, improve the efficiency of community services and improve the quality of life. The foundation has developed a toolkit to help get communities involved and to profile the tools that are available use by for communities in developing broadband capabilities.

The second report, presented by Legislative Auditor James Nobles and Jody Hauer, project manager in the Legislative Auditor’s Office, discussed pesticide regulation in conjunction with

an evaluation of the Dept. of Agriculture. The report found that the department’s licensing of pesticide applicators and dealers and regulation of pesticide storage facilities meet or exceed federal and state laws. The report also found that enforcement actions were not fully evaluated for consistency or effectiveness and that pesticide application information is not sufficiently available to all people who could be affected. The report also stated that the department has a reasonable process for investigating cases alleging human or animal exposure to pesticides,

but methods for collecting records are not always thorough. Finally, the report found the department has done a good job monitoring the use of agricultural pesticides and their effects on groundwater and surface water, but has not done enough to monitor the use and effects of nonagricultural pesticides in urban areas. “Overall the department does a good job of regulating and monitoring pesticides, but improvements are needed,” said Hauer.

The full report may be found at <http://www.auditor.leg.state.mn.us/ped/2006/pesticide.htm>



While his mother Jenni holds up a handmade sign, three-year-old Anton VonReuter peers through pillars on the second floor of the Capitol Rotunda as they participate in Protect Our Water Citizen’s Day at the Capitol, Tues., Mar. 14.

Photo by David J. Oakes

Committee update

Finance

Pension bill gains

The Finance Committee met Wed., Mar. 15, to take action on two bills. Committee Chair Richard Cohen (DFL-St. Paul) carried S.F. 2722, a bill to reform the budget process. He said the bill makes a number of changes including a provision authorizing a continuing appropriation to continue state services in the event of a budget deadlock. Other provisions of the bill reinstate inflation in calculating the budget forecast, provide an annual appropriation to the Executive Council for emergencies, move the general fund budget toward being reported in accordance with generally accepted accounting principles and provide for a future increase in the budget reserve. The bill was approved and advanced to the full Senate.

Members also discussed S.F. 2239, the omnibus pension bill, carried by Sen. Lawrence Pogemiller (DFL-Mpls.). The measure makes numerous changes in pension laws covering all the public employee pension plans. The bill increases the contribution rates for some members and employers in the Minnesota State Retirement System (MSRS), makes changes to the MSRS-Correctional Retirement Plan coverages, makes changes in various retirement plan administrative provisions, changes provisions in the Public Employees Retirement Association (PERA)-Police and Fire Retirement Plan, makes changes in the Supplemental Retirement Plan coverages and makes changes in a variety of other plans provisions.

Much of the discussion centered on a provision requiring the city of St. Louis Park to reimburse the PERA-Police and Fire Retirement Plan for the actuarial cost that the state of Minnesota does not pay of the extension of special non-duty death benefit coverage to a former St. Louis Park police officer on active duty in Iraq with a short duration marriage. Pogemiller said the benefit remains in place and that the bill simply specifies which entity will pay for the benefit. Members also briefly discussed a provision allowing a former St. Paul mayor to correct a mistake in benefit coverage election. Several amendments were adopted. Sen. Steve Murphy (DFL-Red Wing) offered an amendment authorizing the purchase of service credit by a Red Wing public school teacher. Sen.

Charles "Chuck" Wiger (DFL-North St. Paul) offered an amendment allowing specific North St. Paul elected officials to purchase service credit. Members also adopted an amendment relating to Clearwater County Memorial Hospital doing business as Clearwater Health Services in Bagley.

Members approved the bill on a voice vote and sent the measure to the full Senate.

Health and Family Security

Technical bills advance

The Health and Family Security Committee, chaired by Sen. Becky Lourey (DFL-Kerrick), met Tues., Mar. 14, to consider several technical bills. Members approved the bills and advanced them to the floor or to other committees.

S.F. 2477, sponsored by Sen. Charles "Chuck" Wiger (DFL-North St. Paul), eliminates MinnesotaCare premiums for military personnel and their families, if enrolled within 24 months of the military member's tour of duty. The bill was advanced to the Finance Committee. S.F. 2534, authored by Sen. Paul Koering (R-Fort Ripley), requires the Brainerd Regional Treatment Center laundry service to be maintained or expanded and allows Brainerd Regional Treatment Center employees and service units to bid on contracts to provide services for the new community-based inpatient psychiatric hospitals. The measure was also advanced to the Finance Committee.

Three bills were recommended for placement on the Consent Calendar. S.F. 2621, carried by Sen. Gary Kubly (DFL-Granite Falls), requires programs to meet an average yearly pass rate for emergency medical technician certification. S.F. 2726, sponsored by Sen. Linda Berglin (DFL-Mpls.), extends the essential community provider designation to the Mental Health Collective in Hennepin County. S.F. 2793, also sponsored by Berglin, modifies the essential community provider designation to include an applicant that is a nonprofit, county mental health services center certified as a medical assistance provider of behavioral health services and wrap-around eligibility support services to an underserved population with chemical dependency and serious mental illness.

One measure was re-referred to the Commerce Committee. S.F. 2898, carried

by Berglin, modifies state law as required by recent federal legislation in order to allow implementation of a long-term care partnership program. Under the program, individuals who exhaust the benefits of a qualifying long-term care insurance policy and enroll in Medical Assistance are allowed to protect from Medical Assistance an amount of assets equal to the amount of policy benefits used.

Moratorium exceptions bills heard

Members of the Health and Family Security Committee, chaired by Sen. Becky Lourey (DFL-Kerrick), met Thurs., Mar. 16, to hear bills relating to providing exceptions to the hospital moratorium, Medicare Part D coverage, assisted living services requirements and implementation of the recommendations of the Long-Term Care Task Force.

The panel began by hearing the bills relating to the exceptions to the hospital moratorium. S.F. 2521, authored by Sen. Cal Larson (R-Fergus Falls), authorizes an exception to the hospital construction moratorium to allow the addition of two rehabilitation beds at a Fergus Falls hospital. Kent Mattson, Lake Region Healthcare Corporation general counsel, said the addition of the beds would also allow closing a separate 13-bed skilled nursing facility. The bill was approved and re-referred to the Finance Committee. S.F. 2630, sponsored by Sen. Dallas Sams (DFL-Staples), also authorizes an exception to the hospital moratorium. The bill provides for the exception in order to allow the construction of a hospital with up to 25 beds in Cass County within a 20-mile radius of the state Ah-Gwah-Ching facility. The measure also requires approval by the Cass County Board. The bill was approved and advanced to the full Senate.

Members also considered a bill authorizing payment for waived services for persons with developmental disabilities. S.F. 2582, authored by Sen. Yvonne Prettner Solon (DFL-Duluth), provides that counties required to remit payment for services rendered in excess of the county allowable resource for calendar year 2004, the state shall provide three grants totaling \$3.015 million to cover the remittance costs. Further, the bill specifies that counties required to remit payment for services rendered in excess of the county allowable resource for calendar year 2005, the state must provide grants

to those counties in an amount equivalent to the estimated overspending expected in calendar year 2006 to cover the remittance cost. Finally, the measure requires the commissioner of human services to recover the county overspending obligation on the payment remittance for that county the month following the receipt of grant funds. The bill was forwarded to the Finance Committee.

Lourey authored a bill, S.F. 2080, implementing the recommendations of the tripartisan Long-Term Care Task Force. Lourey said the goal of the task force was to develop recommendations to ensure that Minnesota's long-term care system serving older Minnesotans supports self-determination, provides services that meet consumers' needs and preferences, provides high quality care and provides for efficiency and affordability in delivering services. The bill requires the commissioner of human services to conduct a long-term care investment study and develop goals for rebalancing long-term care spending. The measure also requires the department to ensure that the long-term care system is sustainable, supports self-determination, provides services that meet consumers' needs and preferences, provides high-quality care and is efficient and affordable. The bill also requires the study to include proposals to implement recommendations related to age-friendly communities and family caregiving. Further, the bill specifies that the study be conducted in five communities and provides a \$250,000 appropriation to hire a contractor to conduct the investment study. The bill was approved and advanced to the Finance Committee.

Two bills authored by Sen. Linda Berglin (DFL-Mpls.) were advanced to the Finance Committee. S.F. 3064 provides limited Medical Assistance coverage for individuals eligible for Medicare Part D. Berglin said the bill addresses three issues. She said the bill sets a \$12 per month limit on co-pays because, currently, there are no caps on co-pays and multiple prescriptions can quickly become unaffordable. Berglin said the bill also extends coverage for prescription drugs that are not covered under a Medicare Part D plan as long as the Board of Aging has determined that the plan the recipient is enrolled in is the most comprehensive plan. Finally, she said the bill extends coverage for recipients who are eligible for Medicare Part D, but are

not enrolled because they have recently been released from a medical facility.

S.F. 2888 establishes minimum requirements for assisted living services in a new chapter of state law. Berglin said the bill was the result of cooperative work by a variety of stakeholders over nearly two years. She said the bill aims to give title protection to care providers and establish clearer expectations for consumers. The bill sets forth criteria for the use of the term assisted living, specifies required health related services and requires assistance with a minimum number of daily living activities such as bathing, eating or continence care. The bill also requires an assisted living facility to have a response system, supportive services, a system of accountability for services and a method for providing of consumer information.

Health and Human Services Budget Division

Child care proposals discussed

Three bills raising eligibility levels and reimbursement rates for child care assistance programs were the focus of a Tues., Mar. 14, joint meeting of the Early Childhood Policy and Budget Division and the Health and Human Services Budget Division.

S.F. 2819, carried by Early Childhood Policy and Budget Division Chair John Hottinger (DFL-St. Peter), increases the eligibility level from 175 percent to 250 percent of poverty, lifts the freeze on reimbursement rates, provides a higher rate for accredited child care providers, lowers co-pays to their pre-2003 levels and provides services to families on the program waiting list. This is a comprehensive effort to repair the damage done by cuts made since 2003, Hottinger said. He said families are losing access to quality care and parents must often choose between getting a lower quality of care for their children or not going to work. The federal government ranks Minnesota thirty-third in the nation for availability and reimbursement rates, he said. Hottinger said estimates indicate the package will cost the state \$80 million this year and \$150 million for the following two years.

S.F. 3015 and S.F. 3016, both sponsored by Health and Human Services Budget Division Chair Linda Berglin

(DFL-Mpls.), increase the eligibility levels to 200 percent of poverty, reinstates the pre-2003 co-payment schedule and provides a two percent cost of living adjustment instead of lifting the freeze on reimbursement rates. Berglin said S.F. 3015 is a one-time change, while S.F. 3016 includes a tax article that provides revenue to fund on-going spending. The bills also include changes to other public assistance programs. The measures reinstate emergency services under the general assistance medical care (GAMC) program for undocumented immigrants, eliminate GAMC co-payments and provide a 10 percent cost of living increase to the Minnesota Family Investment Program transitional standard.

Child care advocates, child care providers and parents spoke in support of all three bills. Members of the Welfare Rights Committee also spoke in support of the non-child care provisions in S.F. 3015 and S.F. 3016. Panel members took no action on any of the bills.

New Chance bill heard

The Health and Human Services Budget Division met Thurs., Mar. 16, to consider a bill appropriating money to the New Chance program.

The bill, S.F. 769, carried by Division Chair Linda Berglin (DFL-Mpls.), appropriates \$280,000 for a grant to the program. Berglin said the program provides comprehensive services to young parents in Hennepin County who have dropped out of school and are receiving public assistance. She said the program helps clients with skills development, education, job training and job placement. Jackie Range, program director, said New Chance is a vital resource in helping young people develop the skills needed to be self sufficient, nurturing parents. Martha Fryer, a participant in the program, said the program helped her learn to parent and develop the skills she needed to find employment.

The panel laid the measure over for inclusion in the division's omnibus supplemental bill.

In other action, the panel heard testimony on topics relevant to the division's jurisdiction. Jim Koppel, director, Children's Defense Fund of Minnesota, spoke on the need to allow people who were cut from MinnesotaCare to become eligible for the program. The

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panel also heard from representatives of the Minnesota Association of Community Health Centers, and on the need on the part of nursing homes for energy assistance. The panel also heard speakers outline the governor's supplemental budget proposal.

Higher Education Budget Division

U of M bonding request heard

The Higher Education Budget Division met Tues., Mar. 14, to hear University of Minnesota President Robert Bruininks review the U of M's bonding request and supplemental budget request.

Bruininks said, "The largest single request is investment in our students and our future." He said the bonding request of \$206 million advances, very materially, the University's quest to combine education and research. "We think it is very important to be good stewards of our campuses and every request serves multiple purposes." He said the University is in a very strong position to play a role in Minnesota's participation in a global economy.

The supplemental budget request falls into three categories, Bruininks said, funding for extraordinary energy costs, a virtual reality education center for the College of Dentistry and for technology equipment for the School of Veterinary Medicine. The supplemental budget request totals \$14.4 million with \$6.3 million designated for energy costs, \$4.9 million earmarked for the dentistry virtual reality center and \$3.2 million for the veterinary medical center.

The University's bonding request totals \$206.1 million, Bruininks said. Under the request, \$80 million is for asset preservation, \$26.6 million is for expansion of the Carlson School of Management on the Twin Cities campus, \$15.3 million for the Labovitz School of Business and Economics on the Duluth campus, \$41.3 million for sciences teaching and student services center on the Twin Cities campus, \$40 million for a medical biosciences building on the Twin Cities campus and \$2.8 million for research centers and field stations.

The division, chaired by Sen. Sandra Pappas (DFL-St. Paul), also discussed a bill, S.F. 3044, establishing a Minnesota Biomedical Sciences Research Facilities



Representing the First Minnesota Infantry Regiment, John Guthmann, left, plays the fife while Jim Moffet accompanies him on the drum outside the front doors of the Capitol, Mon., Mar. 13, as part of a rally to raise awareness of the Minnesota Historical Society.

Photo by Shelley Hawes

Authority and providing for a biomedical sciences research project funding program. The bill, said Chief Author Richard Cohen (DFL-St. Paul), provides a framework for a biomedical science research funding program to further investment and provide benefit for the state's economy and for the biomedical technology industry. Cohen said, "Much of the state's economic success rests with the University and the bill provides

funding to allow the U to build and staff several buildings over time."

Bruininks said the investment in biomedical research is as important as other infrastructure investments. He said the initiative will keep Minnesota competitive in a global information based economy. "The University is well positioned because of existing biomedical companies based in Minnesota and we are vitally important in carrying forward

research and invention in the biomedical field," he said. No formal action was taken on the bill.

MnSCU requests heard

Bonding and supplemental budget requests from the Minnesota State Colleges and Universities were the focus of the Thurs., Mar. 16, meeting of the Higher Education Budget Division.

The system's bonding request totals \$280 million. Of that amount, \$110 million is targeted at asset preservation. The remaining \$170 million is for renewal projects, new construction, demolition, property acquisition and design work for future projects. The system is also requesting \$31.5 million in supplemental funding for FY 06-07. The request includes \$15 million to improve technology and computer security infrastructure, upgrade computer systems and upgrade network hardware infrastructure. Additionally, \$10 million of the request is to address higher-than-expected energy costs, \$3.5 million is for an initiative to keep Minnesota competitive in the global economy and \$3 million is to establish a consortium in bioscience education and applied research.

Division members, chaired by Sen. Sandra Pappas (DFL-St. Paul), also considered three bills. S.F. 2716, authored by Sen. John Hottinger (DFL-St. Peter), permits MnSCU to construct an academic building on the Minnesota State University, Mankato campus for the College of Business using non-state money. The measure was approved and re-referred to the Finance Committee. S.F. 3058, sponsored by Pappas, is the system's housekeeping bill and makes mostly technical changes to statutes governing MnSCU. The bill was laid over for possible inclusion in the division's omnibus supplemental budget package. S.F. 2945, carried by Sen. Bob Kierlin (R-Winona), appropriates \$5 million in bond proceeds to renovate Memorial Hall on the Winona State University campus. The bill was laid over for consideration as a project to be recommended to the Capital Investment Committee.

Jobs, Energy and Community Development

'Fair share' care bill okayed

A measure requiring large employers to pay the state the difference between

eight percent of their wages and what they spend on health care for their employees was the sole topic of discussion at the Mon., Mar. 13, meeting of the Jobs, Energy and Community Development Committee. The panel is chaired by Sen. Ellen Anderson (DFL-St. Paul).

S.F. 2672, carried by Sen. Becky Lourey (DFL-Kerrick), imposes the requirement on employers with more than 10,000 employees. The bill also limits the wages used in calculating employers' liability to wages at or below the state median household income. Employer spending on health care includes payments for insurance, medical care, prescription drugs, vision care and medical savings accounts, under the bill.

This is a "we're-all-in-this-together bill," Lourey said. Bernie Hesse, UFCW Local 789, said the bill proposes "fair share health care." Large profitable corporations are using public plans to cover their workers, he said. Estimates indicate the behavior costs the public health system about \$21 billion annually across the country, he said. Hesse said the practice costs Minnesota taxpayers \$14 million each year. The bill is not a complete solution, he said, but it keeps taxpayers informed and encourages businesses to provide health care. Businesses will not change their practices while they can avoid the cost of health care and pass it on to other employers and taxpayers, said Rick Varco, SEIU Local 113. Brad Lehto, Minnesota AFL-CIO, said the bill is an interim step until a long-term solution can be crafted. This is not an anti-business proposal, he said. Small businesses and most large businesses are subsidizing a few businesses, Lehto said. The bill requires large employers not providing health care to make a choice, he said, either provide care or help fund the system that does.

Representatives of three business groups spoke in opposition to the measure. Beth Hartwig, Minnesota Business Partnership, said the bill does not address the underlying cost drivers of health care or the affordability of coverage. This proposal creates a disincentive for job creation in Minnesota and pressures employers to cut labor costs, she said. Hartwig said the bill puts Minnesota businesses at a competitive disadvantage nationally and globally. She said the bill's numbers are arbitrary; Maryland is considering amending a similar law

enacted last year to reduce the threshold to 500 employees. Employers can offer health care coverage, she said, but nothing requires employees to take it. She said employees may decline coverage for a number of reasons.

Our health care system is broken and this bill does nothing to solve that problem, said Buzz Anderson, Minnesota Retailers Association. Most employers with fewer than 50 employees do not offer coverage, he said, while almost all large employers do. He said the bill sends the wrong message to potential Minnesota employers: do not be too successful, do not hire too many people and do not pay them too well. Anderson said the Maryland law is already entangled in federal litigation. The bill's supporters explicitly identify Walmart as a target of this legislation, he said. Anderson encouraged the panel to think of all the positive things Walmart does, the charitable contributions it makes, the much-desired jobs it offers and the other companies it supports by putting their products on its shelves. Erin Sexton, Minnesota Chamber of Commerce, said policymakers should address the affordability of health care, not place mandates on job creators.

Lourey said the bill is not designed to cut health care costs. We are trying to stop the shifting of costs to public programs by employers who can afford to bear those costs themselves, she said. Sen. Steve Kelley (DFL-Hopkins) said the eight percent amount may not be enough. An employer may run the numbers on what health care costs and decide that paying into the state is cheaper.

"We shouldn't be telling others what to do and not do it at home," said Sen. James Metzen (DFL-South St. Paul). He offered, and the committee adopted, an amendment including public employers in the list of employers subject to the bill. Sen. David Senjem (R-Rochester) offered an amendment including payments for exercise programs as employer spending on health care. The amendment was adopted.

S.F. 2672 was re-referred to the Finance Committee.

Heating assistance bill gains

The Jobs, Energy and Community Development Committee met Wed, Mar. 15, to consider several measures. One of the bills, S.F. 2656, carried by Committee Chair Ellen Anderson (DFL-St. Paul),

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provides a one-time appropriation for emergency heating assistance appropriation. Anderson said the steep increase in energy costs this year have led to a dramatic increase in the need for assistance. The bill appropriates \$25 million for distribution to eligible households for home heating assistance during the 2006 calendar year. Further, the bill specifies that priority must be given to households that did not receive federal energy assistance and that include senior citizens, persons with disabilities or young children.

Ron Elwood, Legal Services Advocacy Project, said that even though many people think we have dodged the bullet this year, the increase in price has meant that more households than normal need a greater than normal amount of assistance. Pam Marshall, Energy CENTS, said more than 400,000 individuals are eligible, but only about a quarter of that number will actually apply for assistance. Elwood said of the people not applying, some do not apply because of the stigma attached, but most do not apply because they do not know about the program.

Members advanced the bill to the Finance Committee with a recommendation that the bill pass.

The panel also approved a bill, S.F. 2857, classifying as nonpublic data relating to bioprocess piping and equipment. The bill, sponsored by Sen. Linda Scheid (DFL-Brooklyn Park), also includes bioprocess piping in the definition of high pressure piping. The measure was approved and re-referred to the Judiciary Committee.

S.F. 2618, sponsored by Sen. Sheila Kiscaden (DFL-Rochester), modifies state employee use of personal sick leave to provide care for family members. The bill specifies that an employee may use personal sick leave for absences due to an illness or injury to the employee's child, spouse, sibling, parent, grandparent or stepparent or dependent member of the household. Kiscaden said as more people must care for aging relatives, allowing individuals to use personal sick leave eases the financial burdens on families—and the state—by not requiring more hospitalizations and nursing home placements. Originally, the bill contained an appropriation to establish an Internet-based caregiver support program, but Kiscaden asked that the section be removed. Members adopted the amendment to

delete the provisions relating to the Internet-based caregiver support program. The measure was approved and sent to the Senate floor.

S.F. 2654, carried by Sen. Jim Vickerman (DFL-Tracy), contains a variety of benefits to veterans and their families. The portions of the bill under the jurisdiction of the committee include requiring an employer to grant an unpaid leave to an employee whose parent, child, or spouse has been killed or injured while in active service with the U.S. military. In addition, the measure creates an employment leave for immediate family members to send off or welcome home a soldier mobilized for war. The bill also provides education benefits to veterans, establishes a veterans service office at higher education institutions provides a subtraction for state income tax purposes of some service-related pensions and provides a series of appropriations for various veterans benefits and services. The bill was approved and advanced to the Education Committee.

Sen. James Metzen (DFL-South St. Paul) carried a resolution memorializing the President, Congress and the United States Postal Service to maintain affordable, dependable mail service at current levels because of its social and economic importance to the nation. The measure also specifies that the Legislature of the state of Minnesota opposes any effort to undermine the United States Postal Service's "universal service" obligation and its uniform rate structure. In addition, the measure urges that postal service hours be returned to levels before the report of the president's Commission on the United States Postal Service and that any recommendation from the commission that curtails public services in the current postal service be rejected. The bill was approved and advanced to the full Senate. S.F. 2570, carried by Sen. Tom Saxhaug (DFL-Grand Rapids), modifies the personal property exemption for a specific electric utility generation facility. The bill was approved and advanced to the Tax Committee.

CO detector mandate heard

A proposal to require all homes to have working carbon monoxide detectors was heard by members of the Jobs, Energy and Community Development Subcom-

mittee on Housing, Fri., Mar. 17. The panel also considered two additional bills; all three measures were approved and forwarded to the full Jobs, Energy and Community Development Committee.

S.F. 1003, authored by Sen. Pat Pariseau (R-Farmington), requires detectors to be installed in all new homes by Jan. 1, 2007, and in existing homes by Aug. 1, 2008. Carbon monoxide (CO) is a totally odorless gas, Pariseau said, and about 500 people die nationwide every year from CO poisoning. Annually, 10,000 people seek medical attention from CO poisoning, she said. These deaths are preventable with working CO detectors and properly maintained furnaces, Pariseau said. Detectors warn families of leaking poison while they are still clear-headed enough to take action and get out of the home, she said. Pariseau said she usually opposes mandates, but this mandate makes sense.

Family members of people who died from CO poisoning spoke in support of the measure. Rep. Denny McNamara (R-Hastings) said his brother-in-law died in a Greater Minnesota cabin after mice built a nest in the furnace's ductwork, causing a CO leak. Our family has detectors in all our homes, but we neglected to put one in the cabin, McNamara said. David Griggs of Cannon Falls and Jason Griggs of Oronoco recounted the story of Hannah, who died at age 3 from CO poisoning. Hannah was David's granddaughter and Jason's daughter. After Hannah died, there was a run on CO detectors in our community, Jason Griggs said. We should not have to wait for a death for people to get CO detectors, he said.

There will be an increase in calls to first responders as more people have CO detectors going off, said Marty Scheerer, Edina fire chief. Fire and emergency services personnel are okay with that, because we know that these devices save lives, he said. Many of the objections to a CO detector mandate, he said, were also used against a smoke alarm mandate years ago.

Rather than have a broad mandate, we should continue to educate and inform citizens, said Jack Horner, Minnesota Multi-Housing Association. CO detectors are part of an overall education program that stresses maintaining home heating equipment, he said. Horner said people who want detectors can find them easily, at a range of prices. If a mandate is going

to be imposed, the state should also ensure that all emergency responders are carrying CO meters to properly evaluate the situation when they are called out to a home after a detector has gone off, Horner said. A bare possession mandate is also inappropriate, he said, because a detector must be maintained and cleaned regularly. Just having the device, without more, creates a false and dangerous sense of security, he said.

Detectors are usually unnecessary in apartments, Horner said, because the furnace room is sealed off and far away from units. Scheerer disputed the comment, noting that one apartment building was recently evacuated because of a CO leak. Carbon monoxide can seep out of furnace room, with possible deadly consequences, he said.

Subcommittee Chair Scott Dibble (DFL-Mpls.) sponsored the other two bills. S.F. 2887 modifies reporting requirements for manufactured home park conversions. S.F. 3216 modifies condominium conversion regulations.

Judiciary

Four bills gain

Members of the Judiciary Committee met Tues., Mar. 14, to act on four pieces of legislation. The panel, chaired by Sen. Don Betzold (DFL-Fridley), approved all four bills.

Three bills were advanced the Senate floor. S.F. 2541, carried by Sen. Mike McGinn (R-Eagan), provides a procedure for conveying title to real property held by a custodian. The bill is modeled after existing provisions relating to conveyances by grantors or trustees of a trust.



Sen. Jane Ranum (DFL-Mpls.) seeks the signature of Sen. Warren Limmer (R-Maple Grove) as a bill co-author.

Photo by Shelley Hawes

S.F. 2520, sponsored by Sen. Geoff Michel (R-Edina), contains the recommendations of the Business Law Section of the Minnesota State Bar Association. The bill modifies statutes governing business corporations and limited liability companies. S.F. 2519, authored by Sen. Thomas Neuville (R-Northfield), makes mostly technical changes to real estate, probate, common interest community and construction statutes. The fourth bill was recommended for placement on the Consent Calendar. S.F. 2818, carried by Sen. Wesley Skoglund (DFL-Mpls.), extends for two years a domestic fatality review team pilot project in the Fourth Judicial District. The pilot project was created in 1999 and has been extended twice.

Medical marijuana okayed

A proposal to legalize the use of marijuana by persons suffering from debilitating medical conditions resurfaced Thurs., Mar. 16, and gained the approval of members of the Judiciary Committee.

S.F. 1973 had previously been considered by the committee, but two motions to advance the bill—once with favorable recommendation, once without recommendation—failed on tie votes. Committee Chair Don Betzold (DFL-Fridley) explained that a provision of Mason's Legislative Manual permits anyone to move to reconsider a bill in committee; on the Senate floor, only a member who voted on the prevailing side may move to reconsider. Sen. Ann Rest

Committee update

(DFL-New Hope), who was absent from the earlier hearing, moved to reconsider S.F. 1973. The motion prevailed.

Rest offered two amendments to the bill, both at the request of Chief Author Steve Kelley (DFL-Hopkins). One amendment prohibited qualifying patients from growing their own plants, thereby restricting the permitted growers to primary suppliers; the other amendment clarified that a qualifying patient may not also register as a primary supplier. Both amendments were adopted.

This bill is not about people frivolously using a controlled substance, Kelley said. He said the bill offers a limited availability of marijuana to provide relief from painful symptoms associated with cancer and other chronic diseases. I have seen a lot of people burn out from abusive recreational use of marijuana, said Sen.

Wesley Skoglund (DFL-Mpls.), but I have also heard a lot of people tell me how much this drug has helped them manage chronic pain. The best course would be for the federal government to put marijuana through the normal, rigorous testing process for pharmaceuticals, he said. Until they do, we should take this limited approach to help people, Skoglund said.

The benefits of marijuana are in doubt, said Sen. David Hann (R-Eden Prairie). The American Medical Association and the Mayo Clinic have determined that it is not effective for pain management, he said. Because some people claim this helps them, we are abrogating the normal process for developing medical treatments, he said. The claims that it helps may be true, he said, they are purely subjective assertions. Hann said some advocates for full

legalization of marijuana view limited, medical legalization as a first step toward general public acceptance of the drug as benign. We should help people in pain, he said, but this bill is not the way to do it.

There are insufficient controls on the marijuana authorized under this bill, said Sen. Thomas Neuville (R-Northfield). I have sympathy for people in pain, he said, but the state cannot allow the growth of a dozen plants for each of thousands of people, some of whom are terminally ill. Restricting the suppliers to only 10 organizations would make the system manageable, but that has been rejected by the bill's proponents, he said. Neuville said proponents have also rejected a proposal requiring patients and suppliers to consent in advance to a search and inspection of the plants to ensure compliance.



With her 18-month-old daughter Isabelle and her 3-year-old son T.J. in tow, Tyler school board member Stephanie Cordes explains to members of the K-12 Budget Division, Wed., Mar. 15, why a fund transfer authorization is needed for the Tyler School District.

Photo by David J. Oakes

The bill was advanced to the Crime Prevention and Public Safety Committee on a 5-4 roll call vote.

In other action, committee members considered five additional bills. S.F. 2575, authored by Sen. Sandra Pappas (DFL-St. Paul), regulates international marriage brokers. S.F. 3105, carried by Sen. Steve Murphy (DFL-Red Wing), modifies standards and fees for documents recorded or filed with county recorders. S.F. 3077, sponsored by Neuville, clarifies when public defenders may be assigned to child protection cases. All three bills were sent to the full Senate. S.F. 3049, carried by Sen. John Hottinger (DFL-St. Peter), creates an expedited judicial review of financing statements in cases where there is reason to believe a statement is fraudulent. The measure was re-referred to the Crime Prevention and Public Safety Committee. The final bill, S.F. 2995, was laid over for further discussion. Carried by Sen. Ellen Anderson (DFL-St. Paul), the measure modifies the statute governing liens for storage charges on motor vehicles.

K-12 Education Budget Division

Bonding proposals heard

The K-12 Education Budget Division met Tues., Mar. 14, to consider several bonding proposals. The panel, chaired by Sen. LeRoy Stumpf (DFL-Plummer), approved the bills for possible inclusion in the division's bonding recommendations.

S.F. 2579, sponsored by Sen. Thomas Bakk (DFL-Cook), appropriates \$10.698 million from the maximum effort school loan fund for a loan to ISD #707, Nett Lake, for construction and renovation costs and improvements to the district's kindergarten through grade six facility. S.F. 474, authored by Sen. Linda Scheid (DFL-Brooklyn Park), appropriates \$1.5 million for a grant to ISD #279, Osseo, to design, construct and furnish the Northwestern Hennepin Family Center in Brooklyn Center. The bill specifies that the appropriation is not available until an equal amount has been committed from nonstate sources. S.F. 2668, carried by Sen. Rod Skoe (DFL-Clearbrook), appropriates \$55.38 million for a grant to ISD #38, Red Lake, for construction and renovation costs to Red Lake and Ponemah Elementary, Red Lake High

School facilities, Red Lake Early Childhood Center and Red Lake Middle School.

S.F. 2936, carried by Sen. Gary Kubly (DFL-Granite Falls), appropriates \$4 million for a grant for the Lake Benton and Ivanhoe school districts for an innovative rural school. The bill specifies that the school must be constructed incorporating renewable energy sources in order to provide significant operating savings for school districts throughout the state. In addition, the bill provides for a referendum on consolidation and specifies that consolidation is required to receive the grant. Kubly also sponsored a bill, S.F. 2937, expanding eligibility for the cooperative secondary facilities program and appropriating up to \$10 million for a cooperative facilities grant to the Lake Benton and Ivanhoe School Districts and any other district that chooses to join. Members deleted the policy provisions of the bill and approved the bonding appropriation. S.F. 2494, sponsored by Sen. Dick Day (R-Owatonna), appropriates \$4.509 million for asset preservation on the Minnesota State Academies, appropriates \$5.557 for renovation of Frechette Hall on the Minnesota State Academy for the Deaf campus and appropriates \$1.525 million to construct a new roadway around the perimeter of the Minnesota State Academy for the Blind campus.

S.F. 2693, authored by Sen. Dan Sparks (DFL-Austin), appropriates \$10 million for library accessibility and improvement grants. S.F. 2943, sponsored by Sen. Steve Kelley (DFL-Hopkins), appropriates \$1.051 million for campus asset preservation at the Perpich Center for Arts Education. S.F. 2601, sponsored by Sen. Lawrence Pogemiller (DFL-Mpls.), appropriates \$5 million for a grant to the city of Minneapolis to design, construct and furnish a new facility for the MacPhail Center for Music. The bill specifies that the appropriation is not available until \$15 million has been committed to the MacPhail Center from nonstate sources.

Fund transfers discussed

The K-12 Education Budget Division, chaired by Sen. LeRoy Stumpf (DFL-Plummer), devoted the Wed., Mar. 15, meeting to hearing bills authorizing various school districts to make fund transfers and authorizing funds for the Red

Lake School District. The bills were approved and held over for inclusion in the division's omnibus bill.

S.F. 2845, carried by Sen. Rod Skoe (DFL-Clearbrook), increases the emergency aid appropriation to #ISD 38, Red Lake. Skoe said the funds are needed to implement security equipment in Red Lake school buildings. He said the shootings of last Mar. 21 have necessitated moving forward on renovation of some buildings and adding more security equipment. The bill appropriates \$524,000 to the district to repair infrastructure damage to the Red Lake High School.

S.F. 1515, sponsored by Sen. Michelle Fischbach (R-Paynesville), authorizes ISD #750, Rocori, to permanently transfer up to \$250,000 from its debt redemption fund to the undesignated balance in its general fund without making a levy reduction. S.F. 2357, authored by Sen. Carrie Ruud (R-Breezy Point), authorizes ISD #118, Northland Community Schools, to permanently transfer up to \$197,000 from its reserved disabled accessibility account to its reserved operating capital account in its general fund without making a levy reduction.

Sen. Gary Kubly (DFL-Granite Falls) carried a bill, S.F. 3124, authorizing ISD #409, Tyler, to transfer up to \$451,000 from its reserved capital operating account to its debt redemption fund. Kubly said the transfer is very unusual because it takes money out of the capital operating account and transfers it to a fund that will reduce the district's debt. He said the district could not pay off bonds early, but by doing the transfer, the district would have the funds on hand to pay off the bonds. S.F. 2773, sponsored by Sen. Steve Dille (R-Dassel), authorizes ISD #424, Lester Prairie, to permanently transfer up to \$150,000 from its reserved operating capital account and up to \$107,000 from its reserved severance account to its undesignated balance in the general fund to assist in reducing its statutory operating debt.

S.F. 3025, authored by Sen. Terri Bonoff (DFL-Minnetonka), authorizes ISD #270, Hopkins, to permanently transfer up to \$300,000 from its community education reserve fund balance to its undesignated general fund balance to assist the district in reducing its statutory operating debt.

Committee update

Equalization bills heard

The K-12 Education Budget Division, chaired by Sen. LeRoy Stumpf (DFL-Plummer), devoted the Thurs., Mar. 16, hearing to equalization bills. The panel approved the bills and laid them over for inclusion in the omnibus bill to be developed later.

S.F. 2670, authored by Sen. Rod Skoe (DFL-Clearbrook), changes the formula for debt service equalization revenue, increases the amount of the debt service equalization revenue, defines debt service net tax capacity, specifies the net tax capacity equalizing factor adjustment, provides a formula for calculating debt service net tax capacity and limits the amount of increase caused by increases in limited market value. Members divided the bill and laid over the portions of the bill dealing with debt service equalization for possible inclusion in the division's omnibus bill. The remainder of the bill was forwarded on to the full Finance Committee.

S.F. 2959, sponsored by Stumpf, reduces education property tax levies. The bill eliminates alternative compensation revenue from the general education program and creates an alternative compensation aid program. Sen. Brian LeClair (R-Woodbury) carried a bill, S.F. 2353, indexing school funding formula equalizing factors to the growth in tax base. S.F. 2701, carried by Skoe, increases the referendum equalization levy factor. The bill specifies that to obtain equity revenue for fiscal year 2007 and later, a district may levy an amount not more than the product of its equity revenue for the fiscal year times the lesser of one or the ratio of its referendum market value per resident marginal cost pupil unit to \$750,000. No formal action was taken on the latter three bills.

Public Safety Budget Division

Supplemental spending heard

Three measures providing funding for new projects were considered by members of the Public Safety Budget Division at their Mon., Mar. 13, meeting. The panel, chaired by Sen. Jane Ranum (DFL-Mpls.), took no action on the bills.

S.F. 2915, sponsored by Sen. Sandra Pappas (DFL-St. Paul), appropriates \$100,000 for a "safe harbor" pilot project

for sexually exploited youth in Ramsey County. Laurel Edinburgh, Midwest Children's Resource Center, said St. Paul has seen a significant increase in the number of brutal sexual assaults of very young girls. They are usually under age 14 and the children of immigrants, she said. In many cases, the girls have been abused by four or more perpetrators. We need to do more to address this problem, she said, and educate school staff and health care providers. We also need to reach out to families, so that parents can access existing systems, said Kate Richtman, Ramsey County Attorney's Office. She said officials believe they can have a lot of success with immigrant populations in addressing assaults, but language and cultural barriers are significant.

Ranum authored two bills. S.F. 2738 provides \$750,000 to fund a study of the problem-solving court model for nonviolent alcohol and drug-addicted offenders, to train staff for problem-solving courts and to implement the problem-solving model in a multi-county setting. S.F. 2946 authorizes a grant for a nonprofit community-based organization to develop a media campaign to fight crime and methamphetamine and other drug abuse throughout the state.

Additionally, division members approved a bill making a technical correction to an appropriation made last year regarding county reimbursement for sex offender assessments. S.F. 2792, carried by Ranum, was advanced to the Finance Committee.

State and Local Government Operations

Eminent domain discussed

The State and Local Government Operations Committee met Mon., Mar. 13, to review the provisions of a bill dealing with eminent domain and hear public testimony on the issue. The panel, chaired by Sen. Linda Higgins (DFL-Mpls.), began with an explanation of the bill, S.F. 2750, by Sen. Thomas Bakk (DFL-Cook), which sets forth definitions relating to public use and prohibits the use of eminent domain for economic development.

Members adopted a technical amendment, offered by Sen. David Tomassoni (DFL-Chisholm), to add a reference in the bill to the utilities section of the law.

Bakk said, "It is my hope that when all is said and done we will prohibit local governments from taking private property and giving it to a private party for economic development." He said the heart of the bill is in the definitions, particularly the definitions of public use or public purpose. The bill still allows cities to take property in situations of blight, public nuisance and environmental contamination, Bakk said. He said he expected most of the debate to revolve around the definitions.

The bill sets forth appraisal and negotiation procedures, public notice requirements, minimum compensation and public service corporation exceptions. The bill also contains a provision that provides for the awarding of attorney fees if the final judgment or award of damages is at least 20 percent greater than the last written offer of compensation made by the condemning authority before the filing of the petition. In addition, the bill provides for compensation for the loss of a going concern.

Under the bill, public use or public purpose means the possession, occupation, ownership and enjoyment of the land by the general public or by public agencies, the creation or functioning of a public service corporation or mitigation of a blighted area, remediation of an environmentally contaminated area, reduction of abandoned property or removal of a public nuisance. Further, the bill specifies that the public benefits of economic development, including an increase in tax base, tax revenues, employment, or general economic health do not by themselves constitute a public use or public purpose.

The panel heard public testimony on the bill for the balance of the afternoon hearing.

Eminent domain reform gains

Members of the State and Local Government Operations Committee held an evening meeting to conclude their work on a bill, S.F. 2750, reforming Minnesota's eminent domain laws.

Sen. Jim Vickerman (DFL-Tracy) offered an amendment classifying as a compensable taking any requirement imposed by a local unit of government that a landowner remove a legal nonconforming use in order to build or expand a permitted use. Julie Perrus, representing the Outdoor Advertising Association of

Minnesota, said the Legislature recently clarified that landowners have the right to repair, maintain and improve existing uses of a parcel after a zoning ordinance is adopted that makes the uses nonconforming. When a landowner seeks to add a permitted use to the parcel, she said, cities often require the owner to remove the nonconforming use. Marc Manderscheid, representing the League of Minnesota Cities, said some communities allow only one principal use on a parcel, which is the situation the amendment's proponents want to address. The amendment appears to go much farther, he said. The amendment was adopted.

Sen. David Senjem (R-Rochester) offered an amendment changing the standard for condemning buildings from

“absolutely necessary” to “reasonably necessary.” The amendment “loosens the noose” for cities and gives them flexibility, he said. The bill, as written, completely ties up local governments from being able to condemn property, Senjem said. Manderscheid said the League supports the amendment, because it allows communities to move forward in a way that requires them to state explicitly why they are condemning property. Sen. Debbie Johnson (R-Ham Lake) said the reasonableness standard is too vague and open to interpretation. The amendment was not adopted.

Sen. Scott Dibble (DFL-Mpls.) offered an amendment changing several definitions in the bill. Steve Bubul, representing the League of Minnesota

Cities, said the amendment redefines “blighted area” to a two-part test. For the first part, a city must show that the area meets one of three options—at least 50 percent of the buildings are dilapidated or abandoned, at least 30 percent of the area is environmentally contaminated or at least 20 percent of the buildings are dilapidated or abandoned and at least an additional 30 percent of the buildings meet a lower standard of obsolescence. The second part of the test, he said, requires the city to demonstrate adversity of ownership, inadequate infrastructure, negative market conditions or tax delinquency. Bubul said the amendment also modifies the definition of dilapidated to be comparable to the standards used in the tax increment financing statute.

The possibility of declaring that 80 percent of an area's buildings can be condemned because the other 20 percent are dilapidated completely guts the bill, said Sen. Thomas Bakk (DFL-Cook), chief author. He said the obsolescence standard was too low, because it merely requires that the “obsolete” parcels not have been issued building permits in the last five years. Committee Chair Linda Higgins (DFL-Mpls.) said no area in the state could meet the standard proposed by the bill. The amendment gives our communities a fighting chance to keep working on rehabilitation. The bill would mean the slumming of our cities, she said.

Bakk also objected to a portion of the amendment permitting the use of eminent domain for economic development purposes. The amendment permits



Loni Kjos, Alexandria, explains to Transportation Committee members, Tues., Mar. 14, that her daughter Kelsey's life might have been spared had she been wearing a seat belt. The 17-year-old was killed when a vehicle she was a passenger in was involved in a rollover accident in 2004. The committee heard a bill to increase fines and make failure to wear a seat belt a primary offense.

Photo by David J. Oakes

Committee update

cities to use eminent domain merely because the state is involved in a project, he said. Bubul said the amendment also requires cities applying for state grants to indicate whether they would use eminent domain for the project. The state could independently refuse to provide grant money to a community using eminent domain, Bubul said.

Dibble withdrew the amendment after agreeing to work with Bakk to bring interested parties together on compromise language.

S.F. 2750 was advanced to the Transportation Committee.

Environment amendment gains

Members of the State and Local Government Operations Committee met Wed., Mar. 15, and advanced a bill providing for a constitutional amendment to set aside part of the sales tax for environmental and cultural resources.

The bill, S.F. 2734, authored by Sen. Dallas Sams (DFL-Staples), increases the sales tax rate by three-eighths of one percent. Sams said the bill is an outdoor quality of life bill to preserve Minnesota's environmental and cultural heritage. He said the bill allocates 34 percent to a heritage enhancement fund for improvement, enhancement and protection of the state's fish, wildlife, habitat, and fish and wildlife tourism. Under the bill, 22 percent is dedicated for parks, trails, and zoos, 22 percent is for protection and restoration of lakes, rivers, streams, wetlands and groundwater and 22 percent is for the arts, humanities, museums and public broadcasting. Sams said the total amount raised is estimated to be \$245,000 for FY 08 and \$276,900 for FY 09.

Committee Chair Linda Higgins (DFL-Mpls.) said the bill was before the committee because it creates two councils. The first, the Heritage Enhancement Council, consisting of 11 members, is charged with developing a biennial budget for expenditures from the fund. The second, the Clean Water Council, consisting of 21 members, is charged with providing a biennial report to the Legislature about past expenditures and recommendations for future expenditures.

Higgins pointed out that the Legislative members of the Heritage Enhancement Council are non-voting members under the bill. Sen. Claire Robling (R-Jordan) said Legislators would be more

engaged if they were designated voting members. Members adopted an amendment deleting the sentence that stated the Legislators are non-voting members. The amendment was adopted. The bill was approved on a 13-0 roll call vote and re-referred to the Finance Committee.

A bill requiring public employers to grant 40 hours of paid leave to employees who undergo a medical procedure to donate an organ or partial organ to another person was also heard. Sen. Linda Scheid (DFL-Brooklyn Park) said the bill, S.F. 2840, is identical to a bill passed in 2001 that had a sunset date. She said there are very few cases in which the leave would have to be granted. Robling said, "I'm always concerned about placing unfunded mandates on local units of government." Scheid said the measure only applies to public employers with more than 20 employees. Robling offered an amendment limiting the bill to state employees. The amendment failed on a voice vote. The bill was approved and re-referred to the Jobs, Energy and Community Development Committee.

The committee also took action on a variety of other bills. S.F. 2933, authored by Sen. Betsy Wergin (R-Princeton), provides standards for dedication of land to the public in a proposed development. Wergin said she had sponsored a similar bill for counties and she was trying to accomplish the same goals for municipalities. Under the bill, if a municipality proceeds with a development, the municipality must adopt a capital improvement program and adopt a parks and open space plan or have a parks trails and open space component in its comprehensive plan. The bill was approved and advanced to the full Senate. S.F. 2295, sponsored by Sen. Gary Kubly (DFL-Granite Falls), requires the commissioner of administration must award a six percent preference in the amount bid of state procurement of motor vehicles to small businesses located in an economically disadvantaged area. The bill also requires the six percent to be based on the full purchase price of the vehicle. The measure was laid over in order for interested parties to work on the language.

Sen. Ann Rest (DFL-New Hope) carried two measures. S.F. 2648 limits liability on claims brought against a government unit participating in a joint venture or joint enterprise, including

participation in a cooperative activity. Under the bill, the government units must be treated as a single entity for purposes of liability arising out of the joint venture or joint enterprise. Further, the bill specifies that for determining total liability, the participating governmental units are considered a single governmental unit and the total liability may not exceed the caps for a single governmental unit.

Dan McElroy, adviser to the governor, said the administration wants to encourage joint ventures and cooperative agreements and higher liability has a chilling effect on the cooperative agreements. "Currently, the liability cap for a single local unit is \$300,000 per individual and \$1 million per incident, but if each entity in an agreement is subject to the liability cap it would be unlikely that the level of cooperation we are seeing today could go forward," McElroy said. In addition, he said, the cost of insurance is prohibitive for smaller units of government. However, Paula Jossart, an attorney who represented a plaintiff in a suit against a joint venture by two units of government, said each local unit would only be liable up to the current cap. She said the cost of insurance would remain at its current level. The measure was approved and re-referred to the Judiciary Committee.

Rest also sponsored S.F. 2735, a bill making changes to the Legislative Audit Commission. Rest said the bill changes the membership, terms, meetings and powers of the Legislative Audit Commission. The bill reduces the number of members from 16 to 12, provides that members serve until replaced or the member is no longer a member of the Legislature, and specifies that the chair rotate between House and Senate members and that the chairs serve until their successors are elected. The measure was approved and re-referred to the Judiciary Committee.

Continuing appropriations gain

The State and Local Government Operations Committee met for a second time Wed., Mar. 15, to conclude hearing bills from the afternoon's agenda. Seven additional bills were acted upon by the panel.

S.F. 2420, authored by Sen. Yvonne Prettner Solon (DFL-Duluth), provides for continuing appropriations for the

operation of state government if the Legislature fails to enact biennial appropriations for a state agency before July 1 of an odd number year. The bill specifies that the appropriations must be sufficient to continue the operation of the agency at the base level of funding for the previous year. Solon said the bill prevents a recurrence of the situation last July when portions of state government were forced to shut down because the Legislature failed to pass omnibus appropriations bills before the end of the fiscal year. The bill was approved and re-referred to the Finance Committee. A similar bill, S.F. 2650, authored by Committee Chair Linda Higgins (DFL-Mpls.), was set aside to allow S.F. 2420 to advance.

S.F. 2805, sponsored by Sen. Gary Kubly (DFL-Granite Falls), provides for the appointment and consolidation of county treasurer and county auditor offices, subject to notice, hearing and reverse referendum. The bill was approved and advanced to the full Senate. Sen. Steve Murphy (DFL-Red Wing) sponsored a bill, S.F. 2616, providing an alternative method for establishing emergency medical service special tax districts. The bill was approved and re-referred to the Tax Committee. S.F. 2705, authored by Sen. David Senjem (R-Rochester), makes numerous technical and administrative changes in provisions relating to the Dept. of Employment and Economic Development. The measure was advanced to the full Senate. Sen. Charles "Chuck" Wiger (DFL-North St. Paul) carried a bill, S.F. 2929, making technical and administrative changes in provisions relating to the Metropolitan Council. The final bill, S.F. 2612, sponsored by Sen. Claire Robling (R-Jordan), defines political subdivision for purposes of auditing by the state auditor and applies provisions for the state auditor to all political subdivisions. The bill was approved and forwarded to the full Senate.

State Government Budget Division

Legislative audit reports heard

The members of the State Government Budget Division, chaired by Sen. Sheila Kiscaden (DFL-Rochester), devoted the Tues., Mar. 14, meeting to hearing reports from the Office of the

Legislative Auditor. James Nobles, legislative auditor, gave an overview of the reports before introducing staff members to go into more detail.

The first report, the Legislative Audit Report on Tax Compliance, was presented by Deborah Junod, project manager. The report indicates that there is a problem with tax compliance. She said there is a gap of \$604 million in income taxes that are due and income taxes paid. On the sales and use tax side, there is a \$451 million gap between what is owed and what has been paid. She said tax compliance strategies include simplifying the tax system, educating and assisting taxpayers, identifying noncompliance, auditing tax returns and collecting payments due. The report also laid out a series of recommendations to improve compliance and collect the unpaid taxes.

The Dept. of Revenue also reported on their efforts to improve tax compliance. Deputy Commissioner Dennis Erno said the department was directed by the Legislature to report on the results of expanded tax compliance activities. He said the report summarizes results the department has achieved through December, 2005. Erno said the department collected and deposited in the general fund \$17.1 million, or 19 percent, of the anticipated \$90.7 million sought through the tax compliance initiatives. The department has resolved a total of 7,937 noncompliant individual income tax cases and identified a total of 420 noncompliant sales and use tax payers and 435 noncompliant corporate tax payers, he said. The department has also hired additional staff, Erno said. He said that for every \$1 spent on tax compliance activities there has been \$7 collected.

Members also heard a legislative auditor's report on the Office of Enterprise Technology and mainframe security. Chris Buse, information technology audit manager, presented the report and said, "even though the Office of Enterprise Technology deployed multiple layers of security, data stored on the state's central mainframe computers was still vulnerable to loss, tampering, and unauthorized disclosure." Gopal Khanna, chief information officer, Office of Enterprise Technology, responded and said, "Security is foremost in our goals for the state's technology systems."

David Polisen, audit manager, present the results of a legislative auditor's report on the Council of Black Minnesotans. He said key findings included payroll expenditures that were not adequately supported by time and leave records, not complying with some legal provisions pertaining to administrative expenditures, not accurately recording transactions in the accounting system, not paying invoices in a timely manner and not depositing or recording fundraising receipts in the state's accounting system. Lester Collins, executive director, Council on Black Minnesotans, said the council is one of the more active minority councils and is working to address the auditor's findings. Kiscaden said many small agencies seem to have difficulties with administrative and accounting tasks and that it may be time to reorganize the small agencies in order to address the problems.

Dan McElroy and Kathy Sible, Dept. of Administration, reviewed the progress of the governor's Drive to Excellence program. McElroy said the goals of the program are to create more "one-stop shop" opportunities for easy citizen and business access to services, to increase electronic delivery of government services, to streamline government by creating shared services and to optimize the size of state government by leveraging state worker retirements.

Labor agreements okayed

Members of the State Government Budget Division met Thurs., Mar. 16, to consider a bill ratifying a number of labor agreements and compensation plans.

S.F. 2634, carried by Sen. Linda Scheid (DFL-Brooklyn Park), ratifies labor agreements with AFSCME, MAPE, the Middle Management Association, the Minnesota State College Faculty, the Minnesota Government Engineers Council, the State Residential Schools Association, the Inter Faculty Organization and the Minnesota State University Administrative and Service Faculty. The bill also ratifies compensation plans for administrators and unrepresented employees. The measure was advanced to the Finance Committee.

The panel, chaired by Sen. Sheila Kiscaden (DFL-Rochester), also heard an update on a land lease plan from Paul Erickson, executive director of the Amateur Sports Commission.

Committee update

Tax

Fees reviewed

Members of the Tax Committee met Thurs., Mar. 16, to review several reports on fees charged by the state and by local units of government. The committee, chaired by Sen. Lawrence Pogemiller (DFL-Mpls.), heard from the Dept. of Revenue on fees charged by the state and by cities. Tom Melcher, director of education finance at the Dept. of Education, reviewed fees charged by school districts and charter schools. Matt Massman, Office of Senate Counsel, Research and Fiscal Analysis, walked members through a spreadsheet detailing changes in revenues from fees, co-pays and surcharges in several state funds.

Transportation

Amendment resolution okayed

Members of the Transportation Committee, chaired by Sen. Steve Murphy (DFL-Red Wing), met Tues., Mar. 14, to consider several transportation policy bills.

One measure, S.F. 2444, authored by Sen. Rod Skoe (DFL-Clearbrook), dominated the debate. The measure is a joint resolution proposing an amendment to the Minnesota Constitution allocating funds from the tax on the sale of new and used motor vehicles. Under the bill, beginning with the fiscal year starting in July 1, 2007, 63.75 percent of the revenue from the tax imposed by the state on the sale of a new or used motor vehicle must be apportioned for transportation purposes and then increased by 10 percent for each subsequent fiscal year through 2011. After 2011, the revenue must be apportioned 100 percent for transportation purposes. In addition, of the revenue apportioned, 60 percent must be deposited in the highway user tax distribution fund and 40 percent must be deposited in a fund dedicated to public transit assistance. Finally, the resolution specifies that the constitutional amendment proposed by the Legislature in 2005 be withdrawn and not submitted to the people. Skoe said the previous constitutional amendment required the 60-40 split of the motor vehicle sales tax to be permanent. Greater Minnesota communities feel that restricting the amount of funding for roads and bridges and specifying that 40 percent be



Lake Harriet Community School eighth-grader Donny Harder, Minneapolis, tells members of the Transportation Committee, Tues., Mar. 14, how he came up with the idea for a bill to make using a cell phone while driving a secondary offense.

Photo by David J. Oakes

spent on transit funding will lead to a disproportionate share of transportation funding going to the Metro Area, he said

After considerable testimony for the resolution a motion was made to approve the proposal and re-refer the measure to the Tax Committee. The motion failed on a 3-13 roll call vote. A motion to approve the measure and re-refer the measure to the Rules and Administration Committee was approved on an 11-5 roll call vote.

The panel then turned their attention to a bill, S.F. 1070, making seatbelt violations a primary offense in all seating positions regardless of age. Murphy, chief author of the bill, said, "I used to be dead-set against having seatbelt violations be a

primary offense, but after spending years on this committee I changed my mind because it has the potential to save 30 or 40 lives a year." Michael Campion, commissioner of public safety, said the bill will save lives and reduce severe injuries. Murphy said, "It is as simple as this, if you wear your seatbelt, fatality rates come down."

Sen. Keith Langseth (DFL-Glyndon) said, "The Senate has always been responsible in passing this bill, lets hope the other body follows." Sen. Mike McGinn (R-Eagan) said, "If we are serious about this being a life-saving matter, we need to put teeth in the law." The bill was approved and sent to the full Senate.

The panel also took action on several additional bills. S.F. 2474, carried by Sen. David Senjem (R-Rochester), authorizes the use of communications headsets by firefighters operating a fire truck in an emergency. Senjem said current law prohibits the use of headphones by anyone operating a motor vehicle. The bill would allow firefighters to obtain directions and other instructions en route to an emergency. The bill was approved and advanced to the full Senate. S.F. 2683, authored by Sen. Dean Johnson (DFL-Willmar), prohibits the commissioner of transportation from requiring repayment by the city of Willmar to the state airports fund for costs related to airport relocation. The measure also prohibits reductions of future funding from the state airports fund and requires the city to spend the money for runway extension and other airport improvements. The measure was referred to the Finance Committee without recommendation.

S.F. 2642, carried by Sen. Scott Dibble (DFL-Mpls.), doubles the fine for moving violations committed while operating a mobile phone. The bill also allows an affirmative defense if the telephone was being used to contact a first responder by calling 911, a hospital, an ambulance service provider, a fire department or a first aid squad. The bill was approved and re-referred to the Crime Prevention and Public Safety Committee. S.F. 2393, carried by Murphy, authorizes the issuance of special motorcycle plates for combat wounded veterans. The measure was approved and sent to the Senate floor.

S.F. 1811, authored by Sen. Paul Koering (R-Fort Ripley), authorizes local governments to permit low-speed neighborhood electric vehicles to be operated on residential roadways. Several committee members said the bill should contain language relating to DWI laws and other safety concerns. The bill was laid over in order to draft amendments.

Eminent domain bill floor-bound

The Transportation Committee devoted the lion's share of the Thurs., Mar. 16, hearing to debate on a bill, S.F. 2750, modifying eminent domain procedures in Minnesota.

Sen. Thomas Bakk (DFL-Cook), chief author, said, "My goal with the bill is

to stop the use of eminent domain for economic development purposes." He said, "The heart of the bill is in provisions defining public uses or public purposes." The bill specifies that eminent domain may only be used for a public use or public purpose, he said, and economic development projects by themselves do not constitute a public use or public purpose.

The bill also establishes special provisions dealing with the condemnation of land for blight mitigation and contamination remediation and specifies that when takings are for blight and contamination, nondilapidated and uncontaminated buildings and property may not be taken unless it is absolutely necessary in order to remove dilapidated buildings or complete remediation. The measure also increases the cap on appraisal fees and adds requirements for public hearings. In addition, the bill sets forth public notice requirements, minimum compensation requirements, public service corporation exceptions and compensation for the loss of a going concern requirements.

Members heard extensive testimony from citizens describing their experiences with eminent domain proceedings involving local governments or the Department of Transportation. Proponents of the bill outlined the lengthy and expensive legal processes resulting from inadequate compensation offers and the uncertainty, often lasting several years, about whether some projects are going forward at all.

The committee, chaired by Sen. Steve Murphy (DFL-Red Wing), considered a number of amendments. Sen. Ann Rest (DFL-New Hope) offered an amendment including an entity operating a regional distribution center within an international economic development zone in the definition of public service corporation. The amendment was adopted. The committee also adopted an amendment, offered by Sen. Michael Jungbauer (R-East Bethel), outlining the procedure for determining compensation for a going concern and clarifying language providing owners whose property has been taken, but not used, the right of first refusal to purchase the property. Sen. Keith Langseth (DFL-Glyndon) offered an amendment specifying that an owner is entitled to compensation for damages to a going concern if the owner establishes

that a taking resulted in a significant reduction in the volume of business or revenue generated by the going concern. Several members said that though they supported the concept behind the amendment, language was needed to further define "significant reduction" in the volume of business or revenue. Langseth withdrew the amendment. An amendment, offered by Sen. Scott Dibble (DFL-Mpls.), requiring all meetings of the commissioner be open to the public, was also withdrawn after members said some negotiations needed to be conducted in a nonpublic setting.

Dibble also offered an amendment requiring that all appraisals be shared. In addition, the amendment specifies that if the acquiring authority is considering both a full and partial taking of the property, the acquiring authority must obtain and provide the owner with appraisals for both types of takings and must make a good-faith attempt to negotiate with respect to both types of takings. The amendment was adopted. Members did adopt an amendment altering the definition of "structurally substandard" and substituting "no feasible alternative" to the taking of the property for blight and contamination for the phrase "absolutely necessary."

Sen. Claire Robling (R-Jordan) offered two amendments. The first amendment requires the increase in market value, if more than three months has passed, to be taken into account for the purposes of determining whether the final judgment or award for damages is more than 20 percent greater than the last written offer for the property. Robling said in some areas, property values are increasing so rapidly it could make a significant difference in the calculation. The amendment was adopted. Robling's second amendment specified that no attorney fees and costs may be awarded if only a portion of a property located not more than 50 feet from the border of the property is being acquired and the final judgment or award does not exceed \$25,000. Sen. Julianne Ortman (R-Chanhassen) and Sen. Satveer Chaudhary (DFL-Fridley) spoke against the amendment. Chaudhary said it didn't matter if the award was \$25,000 or \$250,000, the owner is entitled to fairness. In addition, he said, the bill specifies that attorney fees

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may be awarded, not that they must be awarded. The amendment failed on a voice vote.

Dibble offered, and the committee adopted, one final amendment. The amendment provides that the minimum compensation for damages be for the purchase of a comparable property in the community, rather than a similar sized house or building, to the extent the damages will not be duplicated in other compensation awarded to the owner.

The bill was approved and advanced to the full Senate.

In other action, the panel heard two additional bills. S.F. 2646, carried by Sen. Charles "Chuck" Wiger (DFL-North St. Paul), requires at least 30 minutes of driver education on organ and tissue donation for persons enrolled in driver education programs. The bill was approved and sent to the full Senate. S.F. 2651, sponsored by Sen. Terri Bonoff (DFL-Minnetonka), changes the deposit of revenues from the sales tax on motor vehicle leases. The bill was approved and re-referred to the Finance Committee.

Transportation Budget Division

More bonding proposals heard

Members of the Transportation Budget Division met Mon., Mar. 13, to hear several additional bonding proposals. The panel, chaired by Sen. Steve Murphy (DFL-Red Wing), laid the bills over for possible inclusion in the division's bonding recommendation.

S.F. 2296, authored by Sen. James Metzen (DFL-South St. Paul), appropriates \$2 million to the Metropolitan Council for environmental studies, predesign and design for possible bus and light rail transit lanes and transit station locations on the Robert Street Corridor Transit Way along Robert Street from downtown St. Paul to Inver Grove Heights. S.F. 2846, sponsored by Sen. Don Betzold (DFL-Fridley), appropriates \$60 million to construct, furnish and equip the Northstar Commuter Rail line and to construct the extension of the light rail transit line. The bill specifies that the appropriation is contingent upon the execution of the full-funding grant agreement with the Federal Transit

Administration for the Northstar Commuter Rail project. S.F. 2395, carried by Sen. Mady Reiter (R-Shoreview), appropriates \$2.86 million from the bond proceeds account in the trunk highway fund for constructing an interchange improvement at I-35 and County State-Aid Highway 23 in the city of Lino Lakes.

S.F. 2431, authored by Sen. Betsy Wergin (R-Princeton), appropriates \$101,000 to provide the state's match of the cost for a park and ride lot to be located adjacent to the Soo Line Recreational Trail south of Little Falls. Sen. Dallas Sams (DFL-Staples) sponsored a bill, S.F. 2762, appropriating \$700,000 for a grant to the city of Staples to design and construct a highway overpass over U.S. Highway 10 and the Burlington Northern Santa Fe Railroad tracks in Staples. The bill specifies that the appropriation is not available until an equal amount has been committed to the project from nonstate sources. S.F. 2752, also carried by Sams, appropriates \$785,000 from the trunk highway fund for purchase of automated external defibrillators for State Patrol vehicles. S.F. 2863, authored by Sen. Steve Dille (R-Dassel), appropriates \$700,000 to the McLeod County Railroad Authority to acquire land, design and build a railroad switching yard facility in Glencoe. Again, the funds are not available until an equal amount has been raised from nonstate sources.

S.F. 2830, authored by Sen. Terri Bonoff (DFL-Minnetonka), requires the Metropolitan Council to study the feasibility of light rail transit in the I-394 corridor in the western suburbs. S.F. 2537, carried by Sen. Dick Day (R-Owatonna), appropriates \$1.8 million for a grant to the city of Faribault to make safety and capacity improvements to the local roads adjacent to marked Trunk Highway 60. S.F. 2338, authored by Sen. Chris Gerlach (R-Apple Valley), appropriates \$1.6 million for planning, engineering, property acquisition and construction of corridor improvement for the Cedar Avenue Transit Way from Apple Valley to the Mall of America. Sen. LeRoy Stumpf (DFL-Plummer) also carried a measure that appropriates funds for the Dept. of Transportation's Roseau radio tower.

Frequently called numbers

Senate

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Senate Index	
110 Capitol	(651) 296-2887
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Senate Counsel & Research	
G-17 Capitol	(651) 296-4791
TTY, Senate	(651) 296-0250
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House Index	
211 Capitol	(651) 296-6646
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House Sergeant at Arms	
45 State Office Building	(651) 296-4860
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Joint

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Capitol Security	
B-5 Capitol	(651) 296-6741

Schedule available online

Next week's schedule is available at <http://www.senate.mn/schedule/2006/0320.htm>

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Anna Liesch, a fourth-grader at Andersen Elementary School in Bayport, makes her case for designating the Honeycrisp apple as the state fruit to members of the State and Local Government Operations Committee, Wed., Mar. 22, as the bill's author, Sen. Brian LeClair (R-Woodbury), looks on.

Photo by David J. Oakes



March 24, 2006

Senate Highlights

Maple Grove hospital okayed

After 15 months of Legislative discussion, a proposal to permit a new hospital to be constructed in Maple Grove was approved by Senators at their Mon., Mar. 20, floor session. The proposal was in the form of a conference committee report.

H.F. 1915, sponsored by Sen. Warren Limmer (R-Maple Grove), provides an exception to the hospital construction moratorium for a 300-bed facility. The negotiation and debate over the last months have been about philosophical views on how to stand up a new hospital, Limmer said. This is the first time in a generation that we have added a whole new hospital, he said, instead of just expanding an existing facility. The conference committee report is a compromise, but it maintains what the Senate wanted—a process for review and a list of criteria.

The Senate position involved a competitive process, said Sen. Linda Berglin (DFL-Mpls.), but the conference committee report selects an entity to go forward. The criteria in the report are weak and have been watered down to meet the demands of the selected entity, a joint effort between the North Memorial and Fairview systems, she said. Berglin said the list of criteria do not include a serious commitment to provide mental health beds or to avoid unnecessary spending. She said selecting an entity violates a state constitutional prohibition

against laws granting an exclusive privilege or franchise to a private corporation. Berglin urged members to vote against the legislation. Sen. Sheila Kiscaden (DFL-Rochester) also spoke against the bill. We have issues of hospital supply across the state, she said. Kiscaden said the framework established in the Senate position would have created a template for future hospital proposals.

Limmer said the Senate position never required a specific number or percentage of mental health beds in the new hospital. We required only a commitment to address mental health needs, he said, but now people want more specificity. Limmer said the conference committee process requires compromise. The other body had no criteria in its position and the conference committee report includes most of the Senate's criteria and provides for a larger capacity facility, he said. Limmer said the requirement for agency approval to ensure the project meets the criteria is sufficient for the constitutional limitation on special laws. Several Senators representing communities surrounding Maple Grove spoke in support of the bill, talking about the importance of the proposed hospital to serving their constituents' medical needs.

This bill picks winners and losers, said Sen. Scott Dibble (DFL-Mpls.). He said Senators should have more time to examine whether the proposed facility will meet two criteria—that the hospital be a site for workforce development and that it demonstrate a commitment to quality care and patient safety. Dibble moved to postpone action on the legislation until later in the week. The motion was defeated on a 32-33 roll call vote. The conference committee report was adopted and H.F. 1915 repassed, 50-15.

In other action, two motions to recall bills from committee and place them before the full Senate were unsuccessful.

Sen. Michelle Bachmann (R-Stillwater) moved to recall H.F. 6 from the Judiciary Committee. The bill, which she authors, proposes a constitutional amendment defining marriage as the union of one man and one woman. Sen. Don Betzold (DFL-Fridley) raised a point of order, suggesting the motion was out of order under Senate Rule 28.4 because a similar motion on the same bill had been defeated last year. Sen. Brian LeClair (R-Woodbury) said Rule 28.4 does not apply, because the rule only covers motions to refer, not to recall. President of the Senate

James Metzen (DFL-South St. Paul) ruled Bachmann's motion was out of order; his decision was appealed and upheld, 34-31.

Sen. Sean Nienow (R-Cambridge) moved to recall S.F. 2992, a bill of which he is chief author, from the Judiciary Committee. The bill contains the same language as H.F. 6. I had no intention of making this motion, Nienow said, but I introduced this bill for a situation like the one we are in. We need an opportunity to vote on this issue, he said. Betzold noted that no hearing request had been filed for S.F. 2992. Sen. Thomas Neuville (R-Northfield) said a hearing was held on a constitutional amendment two years ago, but the committee rejected the bill. We will probably fare no better this year, he said. It is time for the body to take control and for all members to weigh in, Neuville said. The motion to recall S.F. 2992 was defeated, 30-35.

Senators also confirmed several appointments, including those of Clark Dyrud as commissioner of veterans affairs, Clint Harris as director of the State Lottery, Gopal Khanna as state chief information officer and George Perez as a judge of the Tax Court. Senators also confirmed appointments to four boards: Steve Brake, Paul Fitzsimmons and John Whitten to the Board of Animal Health, Scott Heintzeman and Sven Wehrwein to the Campaign Finance and Public Disclosure Board, Brenda Elmer to the Environmental Quality Board, and Daniel Wolter to the Metropolitan Council.

Brief session held

Senators met for a brief floor session Wed., Mar. 22, to process committee reports and bill introductions. As the first deadline nears, committee reports must be processed quickly in order for bills to be re-referred to the next committee. The first deadline, Tues., Mar. 28, is the time by which bills originating in the Senate must be heard by Senate committees.

In addition, a conference committee was appointed to work out differences with the other body on H.F. 2985. The bill prohibits disruption of funerals, burials, memorial services and funeral processions by protesting or picketing. Chief Author Don Betzold (DFL-Fridley), Sen. Wesley Skoglund (DFL-Mpls.) and Sen. Thomas Neuville (R-Northfield) were appointed to the conference committee.

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Senators Ann Rest (DFL-New Hope) and Sheila Kiscaden (DFL-Rochester) closely examine the details of a bill during a Senate floor session.

Photo by David J. Oakes

Bonding bill approved

A capital investment package totaling almost \$1 billion in general obligation bond proceeds to be distributed to projects across the state was approved by Senators during the Thurs., Mar. 23, floor session.

This process began last Labor Day, said Chief Author Keith Langseth (DFL-Glyndon). Members of the Capital Investment Committee had 211 on-site meetings over 25 days, he said, to view sites and hear requests. The requested totaled almost \$2.9 billion, but S.F. 3475 comes in just shy of the debt service ceiling, or at about one-third of the requested dollars, Langseth said.

Members considered two substantive amendments to the bill. Sen. Mady Reiter (R-Shoreview) offered an amendment earmarking part of a \$4 million asset preservation appropriation. Under the amendment, \$150,000 is dedicated to renovating the Peace Officers Memorial on the Capitol Grounds. The amendment was adopted. Sen. Michelle Fischbach (R-Paynesville) offered an amendment earmarking \$3.9 million for the Richmond wastewater treatment plant. The funds would be dedicated from \$20.3 million in the bill for wastewater treatment projects across the state. Langseth opposed the amendment, noting that while Richmond has a great need, dozens

of other communities also need money to maintain their wastewater treatment facilities. A process exists to evaluate applications for the money, he said. The amendment was defeated on a 27-38 roll call vote.

Sen. Linda Berglin (DFL-Mpls.) said it was important that the bill included funding for more facilities to house civilly committed sex offenders. However, she said, members must remember that there are on-going operational costs associated with housing the offenders. Do not be surprised when we see huge increases in this budget area, she said.

The number one issue of this session is being addressed on its twenty-third calendar day, said Majority Leader Dean Johnson (DFL-Willmar). A bonding bill is about more than mortar, bricks and cement, he said, it is about vision and hope for communities across the state. Johnson and Sen. Cal Larson (R-Fergus Falls) congratulated Langseth and his staff for their speedy work and dedication to bringing forward a complete bonding package.

S.F. 3475 was granted final passage, 56-9. The measure was then laid on the table to await a companion bill from the other body.

Ethics hearing held

The Rules and Administration Subcommittee on Ethical Conduct met Fri., Mar. 24, to hear a complaint lodged by Sen. Mike McGinn (R-Eagan) and Sen. Claire Robling (R-Jordan) against Majority Leader Dean Johnson (DFL-Willmar). The complaint arises from remarks made by Johnson about the gay marriage issue at a meeting with pastors last January. The resolution of the complaint requires Johnson to make a public apology on the Senate floor Mon., Mar. 27, and give a written apology to the person who convened the pastors meeting. Upon the delivery of the apologies, the complaint will then be dismissed.

Committee update

Agriculture, Veterans and Gaming

Agriculture bills heard

Members of the Agriculture, Veterans and Gaming Committee, chaired by Sen. Jim Vickerman (DFL-Tracy), met Mon., Mar. 20, to consider three bills relating to agriculture.

Sen. Dallas Sams (DFL-Staples) sponsored a bill, S.F. 3201, to fund a productive conservation on working lands (PCWL) initiative. Under the bill, \$2.5 million is appropriated to provide crop establishment payment to grow approved PCWL crops, to provide revolving loan funds to growers for perennial PCWL crops, to work with partners to conduct on-farm applied research and develop new markets and to document economic, environmental and social benefits to the state.

Sheila Barsnes, WesMin RC&D Council, said PCWL is a holistic agricultural alternative to current conservation programs. She said PCWL provides sustainable economic opportunities and needed farm diversity while offering

environmental benefits to Minnesota without the idling of land. She said the appropriation will be used to develop the infrastructure needed to demonstrate success for securing private and federal funding. Barsnes said the benefits to the state come through crop establishment, market development, on-farm research, technical assistance and outreach for nontraditional conservation and renewable energy crops.

A bill to create a beef cattle diagnostic team pilot project also gained the committee's approval. Chief Author Rod Skoe (DFL-Clearbrook) said Minnesota recently lost its status as a bovine tuberculosis free state last summer and that five herds have been depopulated since that time. The bill, S.F. 3184, funds a pilot program to coordinate animal identification and disease testing activities with the Board of Animal Health and the University of Minnesota beef team. The measure appropriates \$245,000 for a pilot one-on-one educational delivery team system to enhance the financial success and long-term sustainability of beef cattle farms. Committee members discussed the implications of TB in cattle and the risk of contamination from infected deer.

Both measures were approved and referred to the Finance Committee.

The final bill, S.F. 3283, authored by Sen. Steve Dille (R-Dassel), provides for a check off for fertilizers, soil amendment and plant amendment and uses the funds to create the Minnesota Agricultural Fertilizer Research and Education Council. The bill specifies that each business, whether in Minnesota or elsewhere, that sells fertilizer to Minnesota producers, must collect a check off of 40 cents per ton of fertilizer sold. The business must then forward the funds to the commissioner of agriculture for deposit in an account for the council. In addition, producers may, under the bill, have the check off fee refunded if specific conditions are met. Members also had extensive discussion of a provision specifying that a permit and safeguard is not required for a person who stores, on the person's own property and for the person's own use, no more than 6,000 gallons of liquid commercial fertilizer. Dille said the provision was a compromise, because some parties on the task force that created the bill wanted the exemption to be for 100,000 gallons.



AARP members symbolically demonstrate the need for identity theft legislation by lining up to shred documents in the Capitol Rotunda, Tues., Mar. 21.

Photo by Shelley Hawes

The measure was approved and advanced to the State and Local Government Operations Committee.

Bills heard

Members of the Agriculture, Veterans and Gaming Committee met Wed., Mar. 22, to consider eight bills covering topics ranging from beekeeping to pet food to license plates for recipients of the Purple Heart.

S.F. 3287, carried by Sen. Sean Nienow (R-Cambridge), exempts combat wounded veterans from paying the additional fee usually charged for special license plates. The committee, chaired by Sen. Jim Vickerman (DFL-Tracy), advanced the bill to the Transportation Committee. S.F. 3285, also carried by Nienow, repeals state regulation of beekeeping. The bill was forwarded to the Finance Committee. S.F. 3017, authored by Sen. Paul Koering (R-Fort Ripley), authorizes a study on public and private funding of a milk volume production loan program. S.F. 3333, sponsored by Sen. Steve Dille (R-Dassel), authorizes security guards employed by the National Guard to carry machine guns and short-barreled shotguns. Both S.F. 3017 and S.F. 3333 were advanced to the full Senate.

Sen. Julie Rosen (R-Fairmont) authored two bills. S.F. 3235 raises the bushel threshold related to grain buyer financial statements from 150,000 bushels to 1.5 million bushels. S.F. 3236 modifies financial statement requirements for grain buyers. S.F. 3235 was laid over for further consideration, while S.F. 3236 was sent to the Senate floor. S.F. 3334, carried by Sen. Betsy Wergin (R-Princeton), modifies commercial feed provisions and authorizes the commissioner of agriculture to adopt rules for pet foods and specialty pet foods. The bill was sent to the full Senate. S.F. 2953, sponsored by Sen. Ann Rest (DFL-New Hope), makes various technical changes to lawful gambling provisions. Rest asked the committee to set the bill aside for further work.

Capital Investment

Nearly \$1b bond proposal okayed

A bonding package totaling \$989.923 billion in general obligation bonds was approved by members of the Capital Investment Committee at an evening meeting, Tues., Mar. 21. Total spending

from all funds amounts to \$1.052 billion, under the proposal.

Committee Chair Keith Langseth (DFL-Glyndon) said the committee had to deny about two-thirds of the requests it received, by dollar amount. We have put together a well-balanced bill, he said, while staying close to the concept of state responsibility for choosing projects. The package includes \$152.767 million for the University of Minnesota and \$167.713 million for the Minnesota State Colleges and Universities. It provides \$29.7 million for projects overseen by the Dept. of Education, \$8.066 million for the Minnesota State Academies and \$1.051 million for the Perpich Center for Arts Education.

The proposal includes \$93.313 million for the Dept. of Natural Resources, \$12.15 million for the Pollution Control Agency, \$6.2 million for the Board of Water and Soil Resources, \$6.5 million for the Dept. of Agriculture and \$8 million for the Minnesota Zoo. It also provides \$8.4 million for the Dept. of Administration, \$3.184 million for the Capitol Area Architectural Planning Board, \$3.8 million for the Amateur Sports Commission, \$7.429 million for the Dept. of Military Affairs and \$2.4 million for the Dept. of Public Safety. The package includes \$137.817 million for the Dept. of Transportation, \$47.428 million for the Metropolitan Council, \$59.021 million for the Dept. of Human Services, \$14.89 million for the Veterans Homes Board, \$37.449 million for the Dept. of Corrections, \$148.85 million for the Dept. of Employment and Economic Development, \$25 million for the Minnesota Housing Finance Agency and \$7.807 million for the Minnesota Historical Society.

Committee members universally praised Langseth and his staff for the process used, which included numerous trips around the state to visit sites seeking bond proceeds dollars. They also congratulated Langseth on putting together a complete package reflecting the state's priorities. Langseth said the Senate leadership intends to have the bill placed before the full Senate for a vote by the end of the week.

Commerce

Liquor bills heard

The Commerce Subcommittee on Liquor, chaired by Sen. Sandra Pappas

(DFL-St. Paul), held an abbreviated hearing Mon., Mar. 20, to consider a number of bills for possible inclusion in the panel's omnibus liquor bill. The hearing was especially brief because the floor session ran longer than expected.

S.F. 3081, sponsored by Pappas, allows Minnesota farm wineries to produce fortified wines. Under the bill, "fortified wine" is defined as a wine to which brandy, or neutral grape spirits, has been added during or after fermentation resulting in a beverage containing not less than one-half of one percent nor more than 24 percent alcohol by volume. Pappas said that port and sherry are examples of fortified wines. Current law restricts farm wineries to the production of table and sparkling wines. Pappas said the bill will be the vehicle for the omnibus bill.

Members also heard an additional eight bills. S.F. 3256, authored by Sen. Jane Ranum (DFL-Mpls.), prohibits alcohol without liquid devices. Ranum said the devices are machines or appliances that mix an alcoholic beverage with pure or diluted oxygen to produce an alcohol vapor that may be inhaled. The bill does not include inhalers, nebulizers, atomizers or other devices used for medical purposes to dispense medications. In addition, the bill exempts hospitals, state institutions, pharmaceutical companies, colleges and universities conducting scientific research. The bill was laid over for further consideration.

S.F. 2835, sponsored by Sen. Scott Dibble (DFL-Mpls.), changes the address for Metropolitan State University in Minneapolis for purposes of providing an exception to liquor license prohibitions. S.F. 2850, authored by Sen. Julianne Ortman (R-Chanhassen), authorizes the issuance of on-sale wine and beer licenses in connection with culinary or cooking classes. S.F. 2981, carried by Pappas, clarifies that a municipality may further limit the hours of on and off sales of alcoholic beverages, provided that further restricted on-sale hours for intoxicating liquor must apply equally to on-sale hours of 3.2 percent malt liquor.

S.F. 3071, sponsored by Sen. Linda Higgins (DFL-Mpls.), authorizes the city of Minneapolis to issue a license to the Minnesota Book and Literary Arts Building. S.F. 3116, authored by Sen. Thomas Neuville (R-Northfield), authorizes the city of New Prague to issue an

Committee update

on-sale intoxicating liquor license to the New Prague Golf Club. S.F. 3198, sponsored by Sen. Steve Murphy (DFL-Red Wing), allows a bed and breakfast to serve wine to guests attending events at the bed and breakfast, if the facility has a licensed commercial kitchen. S.F. 3230, sponsored by Sen. Yvonne Prettner Solon (DFL-Duluth), modifies the regulation of brewpubs. One of the provisions allows brewers to distribute its own products to other restaurants in which it has an ownership interest or through licensed wholesalers to other retail licensees.

Long-term care partnership heard

Members of the Commerce Committee, chaired by Sen. Linda Scheid (DFL-Brooklyn Park), met Wed., Mar. 22, to consider several bills.

S.F. 2898, authored by Sen. Linda Berglin (DFL-Mpls.), conforms state law to the federal long-term care insurance partnership. The bill allows the implementation of a long-term care partnership program under which persons who exhaust the benefits of a qualifying long-term care insurance policy are allowed, when they apply for Medical Assistance payments, to protect the amount of assets equal to the policy benefits used. The bill also makes changes to long-term care insurance regulations. The measure was approved and re-referred to the Finance Committee.

S.F. 2823, sponsored by Sen. David Tomassoni (DFL-Chisholm), modifies provisions relating to the sale of forfeited vehicles and financial intermediary fees for information. Members approved the bill and re-referred the measure to the Crime Prevention and Public Safety Committee. S.F. 3121, carried by Sen. Dan Sparks (DFL-Austin), deletes a requirement that electronic financial terminals established and maintained in Minnesota by financial institutions in another state file a notice with the commissioner of commerce.

Members approved the measure and sent the bill to the Senate floor.

Crime Prevention and Public Safety

Numerous bills heard

Members of the Crime Prevention and Public Safety Committee met Tues., Mar. 21, to hear eight bills. The panel,

chaired by Sen. Leo Foley (DFL-Coon Rapids), approved six of the bills and laid them over for inclusion in an omnibus crime package the committee is assembling.

S.F. 3126, carried by Sen. Warren Limmer (R-Maple Grove), requires the commissioner of public safety to contract with a nonprofit organization to establish a toll-free telephone hotline for trafficking victims. Under the bill, the hotline must screen trafficking victims, provide referrals for assistance and offer interpretative services in Spanish, Vietnamese, Hmong and Somali. S.F. 2924, sponsored by Sen. Rod Skoe (DFL-Clearbrook), allows a county to unilaterally withdraw from a regional county jail system.

Sen. Don Betzold (DFL-Fridley) authored S.F. 2373, which modifies a restriction on the ownership of exotic animals. The bill includes several criminal penalties for violating the regulations. The bill designates as a gross misdemeanor violating the duty to register a regulated animal. The criminal penalty for violating the confinement and control requirements starts as a misdemeanor, if bodily harm results from the violation. However, the offense is aggravated to a gross misdemeanor if the violation causes substantial bodily harm, and to a felony if the violation causes great bodily harm or death.

S.F. 3005, carried by Sen. Steve Kelley (DFL-Hopkins), makes it a felony to knowingly procure, sell or receive the telephone records of another person without that person's authorization or by fraudulent, deceptive or false means. The bill includes a graduated schedule of penalties, based on the number of records involved in the violation. Sen. Thomas Neuville (R-Northfield) offered an amendment reducing a one-record violation to a gross misdemeanor and reducing the penalties in the schedule for violations involving more than one record. The amendment was adopted.

Sen. Jane Ranum (DFL-Mpls.) sponsored two bills. S.F. 3140 enacts numerous recommendations from a legislative auditor's study on substance abuse treatment in the corrections system. The bill requires the Dept. of Corrections recidivism studies to indicate the recidivism rates for persons who have not completed treatment and the rates for those who have completed treatment, provides for the transfer of records about released offenders' substance abuse

treatment to corrections agencies that will supervise the released offender and requires greater coordination between state and local corrections officials on treatment transition needs. S.F. 3139 requires the department to include information about prison-based mental health programs in its biennial performance report.

One bill was advanced to the full Senate. S.F. 2642, carried by Sen. Scott Dibble (DFL-Mpls.), doubles the fine for a moving violation if the violation was committed while the driver was communicating over a mobile telephone. The bill provides an exception to the doubling if the phone was being used to contact emergency services. Dibble said the bill adopts the approach used for aggravating moving violations committed in road work zones. Sen. Mike McGinn (R-Eagan) offered an amendment expanding the bill to cover all distractions—such as reading, watching television or operating a computer—rather than just operating a mobile telephone. Several Senators expressed concern about the amendment, saying it was both under- and over-inclusive. The amendment was defeated.

The panel also heard S.F. 2963. The measure, sponsored by Sen. Satveer Chaudhary (DFL-Fridley), makes counterfeiting federal currency a felony under state law. The Federal Reserve indicates that there is \$620 billion in genuine currency in circulation worldwide, said Tim Kozak of the U.S. Secret Service. An amount equal to about 0.02 percent of that has been released by counterfeiters, he said. Kozak said the federal government is never the victim of counterfeiting; individuals, businesses and banks are the victims, because they must cover the losses. In the end, the community where the counterfeit currency is passed suffers, he said.

State and federal authorities are working closely, Kozak said, to address counterfeiting and its connection with other crimes, including drug trafficking. While counterfeiting is not an imminent threat to our national security, he said, it is a constant concern. He said having state criminal penalties available gives law enforcement more flexibility. Assistant Dakota County Attorney Helen Drosnahan said county attorneys use current statutes criminalizing forgery to handle counterfeiting cases not addressed in the federal system. The aggravated

forgery statute is not designed to handle currency counterfeiting, she said, and the bill provides a more straightforward way to charge the crime.

Several Senators expressed concern that the federal government is shifting its responsibility for prosecuting counterfeiting crimes to the states. Chaudhary said the concern is misplaced. The approach to counterfeiting is like the approach to drug crimes, he said. Federal drug authorities do not handle all drug crimes, but focus on the larger targets, leaving smaller offenders to state law enforcement and courts, he said. Similarly, federal authorities must prioritize and leave smaller, but important, offenders to local prosecutors, Chaudhary said. The bill was laid over for further consideration.

Medical marijuana bill gains

The medical marijuana bill, S.F. 1973, was approved at the Thurs., Mar. 23, hearing of the Crime Prevention and Public Safety Committee. The panel, chaired by Sen. Leo Foley (DFL-Coon Rapids), also heard several additional bills.

Members began by hearing testimony on the medical marijuana bill. Several individuals spoke on their use of marijuana for medical purposes. Irvin Rosenfeld, who has a bone tumor disorder, said using medical marijuana allowed him a mobility he would not otherwise have. He said he is the longest surviving user of medical marijuana under a federal program. "No one chooses to have a

debilitating disease in order to be able to use marijuana," Rosenfeld said.

Chief Author Steve Kelley (DFL-Hopkins) offered an amendment addressing concerns expressed at previous committee hearings. The amendment takes out rulemaking authority, provides for data classification, and provides felony penalties for patients who do not follow the procedures in the bill. In addition, the bill provides a felony penalty for the registered organizations distributing the marijuana if the organization does not follow procedures outlined in the bill and requires the registered organizations to post a \$100,000 bond. The amendment was adopted.



Holding up two marijuana cigarettes for emphasis, Irvin Rosenfeld of Ft. Lauderdale, Florida, explains to members of the Crime Prevention and Public Safety Committee, Thurs., Mar. 23, how he has benefited from the use of medical marijuana over the past 23 years to help treat the symptoms of a bone disease. Rosenfeld appeared before the committee in support of proposed legislation to allow the medical use of marijuana in Minnesota.

Photo by David J. Oakes

Committee update



With examples to illustrate his concerns, Lt. Todd Hoffmen, Wright County Sheriff's Office, explains to members of the Crime Prevention and Public Safety Committee, Thurs., Mar. 23, that in the 16 years that he has been involved in narcotics enforcement, he has "never seen one of these is used for tobacco." The committee was hearing a bill to tighten up existing law regarding the sale of drug paraphernalia.

Photo by David J. Oakes

The bill establishes the legality of the medical use of marijuana and creates protections for the medical use of marijuana. The bill spells out the conditions for use and limitations on the use and distribution for medical uses.

Tom Pritchard, Minnesota Family Council, spoke in opposition to the bill.

He said evidence of the medical effectiveness of marijuana is inconclusive and that marijuana is often a precursor to other drugs. Bruce Preece, chief of police in Bemidji, said, "The Minnesota Police Chiefs Association opposes the bill because of three primary reasons: medical, enforcement and the effect on youth."

Kelley said the bill is an attempt to find a balance between finding a way to help people with debilitating pain and finding a way to limit access to an illegal substance. Sen. Thomas Neuville (R-Northfield) said the bill was unenforceable and should not be advanced.

Members re-referred the measure to the Finance Committee without recommendation on a 5-4 roll call vote.

Sen. Amy Koch (R-Buffalo) sponsored a bill, S.F. 2803, tightening the restrictions on the sale of drug paraphernalia. The bill explicitly makes selling of drug paraphernalia a misdemeanor. Current law doesn't specifically ban the sale of drug paraphernalia, but bans the delivery or manufacture for delivery. In addition, the bill changes the mental state criteria for the crime from "knowingly or intentionally" to the easier to establish "knows or has reason to know" the item will be used primarily for drugs.

The bill also makes it a gross misdemeanor to sell drug paraphernalia to a person under age 18. Members approved the bill for inclusion in the committee's omnibus bill.

S.F. 3192, sponsored by Sen. Julianne Ortman (R-Chanhassen), provides for handling of death scene investigations and identifications of remains. Ortman said the bill also requires the official with custody of the human remains after a death scene investigation to ensure that the remains are delivered to the appropriate medical examiner. Further, the bill specifies that if the remains are not identified within 24 hours, the person with custody of the remains must notify the Dept. of Public Safety. She said by notifying the department there is an opportunity to collect DNA and circulate the information in national databases to help identify the remains. The measure was also approved for inclusion in the omnibus bill.

Sen. Jane Ranum (DFL-Mpls.) sponsored two bills. S.F. 3249 requires the Bureau of Criminal Apprehension to oversee efforts to reduce the record keeping backlog for missing persons and unidentified bodies cases. The bill also requires the local law enforcement agency having jurisdiction over the location where a person has been missing or was last seen to take a missing person report from an interested party. S.F. 3226 modifies career offender sentencing provisions, recodifies the patterned

offender sentencing law, removes the sunset provision for Blakely hearing provisions and applies the provisions to other sentencing enhancements. Both measures were approved for inclusion in the omnibus bill.

Early Childhood Policy and Budget Division

Early childhood funding heard

The Early Childhood Policy and Budget Division met Tues., Mar. 21, to consider the governor's initiative for early childhood funding. The initiative is contained in S.F. 3300 sponsored by Sen. Claire Robling (R-Jordan). Robling said the bill is a combination of the governor's proposal and the department's policy proposals.

Education Commissioner Alice Seagren spoke in support of the measure. She applauded the panel for its hard work over the years on issues related to early childhood education. She said the department looks forward to working with the division to put together a package that will best serve very young children.

Michele Weber, Dept. of Education, outlined the provisions in the bill. The first portion of the bill deals with distribution of federal Head Start funds. The measure sets up a formula for allocation of the funds and describes application and reporting requirements by Head Start organizations. In addition, the bill requires the commissioner of education to work in partnership with health care providers and community organizations to provide parent education information to parents of newborns at the time of birth and to develop a resource web site to provide links to resources on child development, parent education, child care and consumer safety information. The measure also specifies that early childhood programs require substantial involvement of the children's parents or other relatives. The requirements for early childhood family education programs are spelled out in the bill as are the requirements for a certification and grant program for school readiness in child care settings. The bill requires the commissioner of education to implement a kindergarten readiness assessment representative of incoming kindergartners based on the Dept. of

Education Kindergarten Readiness Assessment at kindergarten entrance study. Finally the bill appropriates \$19.1 million for Head Start, \$80,000 for the Educate Parents Partnership, \$6.1 million for school readiness in child care settings, \$1.787 million for the school readiness and intervention pilot program and \$2.1 million for early childhood and family education program grants.

Lauren Segal, Greater Twin Cities United Way, spoke in support of the bill. She said the goal is to have 90 percent of all children be ready for kindergarten, instead of the current level of 50 percent.

Gayle Kelly, Minnesota Head Start Association, said the bill's formula for allocating Head Start funds harms the programs in Greater Minnesota in favor of programs in the Metro Area. She said the association prefers the formula currently in use. Cathy Arentsen, Community Action Partnership of Ramsey and Washington Counties, said that although the new formula for allocating Head Start would benefit her counties, she was not comfortable with programs in Greater Minnesota losing funding.

Several providers also spoke against the bill. Much of the testimony was aimed at the intrusiveness of early childhood developmental education aimed at parents. Parents and providers said it was not appropriate for the state to be injecting itself between children and their parents or caregivers, because not all families agree with the state's criteria and standards. Julie Quist, Ed Watch, said the developmental standards are too subjective to accurately gauge a child's development and school readiness.

Robling said the education package supplied to new parents does not prohibit churches or other groups from developing other types of educational materials. Seagren said, "It is not the intention for government to intrude, but to provide a balance."

The bill was laid over for consideration for possible inclusion in the division's omnibus bill.

Members also heard brief testimony on S.F. 3296, sponsored by Committee Chair John Hottinger (DFL-St. Peter). Hottinger said the bill would set up a system for evaluating and rating child care providers. He said there was not enough time to complete work on the bill and that it would be rescheduled later.

Rating system considered

A rating system to evaluate the quality of early education programs was heard by members of the Early Childhood Policy and Budget Division at their Thurs., Mar. 23, meeting.

S.F. 3296, carried by Division Chair John Hottinger (DFL-St. Peter), requires the Minnesota Early Learning Foundation to evaluate the effectiveness of the voluntary NorthStar Quality Improvement and Rating System (NQIRS). The system must provide information to parents on child care and early education program quality and ratings, set indicators to identify quality in care and early education settings, provide funds for provider improvement grants and quality achievement grants, under the bill. The measure also requires NQIRS to require providers to incorporate the early learning standards in their curriculum and develop appropriate child assessments, to determine the effectiveness of the system in improving kindergarten readiness and to align current and new state investments to improve child care and early education quality with the system's framework by providing accountability and informed parent choice.

The panel also heard three additional bills. S.F. 906, carried by Sen. Terri Bonoff (DFL-Minnetonka), requires the commissioner of education to establish a new method for assessing the school readiness of children entering kindergarten. The bill also establishes an intervention program to provide additional instruction to children identified by the school readiness program as not-yet-ready. Under the bill, the screening and intervention programs are optional for schools and families. Bonoff also sponsored S.F. 3295, which increases funding for early childhood family education (ECFE) to its pre-2003 levels. All three bills were laid over for possible inclusion in the panel's omnibus early education package.

Sen. Julie Rosen (R-Fairmont) authored S.F. 3280. The bill removes part-time ECFE teachers employed by school districts from the list of public employees in the Public Employee Labor Relations Act. The bill was laid on the table for further consideration.

Committee update

Education

Five bills heard

Members of the Education Committee met Tues., Mar. 21, to consider five measures.

S.F. 2954, sponsored by Sen. Terri Bonoff (DFL-Minnetonka), requires the commissioner of education to develop a school district consolidated financial statement format that converts uniform financial accounting and reporting standards (UFARS) data into a more understandable format. The bill was laid over for inclusion in the panel's omnibus education proposal.

Two bills were advanced to the Finance Committee. S.F. 2654, carried by Sen. Jim Vickerman (DFL-Tracy), is an omnibus veterans affairs initiative. It requires public higher education institutions and encourages private higher education institutions to create veterans assistance offices and provides for the recognition of courses that were part of a veteran's military training if the courses meet American Council of Education standards. S.F. 2912, authored by Committee Chair Steve Kelley (DFL-Hopkins), creates a class-size reduction program offering additional state funding for school districts maintaining class size below set levels: from 20 students per classroom teacher in kindergarten through grade 3 classes to as many as 28 students in non-laboratory high school classes. The bill also requires student-to-teacher ratios to be included on school performance report cards.

Sen. Sheila Kiscaden (DFL-Rochester) carried S.F. 3164. The bill modifies the process for districts to follow when obtaining integration revenue and emphasizes integration activities that lead to measurable goals. Kiscaden said the bill adopts many of the recommendations made in a legislative auditor's study of integration aid. S.F. 2124, sponsored by Sen. Julie Rosen (R-Fairmont), lowers the minimum age for compulsory instruction from seven to five. Both bills were laid over for further discussion.

Special ed bills heard

Members of the Education Committee met Thurs., Mar. 22, to hear several measures related to special education.

S.F. 2817, sponsored by Sen. Terri Bonoff (DFL-Minnetonka), is a resolution

urging the federal government to fulfill its pledge to cover 40 percent of the costs of special education. Since the 1975 enactment of the Individuals with Disabilities Education Act, the federal share of special education costs has never exceeded 16.5 percent. The bill was sent to the full Senate.

Sen. David Hann (R-Eden Prairie) carried two bills. S.F. 3534, directing the commissioner of education to hire a consultant to evaluate the state's special education funding structure and to make recommendations to improve its effectiveness, was re-referred to the Finance Committee. S.F. 2967 clarifies that the burden of proof at a due process hearing is on the party seeking relief to demonstrate by a preponderance of the evidence that the requested relief is warranted. The bill was laid over for possible inclusion in the omnibus education policy bill.

S.F. 2588, authored by Sen. Lawrence Pogemiller (DFL-Mpls.), requires school districts to annually report the costs of special education litigation and due process hearings to the commissioner of education. The bill also requires the commissioner to annually report the costs to the Legislature. The bill was laid over for possible inclusion in the committee's omnibus policy bill. S.F. 3133, carried by Sen. Wesley Skoglund (DFL-Mpls.), delays for one year the implementation of the state-determined tuition rates for special education services provided by intermediate school districts and other cooperative providers of special education services. The bill was re-referred to the Finance Committee.

Committee members also considered three additional bills. S.F. 3393, authored by Sen. Rod Skoe (DFL-Clearbrook), requires additional instruction, for teachers, related to Minnesota American Indian tribes. The bill was laid over for possible inclusion in the omnibus education policy bill. S.F. 3274, carried by Sen. LeRoy Stumpf (DFL-Plummer), contains the governor's supplemental budget recommendations. S.F. 2994, carried by Kelley, contains the Department of Education's policy recommendations. Both bills contained policy and appropriations provisions. The committee amended the fiscal provisions of both bills onto S.F. 3274 and forwarded the bill to the Finance Committee. The panel amended the policy provisions of both bills onto S.F. 2994 and laid the bill over to serve as

the vehicle for the omnibus education policy bill.

Elections

Lobbying, elections bills gain

Numerous bills modifying state laws governing elections and lobbying were approved by members of the Elections Committee, Mon., Mar. 20.

S.F. 3212, carried by Sen. Linda Higgins (DFL-Mpls.), makes several changes to lobbyist and public official reporting requirements. It requires public officials to disclose the interests they have as independent contractors or consultants, prohibits public officials from lobbying for two years after they leave office and prohibits a member of the Legislature from accepting a position in the executive branch within two years after leaving the Legislature. The bill also requires conduit funds to register and file periodic reports with the Campaign Finance and Public Disclosure Board, requires increased disclosure of amounts spent by lobbyists and lobbyist principals for their lobbying activities, advances the deadline for candidates to file a spending limit agreement from September 1 to the day after filings close and repeals the authorization for a nonprofit corporation to provide administrative services to a political committee or political fund.

Several lobbyists spoke against the bill. We support reasonable and purposeful reporting requirements, said Dominic Sposeto, legislative chair of the Minnesota Government Relations Council (MGRC). Minnesota is among the top states in disclosure laws, he said. Sposeto acknowledged that scandals have hit the news, but those are federal scandals and a federal problem, he said. Federal laws are weaker than 47 states and much weaker than Minnesota laws, Sposeto said. Diane Koebele, president of the MGRC, said the bill is a solution looking for a problem. If you want to be serious about cleaning up contributions, then criminalize solicitation of campaign contributions by Legislators from lobbyists, prohibit Legislators from asking for constituent support from lobbyists and ban lobbyist contributions to Legislative district party committees, said Glenn Dorfman, Realtors Association. I have seen more Legislators get themselves in trouble than I have seen lobbyists break the law, he

said. "This is all an inside game," he said, "at lobbyists' expense." Brandon Rettke, Education Minnesota, said the public is more interested in who a candidate has received money from than they are who lobbyists have given money to.

Mike Franklin, Minnesota Chamber of Commerce, spoke specifically against repealing the authorization for nonprofits to provide administrative services to political funds. The repeal exacerbates a double standard between nonprofit associations and other membership organizations, Franklin said. All political committees established by membership groups should be regulated similarly, he said. Sen. Linda Scheid (DFL-Brooklyn Park) offered an amendment, which the committee adopted, deleting the repeal provision.

Sen. John Hottinger (DFL-St. Peter) offered an amendment making the two-year prohibition on lobbying by former elected officials effective only for officials elected after the bill is enacted. People can make an informed decision about whether they want to run for election or re-election after this is law, he said. The amendment was adopted.

S.F. 3212 was approved and advanced to the full Senate on a 7-3 roll call vote.

Sen. John Marty (DFL-Roseville) carried a bill, S.F. 2476, containing many provisions similar to those in S.F. 3212. The measure requires public officials to disclose the interests they have as independent contractors or consultants, prohibits public officials from lobbying for two years after they leave office and requires increased disclosure of amounts spent by lobbyists. The bill also requires most communications relating to a bill that is in conference committee to be open to the public and prohibits a candidate who has signed a spending limit agreement from accepting a contribution from a lobbyist. Marty offered an amendment deleting the conference committee open meeting requirement. The panel adopted the amendment. A motion to approve the bill failed on a 5-5 tie vote.

In other action, committee members advanced 12 bills to the full Senate.

S.F. 625, sponsored by Sen. Paul Koering (R-Fort Ripley), allows the Little Falls School District to adopt an alley system for electing its at-large school board members. Under an alley system, each seat on the school board is numbered and candidates run for a specific seat;

currently, the top three vote-getters at each election win seats on the board. S.F. 3387, authored by Sen. Tarryl Clark (DFL-St. Cloud), prohibits special elections from being held within seven days of a national holiday. S.F. 3297, carried by Sen. Linda Berglin (DFL-Mpls.), permits tenants to post campaign material in their residences' windows.

S.F. 3157, authored by Sen. Sandra Pappas (DFL-St. Paul), extends a prohibition against denying access to multiple unit residential structures. Currently, candidates for public office and campaign workers accompanying a candidate must be permitted access. The bill extends access to elected officials campaigning for candidates, registering voters or getting out the vote. Committee members adopted an amendment, offered by Marty, substituting candidates with open campaign committees for elected officials. Marty said the amendment evens the playing field between incumbents and potential challengers.

Sen. David Hann (R-Eden Prairie) sponsored a bill, S.F. 3303, providing for the distribution of absentee ballots to military personnel and other citizens overseas in conformity with federal law. S.F. 1752, carried by Hottinger, restores felons' civil rights after they have completed their of incarceration in a local correctional facility or after they have been discharged from parole, conditional release or supervised release after completing their period of incarceration in a state correctional facility. The bill also requires corrections officials to notify released felons that their civil rights have been restored. Hottinger also carried S.F. 2976, which provides that photo identification issued by any federal, state, tribal or local government, or by a college, university or high school may be used for identification when registering to vote on election day. The measure also defines "utility bill" to include gas, electricity, telephone, wireless telephone, cable television, satellite television, solid waste, water or sewer services bills for registration purposes.

S.F. 3150, carried by Sen. Amy Koch (R-Buffalo), permits the election-related websites maintained by the Office of the Secretary of State, the Campaign Finance and Public Disclosure Board and county, city, town or school district elections offices to link to the campaign websites of candidates. Sen. Sharon Marko (DFL-Cottage Grove) sponsored S.F. 3304,

which allows the Campaign Finance and Public Disclosure Board to hire a staff attorney. Currently, the board receives legal advice from an attorney in the Attorney General's Office.

S.F. 3252, authored by Higgins, includes several provisions making it easier to vote and register to vote. The bill requires colleges and universities to provide county auditors with lists of names and addresses of its students who reside in the county, expands the list of documents that may be used to prove residence for election day registration, allows voting by absentee ballot without cause and requires county auditors to mail absentee ballot applications to study-abroad offices of colleges and universities in their counties. The legislation also permits voters to request absentee ballots be sent via commercial shippers at voter expense, makes it easier for residents of battered women's shelters to vote by absent ballot, requires voting materials to be translated into languages recommended by the state demographer and includes the felon civil rights provisions of S.F. 1752. The bill was approved on a 5-4 roll call vote.

Committee Chair Charles "Chuck" Wiger (DFL-North St. Paul) authored two bills relating to voters who are hard of hearing. S.F. 3361 eliminates the requirement to provide interpreters at the polls to voters who are hard of hearing. The panel amended the bill to require that election judges designate persons to provide assistance to voters who are hard of hearing. S.F. 3360 modifies provisions relating to the requirement that political parties provide sign language interpreters at precinct caucuses. As amended by the committee, the bill requires persons who intend to attend their precinct caucuses to notify the state party office that they will need interpreter services; upon receiving notice, the party must promptly attempt to secure interpreter services. The panel amended the language of S.F. 3361 onto S.F. 3360 and advanced the latter bill.

Two bills were re-referred to the Crime Prevention and Public Safety Committee. S.F. 3038, carried by Higgins, prohibits voter challenges based on mailings by political parties. Higgins said one political party used registered mail to target newly registered voters in Ohio in 2004. When the mail was returned as undeliverable or was not acknowledged by the intended recipient, she said, the voter

Committee update



Senators Geoff Michel (R-Edina), left, and Charles “Chuck” Wiger (DFL-North St. Paul) confer in the Senate Chamber during the Mon., Mar. 21, floor session.

Photo by David J. Oakes

was added to a list of people to be challenged at the polls. Higgins also sponsored S.F. 3039, which prohibits deceptive practices regarding the time, place or manner of conducting an election. Both bills include a gross misdemeanor penalty.

One bill was advanced to the Rules and Administration Committee. S.F. 3040, carried by Higgins, is a resolution urging Congress to reauthorize provisions of the Voting Rights Act that expire in 2007.

Voter ID requirement fails

A proposal to require voters to bring photo identification to the polls was rejected by members of the Elections Committee, Wed., Mar. 22.

S.F. 923, sponsored by Sen. Michelle Bachmann (R-Stillwater), also requires voter registration applications to include proof of citizenship: a passport, birth certificate or naturalization document. Twenty-four states require voters to show identification at the polls, Bachmann said.

She said the concept is gaining, noting that only 11 states imposed the requirement in 2004 and that the Commission on Federal Election Reform recommended the step. Many people believe that this requirement is unnecessary in Minnesota, Bachmann said, but once someone claims to be someone else, the real voter is denied the opportunity to participate. This bill makes it easy to vote, but hard to cheat, she said.

Sen. Linda Higgins (DFL-Mpls.) said the bill makes it extremely difficult for voters to register by mail or through a registration drive. People do not usually carry passports, birth certificates or naturalization documents with them, she said. Higgins also raised concerns about the data retention practices for copies of citizenship documents. I don't think these documents should just be sitting in government file cabinets across the state, where they might readily be stolen, she said. Marcia Avner, Minnesota Council of Nonprofits, said the requirements fall hardest on new voters and Minnesotans

who likely cannot afford to get copies of the required documents. To timely register, one would need to request a birth certificate in early July in time for the primary election, she said. Avner said processing a name change for naturalization documents can take up to a year. Our current system works, she said, and Minnesota voters deserve more trust than this bill represents. There is voter fraud, said Beth Fraser of the Voting Rights Coalition, but it is not widespread. She said that of 196 million ballots cast nationwide in the last three years, 89 individuals were prosecuted for election violations. Not all of the crimes, she said, would have been prevented with an identification requirement.

A motion to advance the bill was defeated on a 3-6 roll call vote.

In other action, committee members considered 10 additional bills. The panel, chaired by Sen. Charles “Chuck” Wiger (DFL-North St. Paul), advanced three measures to the full Senate. S.F. 58, carried by Sen. Richard Cohen (DFL-St.

Paul), reduces the size of the Legislature. Under the bill, the Senate would be reduced to 45 members and the House of Representatives to 90 members in 2013. Cohen said he has sponsored similar legislation throughout his entire career. The new size is comparable to the size of Legislatures in states with similar populations, he said. S.F. 2743, sponsored by Sen. Pat Pariseau (R-Farmington), eliminates authorization for electronic voting systems that allow voters to cast their votes using technology that captures the vote, prepares a paper record of the vote and transmits the vote to automatic tabulating equipment in the polling place. Under the bill, the only assistive technology permitted for voters would be machines that produce a paper ballot. Pariseau said the technology contemplated by the existing language is not yet readily available. S.F. 3364, carried by Higgins, moves the state primary from the Tuesday after the second Monday in September to the second Tuesday in August.

S.F. 425, authored by Sen. Geoff Michel (R-Edina), proposes a constitutional amendment adopting staggered terms for Senators. Michel said 38 states elect their upper legislative bodies for terms longer than two years; of those, 27 stagger the terms. The bill was re-referred to the Rules and Administration Committee. Sen. John Hottinger (DFL-St. Peter) sponsored a bill, S.F. 3351, setting limits on campaign contributions made to judicial candidates. At Hottinger's request, the bill was tabled.

Sen. Pat Pariseau (R-Farmington) authored five bills. S.F. 2948 adds several statements to the Minnesota Voter's Bill of Rights and reorganizes the rights into four categories: access, privacy, integrity and accuracy. S.F. 1317 expands the zone, where campaign activity is prohibited, around a polling place from 100 feet to 200 feet. Motions to approve both bills failed on voice votes. S.F. 2952 makes permanent Help America Vote Act rules adopted by the Office of the Secretary of State. S.F. 2949 provides for consistency in polling place locations. S.F. 827 provides for state and local elections to be held on only five days: the fourth Tuesday in January, the second Tuesday in March, the third Tuesday in May, the second Tuesday in August and the first Tuesday after the second Monday in November. The bill provides exceptions for special

elections to fill vacancies and elections required by statute to be held sooner than the next scheduled day. The final three bills were laid over for further consideration.

Environment, Agriculture and Economic Development Budget Division

Supplemental requests heard

Members of the Environment, Agriculture and Economic Development Budget Division met Tues., Mar. 21, to hear supplemental budget requests from the Dept. of Natural Resources, the Dept. of Agriculture and the Pollution Control Agency. In addition, the division, chaired by Sen. Dallas Sams (DFL-Staples), heard two bills.

S.F. 3368, sponsored by Sen. Gary Kubly (DFL-Granite Falls), appropriates \$200,000 for a grant to Second Harvest Heartland on behalf of Minnesota's six Second Harvest food banks for the purchase of milk for distribution to Minnesota's food shelves. The bill also requires the milk be from Minnesota milk processors and based on low-costs bids. S.F. 2449, carried by Sen. Thomas Bakk (DFL-Cook), appropriates \$250,000 from the bond proceeds fund for building renovations at the International Wolf Center.

No formal action was taken on either bill.

The Dept. of Natural Resources has a number of budget proposals. The department recommends \$220,000 for testing and surveillance costs associated with the recent outbreak of bovine tuberculosis, \$3.348 million to increase funding for planning, restoring and acquiring fragmented landscape corridors to sustain fish, wildlife and plants, \$35,000 for forest management plans and tree planting activities to be funded from fees for forest management activities, \$45,000 for state forests to be funded from fees charged for special events held in state forests, and \$975,000 for addressing new pathways for introduction and spread of harmful invasive species. Other proposals result in a loss of revenue for the agency, including \$45,000 for the department to reimburse donors for the costs of land appraisals, \$152,000 for reducing youth firearms deer hunting license fees from \$53 to \$14, and

\$320,000 reduces the daily state park permit fee from the current \$7 to \$5.

The Pollution Control Agency's supplemental budget request is for \$20,000 for implementing the Clean Water Act and provides funding for water quality monitoring and development of total maximum daily load (TMDL) studies. The Dept. of Agriculture's supplemental budget request includes \$248,000 for additional staff to survey and eradicate gypsy moth and other invasive species, \$93,000 to cover a rise in wolf predation claims on livestock in Northern Minnesota, \$225,000 for staff and technical assistance for the effort to promote greater use of biofuels and other renewable energy products and \$190,000 for staff and operating funds to maintain the Plant Pathology Biosafety Level 2 and Level 3 Containment Facilities at the University of Minnesota.

Bovine TB bills heard

Members of the Environment, Agriculture and Economic Development Budget Division met Thurs., Mar. 23, to consider three bills dealing with bovine TB, to hear the governor's supplemental budget proposals for several agencies and to hear several additional bills.

S.F. 2922, authored by Sen. Rod Skoe (DFL-Clearbrook), appropriates money to the Board of Animal Health for testing cattle herds for tuberculosis. S.F. 2923, also sponsored by Skoe, appropriates money to depopulate deer within a 15 mile radius of cattle herds that are infected with tuberculosis. S.F. 3184 appropriates \$245,000 for a contract with the Northland Community and Technical College for a pilot one-on-one educational delivery team system to provide appropriate technologies to enhance the financial success and long-term sustainability of beef cattle farms. As part of the program, the delivery teams are charged with coordinating animal identification and disease testing activities with the Board of Animal Health and the University of Minnesota beef team.

S.F. 2926, also carried by Skoe, modifies conditions for a person to receive emergency crop protection assistance. S.F. 2719, sponsored by Sen. Cal Larson (R-Fergus Falls), appropriates \$250,000 for the Northern Connections pilot project in West Central Minnesota. The Northern Connections is a pilot workforce program

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that provides one-stop supportive services to assist individuals as they transition into the workforce. The bill requires a dollar for dollar match from nonstate sources. S.F. 2396, carried by Sen. Julie Rosen (R-Fairmont), appropriates \$633,500 to the Minnesota Historical Society for a grant to the Minnesota Agricultural Interpretive Center in Waseca. S.F. 3463, sponsored by Division Chair Dallas Sams (DFL-Staples), appropriates money for Minnesota resources recommended by the Legislative Commission on Minnesota Resources.

Members also heard budget requests from the Dept. of Commerce, the Boxing Board, the Dept. of Employment and Economic Development, the Dept. of Labor and Industry and the Legislative Commission on Minnesota Resources.

Environment and Natural Resources

Straight pipe, game/fish bills gain

Members of the Environment and Natural Resources Committee met Wed., Mar. 22, to consider six bills. The panel, chaired by Sen. John Marty (DFL-Roseville), approved all of the bills.

S.F. 2437, sponsored by Sen. Michael Jungbauer (R-East Bethel), requires the replacement of straight-pipe systems for sewage disposal. A straight-pipe system is a sewage disposal system that transports raw or partially settled sewage directly to a lake, stream, drainage system or ground surface. Straight-pipe systems have been illegal for a long time, Jungbauer said, but we have been unable to effectively enforce the ban. "If we can't all agree to rethink discharging our wastewater into lakes, streams and rivers," he said, we are never going to really improve water quality. The bill was advanced to the full Senate.

Sen. Tom Saxhaug (DFL-Grand Rapids) carried S.F. 2974, the omnibus game and fish bill. The measure contains numerous provisions modifying state hunting, fishing and trapping laws. The bill was advanced to the Finance Committee. Saxhaug also authored S.F. 2723, which requires the Pollution Control Agency to provide additional information regarding new wastewater facilities and requires engineers to provide an estimate of the operating and maintenance costs for the first five years of operation of a

new wastewater facility. The measure was sent to the full Senate.

S.F. 2655, sponsored by Sen. Mike McGinn (R-Burnsville), authorizes the Lower Minnesota River Watershed District to acquire, maintain, operate, improve and enlarge a site for the deposit of dredge material. The bill also allows the district to issue bonds for the dredge material site and to charge fees for permitting private customers to deposit dredge material at the site. The bill was sent to the Senate floor.

S.F. 2926, carried by Sen. Rod Skoe (DFL-Clearbrook), provides resources to help control the spread of bovine tuberculosis by wild deer in animal quarantine areas. The bill was re-referred to the Finance Committee. Sen. Thomas Bakk (DFL-Cook) sponsored S.F. 3048. The bill, which clarifies restrictions on taking farm-raised cervidae, was re-referred to the Agriculture, Veterans and Gaming Committee.

ATV bills heard

Four bills relating to all-terrain vehicles were considered by members of the Environment and Natural Resources Committee at their Fri., Mar. 24, meeting.

S.F. 3348, authored by Sen. Carrie Ruud (R-Breezy Point), permits 11-year-olds to take required safety education and training courses even though they may not be certified to ride an ATV until they are 12 years old. Ruud said classes are not always offered at convenient times for children about to turn 12. Similar provisions exist for other safety certificates, she said. The bill was advanced to the full Senate.

S.F. 3053, carried by Sen. Steve Murphy (DFL-Red Wing), requires the commissioner of natural resources to adopt rules permitting deer-hunting-licensed landowners and their guests to ride ATVs during legal shooting hours. Pheasant hunters can ride their ATVs all day long, said Tom Kelihier of the Deer Hunters Association, but deer hunters are banned from riding on their own land from sunrise to 11 a.m. and from 2 p.m. to sunset. Deputy DNR Commissioner Mark Holsten said the current rule was adopted out of concerns that hunters would use ATVs to improperly drive deer. The measure was sent to the Senate floor.

Committee Chair John Marty (DFL-Roseville) sponsored two bills. S.F. 3642

reduces the allocation of gas tax revenues for ATVs from 0.15 percent to 0.038 percent and for off-road vehicles from 0.164 percent to 0.01 percent. Marty said the allocations are traditionally based on how much gas tax revenue is collected from ATVs and ORVs. A recent DNR study suggested increasing the allocations, he said, but the study also posed the question of how many ATVs are ridden on public land or private land. Because the study did not answer the public-private question, Marty asked a former researcher to extrapolate from existing data. Gene Larimore, the former researcher and now a member of the Jack Pine Coalition, said most riders do not ride on public trails, but ride on private lands. Margaret Donahoe, Transportation Alliance, spoke in support of the bill, noting the serious transportation needs of the state. There are numerous diversions of funds, all nicking away at the money we have to build roads and fix potholes, she said.

Taking this money will mean no new trails, said Sen. Michael Jungbauer (R-East Bethel). He said his family and other ATV-owners in his community do not ride on trails because there are no trails in the area. We pay into the treasury in the hope that, someday, there will be trails for us near our homes, he said. Sen. Gen Olson (R-Minnetrissa) said most ATV riders who ride on private land do not object to building more public trails for other riders. We should be careful how far we extend this logic, said Ray Bohn of the ATV Association of Minnesota. By this theory, he said, we should not be using money collected from trail riders to enforce ATV violations on private land. A motion to advance the bill to the Transportation Committee failed on a voice vote.

Marty's other bill, S.F. 3378, repeals a provision of law enacted during the 2005 Special Session. The provision relates to the operation of off-highway vehicles north of U.S. Highway 2. Marty said the bill is about the process that was used to enact the provision. This is a purely policy matter that was inserted into an omnibus budget bill at the last minute, he said. The Senate attempted to remove the provision, he said, but political pressure about a possible shutdown of state parks over the Independence Day Weekend was applied to get the Senate to reconsider. Marty said the addition of the provision to the bill

may have violated the state constitution's single subject requirement for bills. Sen. LeRoy Stumpf (DFL-Plummer) said the courts are an option for challenging potential violations of the single subject rule. Marty said he does not have the resources for a lengthy court battle. When we do something this grossly inappropriate, he said, we should take care of it ourselves. We have institutional obligations, said Sen. John Hottinger (DFL-St. Peter), and it is not the role of the courts to uphold our institutional integrity. A motion to approve the bill failed on a 4-5 roll call vote.

Finance

Constitutional amendment, bonding package approved

A bill proposing a constitutional amendment dedicating revenue to natural and cultural resources purposes gained the approval of members of the Finance Committee, Wed., Mar. 22. The panel, chaired by Sen. Richard Cohen (DFL-St. Paul), also advanced the bonding bill.

S.F. 2734 proposes a constitutional amendment for placement on the November 2006 general election ballot. If the amendment is approved by voters, the state sales tax will rise by three-eighths of one percent, from 6.5 cents to 6.875 cents per dollar. The additional revenue is dedicated to four funds, under the bill. A fund for fish, wildlife and habitat receives 34 percent of the revenue. The other three funds—for parks, trails and zoos; for clean water; and for arts, humanities, museums and public broadcasting—each receive 22 percent of the new revenue. Revenue estimates indicate that the first fund would receive \$177.59 million for FY 08-09, while the other three funds would each receive \$114.92 million for the biennium.

In regular budgeting, we usually do not have a lot of resources left for natural and cultural resources after we fund education, transportation, public safety and other priorities, said Sen. Tom Saxhaug (DFL-Grand Rapids), who presented the bill on behalf of Chief Author Dallas Sams (DFL-Staples). We need permanent funding for these important responsibilities, Saxhaug said.

Senators devoted a significant portion of their discussion to language in the proposed constitutional amendment

requiring the additional revenue to be used to supplement traditional funding for the natural and cultural resources outlined in the bill. The proposed amendment prohibits the Legislature from using the additional revenue to supplant traditional funding for fish, wildlife, habitat, fish and wildlife tourism, parks, trails, zoos, protecting and restoring waters, and history. Discussion focused primarily on whether the Legislature could reduce funding for the areas when another significant downturn in the economy and state revenues strikes.

The committee also discussed the number of areas receiving dedicated funding under the proposal. I was willing to go along with this plan when it was just for conservation of natural resources, said Sen. Chris Gerlach (R-Apple Valley). This has become a Christmas tree bill, he said, with numerous groups removing themselves from the competitive arena of budgeting. Gerlach said the bill significantly erodes budget flexibility and public input. This puts our budget on autopilot, he said. Sen. Thomas Neuville (R-Northfield) said there is a distinction between natural resources and cultural resources. We have a higher duty, a fiduciary duty, to protect our natural resources, he said. The arts and public broadcasting are nice to have and improve our culture, Neuville said, but they are not "state assets of the highest order." When a budget downturn hits, the arts, public television and other "wants" are rightly the first targets for cuts, he said.

This is about the quality of life in Minnesota, said Sen. Sandra Pappas (DFL-St. Paul). People make different choices about the recreational activities they engage in, she said. Most of the bill deals with things that are not our first priorities, she said, because our first priorities are education and health care. Providing additional funding to enhance the basic level of support we already provide to programs that define our quality of life is appropriate, Pappas said. Sen. Satveer Chaudhary (DFL-Fridley) said the proposal represents a success of government and a recognition of Minnesotans' commitment to the outdoors.

The bill was advanced to the Tax Committee on a 20-2 roll call vote.

S.F. 3475, carried by Sen. Keith Langseth (DFL-Glyndon), is the bonding bill. It authorizes the use of \$989.923 billion in general obligation bond

proceeds for projects across the state. The bill was sent to the full Senate.

Health and Family Security

Eight bills gain

Members of the Health and Family Security Committee met Tues., Mar. 21, to consider eight measures. The panel, chaired by Sen. Becky Lourey (DFL-Kerrick), approved all eight bills.

Five of the bills were re-referred to the Finance Committee. S.F. 2679, authored by Sen. Sandra Pappas (DFL-St. Paul), establishes a pilot project in Ramsey County to help teen parents remain in school. S.F. 2883, carried by Sen. Dan Sparks (DFL-Austin), modifies the Dept. of Human Services licensing act by expanding the definition of special family day care homes. S.F. 2997, sponsored by Sen. John Hottinger (DFL-St. Peter), modifies child care assistance maximum rates and absent days. Hottinger also carried S.F. 3087, which exempts child care programs that use only buses to transport children from training requirements relating to child passenger restraint systems. S.F. 3085, authored by Sen. Linda Berglin (DFL-Mpls.), establishes a mental health pilot project for homeless individuals who have lived unsheltered for at least one year.

Two bills were advanced to the full Senate. S.F. 2833, authored by Hottinger, provides that data related to a household member who is the subject of a disqualification set-aside or variance is not public if the household member resides in the child care residence, the member is under age 18 and the disqualification would be for a misdemeanor theft. S.F. 3013, sponsored by Berglin, provides that the commissioner of human services may not set aside the disqualification of an individual permanently disqualified. The prohibition on set-asides applies only in connection with a license to provide child care, foster care in the provider's home, or for care or day care services for adults in the provider's home. Berglin said the bill is designed to give an opportunity for people to demonstrate that they have been rehabilitated. She said no one who has been given a set-aside has ever re-offended.

The final bill was re-referred to the Education Committee. S.F. 2741, carried by Lourey, provides a comprehensive

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group of services, including emergency shelter, transitional living and out-of-school time opportunities, for homeless and runaway youth.

Three bills heard

Members of the Health and Family Security Committee met Thurs., Mar. 23, to hear three measures.

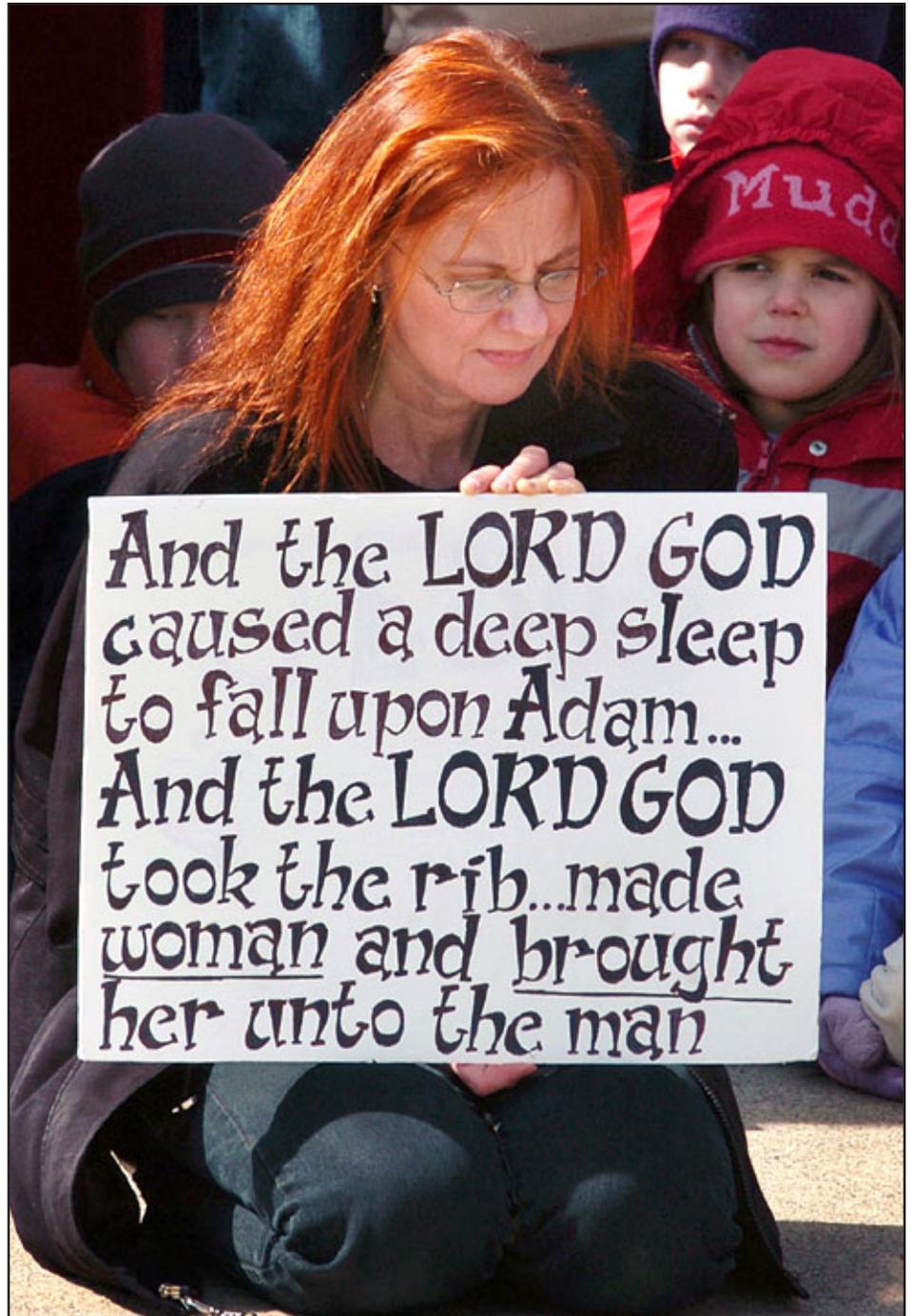
S.F. 2881, carried by Sen. Julie Rosen (R-Fairmont), expands interstate contracts for mental health services to include chemical health services. The bill was advanced to the full Senate. S.F. 3290, sponsored by Sen. Linda Berglin (DFL-Mpls.), contains the recommendations of the Department of Human Services regarding mental health services. The bill includes an initiative to establish a grant program to assist counties, tribal governments, children's collaboratives and mental health service providers in providing services to children with emotional disturbances. S.F. 2535, authored by Committee Chair Becky Lourey (DFL-Kerrick), expands the scope of the commissioner of human services' required report to the Legislature on case management. Members also adopted an amendment containing most of the provisions from another Lourey-sponsored bill, S.F. 2741, creating a comprehensive initiative for homeless and runaway youth. The amendment does not contain provisions from the bill relating to out-of-school opportunities. Both bills were referred to the Finance Committee.

Health and Human Services Budget Division

Budget recommendations heard

Members of the Health and Human Services Budget Division used their Tues., Mar. 21, meeting to review the governor's supplemental budget recommendations for the agencies within the panel's jurisdiction.

The governor recommended \$10,000 in FY 06-07 for the Chiropractors Board to fund programming difficulties encountered in converting its payment processing system. The recommendations include \$9,000 in FY 06 for the Physical Therapy Board to fund similar payment conversion programming difficulties. The recommendation for the Dentistry Board is \$67,000 in FY 07 and annually thereafter to retain a staff attorney instead of contracting for



Chandra Stevenson, Lakeville, bows her head in prayer as she participates in a rally on the Capitol grounds, Tues., Mar. 21, in support of a proposed constitutional amendment defining marriage as being between one man and one woman.

Photo by Shelley Hawes

legal services with the Attorney General's Office.

The recommendation for the Emergency Medical Services Regulatory Board is \$50,000 annually, beginning in FY 07, to maintain the Health Professional Service Program's ability to address rising

caseloads and maintain current service levels. The Medical Practice Board requested \$1 million in FY 06-07 to cover unanticipated investigation and legal costs. The recommendations for the Veterans Homes Board cover two needs. The first line item is \$382,000 in FY 06



Several hundred people fill the Capitol Rotunda, Thurs., Mar. 23, to voice their opposition to a proposed amendment to the state constitution banning gay marriage.

Photo by David J. Oakes

and \$1.163 million annually in FY 07 and beyond to fund positions recommended in a recent study of the Veterans Homes system. The second recommendation is \$2.448 million in FY 06 and \$2.674 million annually beginning in FY 07 to remedy deficiencies at the Minneapolis home identified by the Dept. of Health and to prevent similar situations from arising at other facilities.

The recommendations for the Dept. of Health total \$23 million in FY 07 and \$11 million annually in future years. The proposal includes \$10.5 million per year to prepare and coordinate a statewide response to an avian flu outbreak and \$12 million in FY 07 for health information technology matching grants. The recommendation also includes funds to reimburse local public health agencies to manage infections among immigrants—\$210,000 per year for hepatitis B and \$290,000 per year for tuberculosis.

Recommendations for the Dept. of Human Services total \$94.898 million in FY 06-07 and \$149.985 million in FY 08-09. It includes funding for a mental health access and improvement initiative and for new beds to accommodate growth in the sex offender commitment program and in the mentally ill and dangerous population. The recommendations also include funding to expand the state operated services community support services program for developmentally disabled individuals and to cover salary increases negotiated with labor unions representing staff in the state operated services. It includes \$200,000 for a youth sex offender study, ongoing funding to assist Minnesotans in obtaining Medicare Part D prescription drug coverage and dollars to subsidize prescription drug costs for low and moderate income Minnesotans who lack drug coverage.

The DHS recommendations include funding to address an anticipated shortfall

in the Alternative Care program, to create pay-for-performance arrangements for hospital and medical groups serving Minnesota Health Care Program fee-for-service and managed care clients, to allow limited additional groups of General Assistance Medical Care enrollees to stay in the program rather than shift to MinnesotaCare and to align asset verification policy for GAMC and MinnesotaCare with the Medical Assistance policy. The recommendations also fund higher nursing facility rates for the St. Cloud area, a rate increase for a new nursing home in Cass County and compliance with the federal Deficit Reduction Act of 2005.

In other action, division members approved S.F. 3016 and referred the bill to the Finance Committee. Carried by Division Chair Linda Berglin (DFL-Mpls.), the measure raises eligibility levels and reimbursement rates for child care assistance programs, reinstates emergency

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services under GAMC for undocumented immigrants, eliminates GAMC co-payments and provides a 10 percent cost of living increase to the Minnesota Family Investment Program transitional standard. The bill also includes a revenue provision relating to foreign operating corporations to fund the public program spending.

MinnesotaCare bill discussed

A bill restoring benefits under MinnesotaCare was the focus of debate at the Thurs., Mar. 23, meeting of the Health and Human Services Budget Division. Division Chair Linda Berglin (DFL-Mpls.), chief author, said the bill buys back the eligibility and benefit cuts made in 2003. The bill, S.F. 2725, also establishes a prescription drug discount program, establishes a small employer option for MinnesotaCare and increases the income eligibility limit to 190 percent of the federal poverty guideline for single adults and increases the inpatient hospitalization limit from \$10,000 to \$20,000.

Jim Meffert-Nelson, representing optometrists, said the cuts in 2003 made it difficult to provide eye care for those with glaucoma or diabetes. Sue Stout, Minnesota Hospital Association, spoke in support of the increased inpatient hospitalization limit. Dick Dierks, representing the Minnesota Dental Association, asked that dental benefits be returned to previous levels. Bill Conley, Minnesota Mental Health Association, spoke in support of the prescription drug discount program.

However, Jeff Lindoo, Minnesota Pharmacist Association, said because of the confusion over Medicare Part D drug prices, the bill might result in pharmacies receiving less than their costs in payments.

The bill was laid aside because of time constraints.

In other action, the division also heard a bill to prevent compulsive gambling. S.F. 930, sponsored by Sen. Gary Kubly (DFL-Granite Falls), appropriates \$150,000 in FY 2006 and \$150,000 in FY 2007 from the lottery prize fund for a grant to the Northstar Gambling Alliance. The alliance is directed to provide services to increase public awareness of problem gambling, education and training for individuals and organizations providing effective treatment services to problem gamblers. The bill also requires funds from nonstate

sources. The bill was approved and advanced to the full Finance Committee.

Large employer health cost and MinnesotaCare bills heard

Two bills dominated discussion at the Fri., Mar. 24, hearing of the Health and Human Services Budget Division. S.F. 2725, carried by Division Chair Linda Berglin (DFL-Mpls.), buys back MinnesotaCare eligibility and benefit cuts made in 2003. Berglin said the bill increases eligibility, broadens the benefit set and provides for a prescription drug discount program.

Members heard testimony for the bill from Jeannie Fox, deputy director of public policy, Minnesota Council of Non-Profits, and Thom Petersen, director of government relations, Minnesota Farmers Union. Opposition testimony was presented by Bob Vanasek, Pharmaceutical Research and Manufacturers of America.

A bill requiring private employers with more than 10,000 workers in Minnesota to pay the state the difference between eight percent of the wages paid Minnesota employees and what the employer pays for medical costs of its employees was also heard. Under the bill, S.F. 2672, if the employer pays more than eight percent for employee medical costs, there is no payment to the state. Sen. Becky Lourey (DFL-Kerrick), chief author, said the measure attempts to recoup some of the costs the state pays for individuals without employer paid medical coverage.

In other action, the panel heard the governor's budget recommendation for the Dept. of Human Services.

Higher Education Budget Division

Final bonding projects heard

Members of the Higher Education Budget Division used their Tues., Mar. 21, meeting to consider three requests for bonding appropriations. The panel, chaired by Sen. Sandra Pappas (DFL-St. Paul), also prepared its list of priorities for recommendation to the Capital Investment Committee.

S.F. 2729, carried by Sen. Dennis Frederickson (R-New Ulm), provides \$12.775 million for a multipurpose facility

at Southwest Minnesota State University. The funds are not available, under the bill, until at least \$5 million has been raised from private, nongovernmental sources. S.F. 2920, authored by Sen. Dallas Sams (DFL-Staples), provides \$2.5 million to the University of Minnesota for a facility used in the wind-energy-to-hydrogen-to-anhydrous-ammonia pilot project at the West Central Research and Outreach Center in Morris. S.F. 2739, sponsored by Sen. Julie Rosen (R-Fairmont), authorizes \$528,000 to improve energy, lighting and parking and to construct a dedicated fiber optic cable system at the Southern Minnesota Educational Campus. Under the bill, the funds are not available until an equal amount has been raised from nonstate sources. All three proposals were laid over for consideration among the projects seeking prioritization by the division.

Pappas distributed a letter, addressed to the Capital Investment Committee, indicating the division's recommendations for bonding projects. The letter recommended fully funding the higher education asset preservation account (HEAPRA) and fully funding the requests submitted by the University of Minnesota and the Minnesota State Colleges and Universities. The recommendation also includes authority for MnSCU to construct an academic building in Mankato with full private financing. A proposal establishing the Minnesota Biomedical Sciences Research Facilities Authority is also recommended in the letter. Division members adopted an amendment, offered by Sen. Claire Robling (R-Jordan), adding the Morris project from S.F. 2920 to the recommendations. An amendment, offered by Sen. Cal Larson (R-Fergus Falls), adding the other two projects heard earlier to the letter, was also adopted. The panel then approved the amended letter for transmission to the Capital Investment Committee.

In other action, division members also heard two reports. The first report, from the Rochester Higher Education Development Committee, a panel created by the Legislature last year, recommends creating a world-class higher education institution focused on health sciences, biosciences, engineering and technology. The proposed institution combines the research capability of the University of Minnesota and the existing infrastructure and expertise of local business leaders,

such as the Mayo Clinic and IBM. Under the proposal, the new institution would be a campus of the University of Minnesota and would be governed only the University's Board of Regents. The panel recommends phasing out the current partnership between the U and the Minnesota State Colleges and Universities system.

The full report is available online: <http://www.ohe.state.mn.us/pdf/RHEDCreportFinal.pdf>

The second report addresses the possibility of revising existing regulations of two categories of post-secondary educational institutions—private institutions located in the state and public institutions outside the state that offer instruction to Minnesotans. Prepared by the Office of Higher Education, the report recommends a complete rewrite of the two statutes governing the different categories into one new statute for consideration by the Legislature in 2007.

The full report is available online: <http://www.ohe.state.mn.us/pdf/Regulation141Report.pdf>

In-state tuition for aliens okayed

A bill making undocumented aliens eligible for resident tuition rates was approved by members of the Higher Education Budget Division at their Thurs., Mar. 23, meeting.

S.F. 2876, sponsored by Division Chair Sandra Pappas (DFL-St. Paul), provides that a student qualifies for the resident tuition rate at a MnSCU institution or at the University of Minnesota if the student has attended high school in the state for three or more years, has graduated from a state high school, and has registered or enrolled in a public higher education institution. The bill is designed to permit undocumented aliens living in Minnesota who meet the stated qualifications to pay resident tuition rates, instead of out-of-state tuition, Pappas said. However, Sen. Claire Robling (R-Jordan) noted that federal law prohibits states from making resident tuition rates available to undocumented aliens. The real remedy can only be found at the federal level, she said, especially because undocumented aliens cannot legally seek employment. Susan Heegaard, Office of Higher Education, said the governor opposes the bill because of its federal implications. Pappas said twelve other states have adopted similar laws, antici-

pating a change in federal law. S.F. 2876 was advanced to the full Finance Committee on a 8-2 roll call vote.

The panel also considered two other bills. S.F. 2654, authored by Sen. Jim Vickerman (DFL-Tracy), requires public higher education institutions and encourages private higher education institutions to create veterans assistance offices and provides for the recognition of courses that were part of a veteran's military training if the courses meet American Council of Education standards. The bill was approved and sent to the full Finance Committee.

S.F. 3317, carried by Sen. Geoff Michel (R-Edina), contains the governor's supplemental appropriations recommendations. The bill includes several initiatives and new spending for higher education. It appropriates \$5 million annually in FY 07 and FY 08 and \$6.33 million in FY 09 for new programs at the University of Minnesota-Rochester. A MnSCU systemwide coordinator for veterans assistance offices is included in the appropriations, at a cost of \$100,000 annually beginning in FY 07. The bill also increases the Student Educational Loan Fund (SELF) program limits for first- and second-year students to \$6,000 per student per year in July 2006 and to \$7,500 in July 2008.

The proposal also includes policy changes relating to the SELF program, including extending repayment schedules for students with larger loan balances, requiring that loan co-signers be at least 24 years old, allowing credit scores to be used to demonstrate credit-worthiness, establishing a loan rehabilitation program for default loans and authorizing OHE to conduct interest rate swaps. The bill requires post-secondary institutions to participate in federal Title IV student aid programs in order for their students to be eligible for state grants and SELF loans. The initiative also broadens the definition of Minnesota residents, for purposes of the state grant program, to include persons stationed in Minnesota for active military duty and their spouses and dependents, refugees and persons displaced by natural disasters. The bill also modifies the definition of Minnesota residents to require that students who graduated from Minnesota high schools but have since left the state be current residents of Minnesota. The measure was laid over for

possible inclusion in the division's omnibus supplemental budget package.

In other action, division members heard the recommendations of a task force ordered to study the implementation of higher education funding policy. The task force recommended repealing a statute declaring a legislative policy to provide stable funding for instructional services, to provide at least 67 percent of instructional services costs, to share the costs of instruction between students and the state and to use the budgetary process to support high quality public higher education. The task force also recommended replacing the policy statement with a new statement that more clearly addresses the needs and missions of MnSCU and the University of Minnesota. Additionally, the task force recommended allowing both systems to separately develop and submit their budget priorities to the Legislature and governor.

Jobs, Energy and Community Development

Energy bills heard

Members of the Jobs, Energy and Community Development Committee focused on energy issues at the Mon, Mar. 20, hearing. All of the measures were laid over for consideration as part of an omnibus energy bill.

S.F. 2798, carried by Committee Chair Ellen Anderson (DFL-St. Paul), requires utilities to attempt to contact heat-affected customers in occupied dwellings whose service was disconnected after the previous heating season to establish a payment arrangement or a reconnection plan in order to restore service. Anderson said the bill requires the utility to begin contacting customers no later than Sept. 15 of each year. The bill also requires a report, by Nov. 1, specifying the number of heat-affected customers whose service is disconnected on Oct. 1 and on Oct. 15.

Anderson also carried a measure, S.F. 2956, promoting energy conservation on the part of utility companies. Anderson said, "If Minnesota conserved as much energy as possible it would lower the national price of energy that everyone pays and reduce the nation's dependence on foreign oil." She said the bill requires the commissioner of commerce to establish statewide energy-saving objec-

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tives for all gas and electric energy conservation improvement expenditures and monitor energy conservation improvement programs for success in meeting the objectives. The measure also requires the commissioner to ensure that a portion of the money spent on residential conservation improvement programs is devoted to programs that address the needs of low-income persons, including low-income renters. Further, the bill requires a utility that furnishes gas service to spend at least .02 percent of its gross operating revenue from residential customers on low-income conservation improvement programs. Finally, the bill prohibits the Public Utilities Commission from approving a new or refurbished nonrenewable energy facility in an integrated resource plan unless the utility demonstrates that conservation to meet capacity needs is not in the public interest.

Sen. Tarryl Clark (DFL-St. Cloud) sponsored two bills. S.F. 2799 requires the Public Utilities Commission to establish programs for low-income residential ratepayers in order to ensure affordable, reliable and continuous service to low-income utility customers. Further, the bill requires that by Sept. 1, 2006, public utility companies serving fewer than 200,000 customers must file an affordability program to be implemented upon approval of the commission. Clark said the purpose of the bill is to lower the percentage of income that participating low-income households devote to energy bills, to increase participating customer payments, to decrease or eliminate participating customer arrears and to lower the utility costs associated with participating customer account collection activities. The second bill, S.F. 2800, requires each natural gas and electric public utility to submit a report to the Public Utilities Commission about the total number of residential customers, the total number and dollar amount of customer accounts past due, total dollars received from the low-income home energy assistance program and from other sources and other information about the number of accounts disconnected. Under the bill, during the period between October 15 and April 15, the report must include the number of cold weather protection requests, number of reconnection plan requests received and granted, number of inability to pay

requests received and granted and all other information currently provided in monthly cold weather rule reports.

Two bills dealt with the prepurchase of propane fuels. S.F. 2913, authored by Sen. James Metzen (DFL-South St. Paul), authorizes the commissioner of commerce to operate a prepurchase delivered fuel program. Under the bill, the commissioner, during July and August, must purchase the lesser of one-third of the liquid propane fuel consumed by low-income home energy assistance program recipients during the previous heating season or the amount that can be purchased with available funds. The bill also requires the commissioner to enter into agreements with vendors who offer summer prepurchase discount programs and attempt to negotiate price discounts, including discounts for prompt payment. Under the bill, the prepurchased delivered fuel program must be available statewide. In addition, the bill provides that the commissioner does not have to prepurchase fuel if there is a reasonable likelihood that the prepurchasing will not provide savings. Sen. Julie Rosen (R-Fairmont) also authored a bill, S.F. 2767, requiring the commissioner of commerce to prepurchase delivered fuel in the months before the succeeding winter heating season. Under the bill, fuel means both propane and fuel oil. Rosen said the bill also authorizes the commissioner to not prepurchase if there is a reasonable likelihood it will not provide fuel-cost savings.

S.F. 2914, authored by Sen. Gary Kubly (DFL-Granite Falls), specifies that a vendor of propane or fuel oil may not discriminate against or refuse to serve a customer on the basis that the customer is a recipient of assistance from the low-income home energy assistance program.

Energy bill assembled

Members of the Jobs, Energy and Community Development Committee devoted most of the Wed., Mar. 22, meeting to assembling the panel's omnibus energy bill. Committee members, chaired by Sen. Ellen Anderson (DFL-St. Paul), took action on bills that had been laid over the previous meeting and heard several additional bills.

The committee amended the bills into a measure, S.F. 2798, requiring gas utilities to establish an early identification program to contact customers, whose heat

had been discontinued the previous year, to make a payment arrangement or a reconnection plan to restore service. Anderson said the bill would serve as a vehicle for all the other bills approved for the omnibus package.

Four additional bills, which had been heard at the previous meeting, were approved for inclusion. S.F. 2799, sponsored by Sen. Tarryl Clark (DFL-St. Cloud), requires the Public Utilities Commission to establish programs for low-income residential ratepayers in order to ensure affordable, reliable and continuous service. The bill was amended to focus only on gas utility companies with fewer than 200,000 customers. The bill also requires the utility companies to file an affordability program with the commission. S.F. 2800, also carried by Clark, requires each natural gas and electric public utility to report the number of residential customers, the number and dollar amount of customer accounts past due, the total dollars received from the low-income home energy assistance program and other information about the number of accounts disconnected. S.F. 2913, carried by Sen. James Metzen (DFL-South St. Paul), authorizes the commissioner of commerce to operate a prepurchase delivered fuel program to lower costs for provide fuel to low-income energy assistance participants. S.F. 2956, sponsored by Anderson, promotes energy conservation on the part of utility customers.

Members also approved three additional bills for inclusion in the omnibus package. S.F. 2879, sponsored by Sen. Julie Rosen (R-Fairmont), authorizes renewable energy measures to be funded under the energy conservation investment loan program for capital expenditures that are made by municipalities and school districts that are associated with conservation measures identified in an energy project study. A second bill sponsored by Rosen, S.F. 3237, provides that an electric generation facility located in Faribault County consisting of two wind turbines does not violate the exclusive service territory law if the turbines are located adjacent to an ethanol plant and the electricity produced by the turbines is used primarily by the plant. A similar bill, carried by Sen. Scott Dibble (DFL-Mpls.), exempts a 15 megawatt or smaller biomass-fueled electric generation facility in Scott County from the exclusive

service territory law if the facility is located adjacent to an agricultural product processing plant if the electricity generated is used primarily for the agricultural product plant.

Members also adopted an amendment specifying that a vendor of propane or fuel oil may not discriminate against or refuse to service a customer on the basis the customer is a recipient of assistance from the low-income home energy assistance program.

S.F. 2798 was approved and advanced to the full Senate.

Members also heard a bill establishing wind energy conversion system loan guarantee program. The bill, S.F. 1263, sponsored by Sen. Gary Kubly (DFL-Granite Falls), was amended to limit the bill to a pilot program. Members said the bill was too open-ended and would be too expensive if there were a rash of loan applications. The bill was approved and re-referred to the Finance Committee. S.F. 3089, carried by Sen. Steve Murphy (DFL-Red Wing), modifies the property tax abatement process as it applies to electric generating facilities. The bill was approved and advanced to the State and Local Government Operations Committee.

The report from the subcommittee on housing was also adopted. The report recommended that two bills be approved. S.F. 2887, authored by Dibble, regulates manufactured home park conversions. The bill was approved and sent to the Senate floor. S.F. 3216, also carried by Dibble, regulates condominium conversions. The bill was approved and re-referred to the Judiciary Committee.

Mercury bill gains

The Jobs, Energy and Community Development Committee, chaired by Sen. Ellen Anderson (DFL-St. Paul), met Fri., Mar. 24, to consider a bill setting limits for mercury emissions.

S.F. 3398, sponsored by Sen. Scott Dibble (DFL-Mpls.), requires reductions in airborne mercury emissions by coal-fired electric generation facilities. "A lot has been done in recent years to reduce mercury emissions so that now coal-fired electric generation facilities account for most of the mercury emissions in the country," Dibble said. He said the ability to cut emissions is now much cheaper and the technology is much better than in the past. Dibble said one major reason for

reducing mercury emissions comes from the drive to clean up our waters and the environment. "The bill is a work in progress and all sides are very motivated about working toward an agreement," Dibble said.

The bill contains dates by which emissions must be cut 90 percent, changes the threshold baseline by requiring continuous monitoring for six months to determine the baseline, extends the reduction rider to enable utilities to seek recovery and provides flexibility in implementing technology so that utilities may use technologies that combat multiple pollutant.

Sen. David Senjem (R-Rochester) offered an amendment to give a little more time and a little more flexibility to the utilities to achieve the 90 percent mercury reduction goal. Dibble opposed the amendment and said, "The amendment essentially guts the bill." The amendment failed.

After hearing extensive testimony both for and against the measure, members approved the bill and sent the measure to the Senate floor.

In other action, the panel also approved a bill, S.F. 1003, authored by Sen. Pat Pariseau (R-Farmington), requiring carbon monoxide alarms in all dwellings. Sen. David Tomassoni (DFL-Chisholm) spoke in support of the measure and said that if the law had been in effect, his son's best friend might still be alive. The young man died from carbon monoxide poisoning, he said, which is preventable with a proper alarm. The bill was re-referred to the Finance Committee.

Anderson carried a bill, S.F. 3175, that regulates overtime for nurses. The language of the bill adds nurses employed by the state to the definition of "nurse" in the law prohibiting health care facilities and hospitals from taking action against a nurse solely on the grounds that the nurse fails to accept an assignment of additional consecutive hours in excess of a normal work period if the additional hours jeopardize patient safety. Anderson said the current practice of mandation makes it difficult for nurses to perform at their best and often results in nurses leaving the profession. The bill was approved and sent to the Senate floor.

Two additional bills advanced in the legislative process. S.F. 1596, sponsored by Sen. Thomas Bakk (DFL-Cook), regulates employee invention agreements.

The bill specifies that an employer has two years to develop or utilize an invention or proposal by an employee in which the employer has an enforceable interest before the employer forfeits all rights and interests to the invention or proposal. The measure was forwarded to the Commerce Committee without recommendation. S.F. 3260, authored by Sen. Tarryl Clark (DFL-St. Cloud), authorizes the designation of additional biotechnology and health sciences industry zones. The bill was approved and sent to the full Senate.

Judiciary

Family law bills heard

The Judiciary Subcommittee on Family Law met Tues., Mar. 21, to consider several bills relating to family law.

Subcommittee Chair Thomas Neuville (R-Northfield) carried two of the measures. One bill, S.F. 3386, is the vehicle for the omnibus family law policy bill, Neuville said. Members adopted an amendment to strip out all the child support provisions and to add in provisions from last year's omnibus family law bill. Panel members then adopted an amendment adding the child support provisions to Neuville's other bill, S.F. 3199, the omnibus child support bill.

Neuville said S.F. 3386 makes a number of changes in provisions relating to paternity, visitation and child custody. Under the bill, a person who is granted custody of a child or parenting time with a child must notify the child's other parent if the person marries or lives in the same residence with a person who has been convicted of crimes such as murder, kidnapping, child abuse, child sexual abuse or other sex offenses. In addition, a person convicted of similar crimes may not be granted custody of a nonbiological child. The bill also specifies conditions under which a man is presumed to be the biological father of a child, including residing with the child for 12 months during the first 2 years of the child's life and openly holding out the child as his own. The bill also provides that a determination that the alleged father is the biological father does not preclude the adjudication of another man as the legal father nor does it allow the donor of genetic material for assisted reproduction for the benefit of a recipient parent,

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whether sperm or ovum, to claim to be the child's biological or legal parent.

For children who are under state guardianship, the bill specifies that when there is a written communication or contact agreement between prospective adoptive parents and birth relatives other than birth parents it must be included in the final adoption decree unless all parties agree to omit it. In addition, the bill specifies that if the adoptive parents or birth relatives do not comply with the communication or contact agreement, the court must determine the terms of the agreement. The bill also spells out the contents of a notice of temporary restraining order and alternative dispute resolution provision to be included with every marriage dissolution summons. Part of the notice requires parties to a dissolution proceeding to participate in a minimum of two hours of mediation unless the parties file a signed marital termination agreement with the court or do not have the means to defray the cost of mediation. In the area of custody designation, a parenting plan is not required to designate sole or joint legal or physical custody. The bill also sets forth factors the court must consider when a custodial parent wants to move the child to another state. Finally, the bill provides for real estate and pension plan division in marital dissolutions.

Neuville's other bill, S.F. 3199, sets forth a number of modifications to the child support guidelines enacted last year. The guidelines use the combined income from both parents to determine the amount of child support. The bill also provides that in the absence of other evidence, there is a rebuttable presumption that a parent is entitled to receive at least 25 percent of the parenting time for the child. Other portions of the bill relate to provisions about the scope of payments to a public authority, the inclusion of potential income in the support calculations if a parent is voluntarily unemployed or underemployed, the inclusion of a request for a six-month review with the dissolution decree, the modification of definitions, the calculations of income and adjustments to the basic support guidelines.

Both measures were advanced to the full Judiciary Committee.

In other action, the panel heard an additional three bills. S.F. 2545, sponsored by Sen. Charles "Chuck" Wiger

(DFL-North St. Paul), clarifies requirements in child out-of-home placements. Under the bill, a preference for providing care and guidance in the child's own home is eliminated. The bill specifies that the court must consider the totality of the child's circumstance, past history and other factors when determining whether a child's welfare or safety can be safeguarded without removal from the home. Finally, the bill provides that the court may consider the preference of the parent or parents in placing the child. Wiger said the bill re-examines the factors in determining the best interest of the child. The bill was laid over for further work.

S.F. 2991, sponsored by Sen. Mike McGinn (R-Eagan), creates a supervised visitation advisory committee and increases the marriage dissolution fee by \$25 to be used to fund parenting time centers. The measure was approved and re-referred to the State and Local Government Operations Committee.

Sen. Wesley Skoglund (DFL-Mpls.) carried a bill, S.F. 2403, providing for the solemnization of Hmong marriages by a Mej Koob. The bill also imposes criminal penalties for knowingly facilitating the solemnization of a prohibited marriage, such as allowing a child to enter into a marriage. The bill also adds provisions for Buddhist marriage solemnizations. The bill was amended into the omnibus family law bill, S.F. 3386.

Family law bills assembled

The Judiciary Committee, chaired by Sen. Don Betzold (DFL-Fridley), met Thurs. Mar. 23, to assemble the omnibus family law bills and to hear several other measures.

S.F. 3386, sponsored by Sen. Thomas Neuville (R-Northfield), is the vehicle for a number of provisions relating to marriage, paternity, visitation and child custody. Under the bill, a person who is granted custody of a child or parenting time with a child must notify the child's other parent if the person marries or lives in the same residence with a person who has been convicted of crimes such as murder, kidnapping, child abuse, child sexual abuse or other sex offenses. In addition, a person convicted of similar crimes may not be granted custody of a nonbiological child. The bill also specifies conditions under which a man is presumed to be the biological father of a

child, including residing with the child for 12 months during the first 2 years of the child's life and openly holding out the child as his own. The bill also provides that a determination that the alleged father is the biological father does not preclude the adjudication of another man as the legal father nor does it allow the donor of genetic material for assisted reproduction for the benefit of a recipient parent, whether sperm or ovum, to claim to be the child's biological or legal parent.

For children who are under state guardianship, the bill specifies that when there is a written communication or contact agreement between prospective adoptive parents and birth relatives other than birth parents it must be included in the final adoption decree unless all parties agree to omit it. In addition, the bill specifies that if the adoptive parents or birth relatives do not comply with the communication or contact agreement, the court must determine the terms of the agreement.

Other sections of the bill add provisions to authorize a Mej Koob to solemnize marriages and add a provision under which Hmong marriages may be solemnized by a Mej Koob. The bill also adds Buddhists to marriage provisions currently applicable to Hindus and Muslims. In addition, the bill prohibits the solemnization of marriages that would be in violation of the state's marriage laws or marriages to which both parties do not voluntarily consent. The definition of neglect in the Maltreatment of Minors Act is expanded, under the bill, to include allowing a child to enter into a marriage in violation of state law, allowing a child to enter into marriage without consent or otherwise allowing a marriage that is in violation of state law.

The bill also spells out the contents of a notice of temporary restraining order and alternative dispute resolution provision to be included with every marriage dissolution summons. Part of the notice requires parties to a dissolution proceeding to participate in a minimum of two hours of mediation unless the parties file a signed marital termination agreement with the court or do not have the means to defray the cost of mediation. In the area of custody designation, a parenting plan is not required to designate sole or joint legal or physical custody. The bill also sets forth factors the court must consider when a custodial parent wants to

move the child to another state. Finally, the bill provides for real estate and pension plan division in marital dissolutions.

Members amended the bill into another bill, S.F. 2633, that originally provided for appeal of Fourth Judicial District Family Court referee orders. The measure, also carried by Neuville, is now considered the vehicle bill for the family law changes relating to marriage, dissolution and custody. S.F. 2633 was also amended to include the contents of S.F. 2403, sponsored by Sen. Wesley Skoglund (DFL-Mpls.). The measure contains the original language authorizing a Mej Koob to solemnize marriages.

The other major family law bill, S.F. 3199, deals primarily with child support issues. The bill, sponsored by Neuville, makes changes to the new child support law enacted last session. Provisions in the bill include a rebuttable presumption that in the absence of other evidence, a parent is entitled to receive at least 25 percent of the parenting time of a child, adds languages defining "potential income" to be used in calculating support when a person is voluntarily unemployed, makes changes to the six-month review hearing requirement, makes changes in provisions dealing with the calculation of income and makes changes to the basic support guidelines.

Both family law bills were approved and sent to the Senate floor.

In other action, the panel heard a bill creating a supervised visitation advisory committee. S.F. 2991, sponsored by Sen. Mike McGinn (R-Eagan), also adjusts marriage dissolution fees to fund parenting time centers. Under the bill, the advisory committee is to advise the commissioner on planning development, data collection, funding and evaluation of programs and services for families referred for services at parenting time centers. The bill was approved and re-referred to the State and Local Government Operations Committee.

Several additional bills were acted upon. S.F. 2857, carried by Sen. Linda Scheid (DFL-Brooklyn Park), classifies data relating to bioprocessing piping and equipment as nonpublic. Sen. John Hottinger (DFL-St. Peter) carried S.F. 1426, the Uniform Environmental Covenants Act. Hottinger said an environmental covenant is a specific recordable interest in a piece of real estate

arising from an environmental response project that imposes activity and use limitations. S.F. 3128, sponsored by Betzold, is the revisor's bill that makes technical and clarifying changes to current law. All three measures were approved and advanced to the Senate floor.

Sen. Jane Ranum (DFL-Mpls.) carried two measures. S.F. 3250 modifies and updates the coroner and medical examiners law. The bill deals with the investigation of sudden or unexpected deaths or deaths not due to natural causes, adds more types of death that are reportable, specifies terms for disposal of autopsy tissue, provides that inquest records be public and provides for the use of coroner or medical examiner records. The bill was approved and re-referred to the Crime Prevention and Public Safety Committee. S.F. 2757 provides for the prevention, preparedness and response to unauthorized releases of extraordinarily hazardous substances. The measure was approved and re-referred to the Environment and Natural Resources Committee.

Data practices bills considered

The Judiciary Subcommittee on Data Practices met Thurs., Mar. 23, to begin considering bills for the omnibus data practices bill. Most of the bills heard by the subcommittee were amended into the omnibus data practices bill, S.F. 3132, but several measures were advanced to the full committee to continue through the legislative process.

S.F. 2002, carried by Sen. Dan Sparks (DFL-Austin), contains a number of identity theft protections, several of which have data practices implications. The bill authorizes credit blocks in cases of identity theft, authorizes a consumer to place a security freeze on the consumer's credit report, provides Social Security protections, provides for credit monitoring, provides for the adequate destruction of personal records and provides civil and criminal penalties. The data practices provisions include the process for blocking information in a consumer credit report that is a result of identity theft, the process of placing a security freeze on a credit report and the establishment of a procedure for consumer driven monitoring of information in a credit report. The bill also requires businesses to take reasonable measures to protect against

unauthorized access or use of disposed information. The measure was approved and advanced to the full Judiciary Committee.

S.F. 2965, carried by Sen. Satveer Chaudhary (DFL-Fridley), regulates the disclosure of personal information by data warehouses and provides notice content requirements. Chaudhary said the bill adds to provisions passed last year requiring institutions to notify consumers there has been a security breach involving the consumers' personal information. The bill was also advanced to the full Judiciary Committee.

The remaining items in the agenda were all included in the omnibus bill, S.F. 3132, carried by Subcommittee Chair Wesley Skoglund (DFL-Mpls.). The original bill provides that all data maintained by the Dept. of Health or community public water systems that identify the address of the testing site and the name, address, and telephone number of residential homeowners of each specific site that is tested for lead and copper as required by federal law and the department's drinking water protection program are classified as private data on individuals and nonpublic data. The measure was amended to include a provision authorizing the commissioner of revenue to execute and administer any with the secretary of the treasury or the Bureau of Alcohol, Tobacco, Firearms and Explosives in the Dept. of Justice. S.F. 2950, sponsored by Sen. Jane Ranum (DFL-Mpls.), specifies that data collected, created or maintained by the name and event index service of the Bureau of Criminal Apprehension are classified as private data and become confidential data when the data joins private or public data to any confidential data.

Skoglund carried the remaining bills. S.F. 2813 provides for the reporting of suspicious deaths under the Vulnerable Adult Maltreatment Reporting Act to the local medical examiner, in addition to law enforcement and the ombudsman. S.F. 3041 specifies that the commissioner of administration, when asked for a commissioner's opinion on a data practices matter, must respond within five business days if the commissioner determines that an opinion will not be given. S.F. 3042 modifies records management requirements and changing emergency records preservation requirements. S.F. 1695 modifies access to health care

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records to authorize the release of records necessary for family and caretaker involvement in mental health care under specific circumstances. Under the bill, the request for access must be in writing, the family member or caretaker must be directly involved in the patient's care, the involvement must be provided by the provider or physician, the patient must be informed, the patient does not object and the information must be necessary to help care for the patient.

Members laid over one bill for further consideration: S.F. 2951, sponsored by Ranum, authorizes the retention of specific juvenile history data for purposes of predatory offender registration. During discussion on the bill, members decided more work needed to be done to refine the language of the bill.

K-12 Education Budget Division

Special ed discussed

The K-12 Education Budget Division met Mon. Mar. 20, to consider two bills. The panel, convened by Vice Chair Sharon Marko (DFL-Cottage Grove), laid over both bills for possible inclusion in the division's omnibus bill.

S.F. 2588, carried by Sen. Lawrence Pogemiller (DFL-Mpls.), requires school districts to report, by Aug. 1 of each year, the district's special education litigation costs, including due process hearings, to the commissioner of education. The bill also requires the commissioner to report the school district special education litigation costs to the Legislature by Oct. 1. Pogemiller said the litigation costs, including attorney fees, have been an ongoing problem and that it would be helpful to have an accurate understanding of the exact costs.

Pogemiller also presented a bill, authored by Committee Chair LeRoy Stumpf (DFL-Plummer), who was not able to attend. S.F. 2744 adds a program growth factor for regular special education and increases regular special education aid. Pogemiller said in recent years the growth factor had been eliminated because of budget constraints. Sen. Terri Bonoff (DFL-Minnetonka) said it was critical to include the growth factor to fulfill the state's commitment to schools.

Several parents spoke in support of the bill. Gail Hoffmann, Tammy Klein

and Dena Halsa, spoke about the special education needs of their children. Bruce Watkins and Kevin Januszewski from St. Cloud, Gary Lewis, Northfield director of public schools, Don Schuld, Stillwater schools, and Darren Kermes, Dept. of Education, also spoke on the needs of special education funding from the schools' perspective.

Open enrollment aid discussed

The K-12 Education Budget Division, chaired by Sen. LeRoy Stumpf (DFL-Plummer), met Tues., Mar. 21, to consider two bills. Both measures were laid over for inclusion in the division's omnibus bill.

S.F. 384, sponsored by Sen. John Marty (DFL-Roseville), modifies the referendum aid adjustment for open enrollment students and alters the statewide property tax. Marty said, "Some districts have been very successful attracting students under open enrollment, but it is almost as if they are being punished financially for their success." The bill provides an adjustment to help the districts with funding for open enrollment students. Several representatives from districts with successful open enrollment programs spoke in support of the bill.

S.F. 2776, authored by Sen. Gen Olson (R-Minnetrista), restores charter school start-up aid for charter schools for FY 06. In addition, the aid is increased in succeeding fiscal years.

Class size bills heard

Two bills aimed at reducing class size in schools were heard at the Wed., Mar. 22, meeting of the K-12 Education Budget Division. The panel laid over the bills for possible inclusion in the division's omnibus bill.

S.F. 2912, authored by Sen. Steve Kelley (DFL-Hopkins), reduces elementary and secondary class sizes through a voluntary, incentive-based funding program. The bill also sets class size ratios for grades kindergarten through 12. Under the bill, for students in kindergarten to grade 3, a district must maintain a ratio of not more than 20 students for each teacher; for grades 4-6, the ratio is set at 22 students for each teacher; for grades 7-9 the ratio must not be more than 25 students for each teacher; for grades 10-12 the ratio is set at 28 students for each

teacher and for grades 7-12 for classes designated as lab classes the ratio is set at 24 students for each teacher. The bill specifies that the funding is available to districts that voluntarily meet the ratios in class sizes. The bill also appropriates \$300 million for class size reduction revenue.

Kelley said the bill creates the incentive and asks the districts for a voluntary commitment to reduce class sizes.

Sen. Lawrence Pogemiller (DFL-Mpls.) also sponsored a class size reduction bill. S.F. 3384 establishes an allowance for early childhood learning preparedness and enrichment and for reducing class sizes for K-3 students. Pogemiller said the bill creates a fourth individual income tax bracket and increases the rate of taxes on that income. The income tax is subject to reduction if the tax compliance gap is reduced, under the bill. The bill specifies that the allowance is available for families of young children to be used for learning preparedness and to enrich, enhance, and improve the child's physical, educational, artistic or musical development. The minimum allowance is \$200, under the bill, with increased amounts available for lower income families. Pogemiller said, "We have been talking about early childhood programs for years—this is the time, let's get moving."

Two additional bills were heard and laid over for possible inclusion in the division's omnibus bill. S.F. 2822, authored by Sen. Sandra Pappas (DFL-St. Paul), restores funding for certain prekindergarten programs. S.F. 2797, sponsored by Sen. Terri Bonoff (DFL-Minnetonka), increases equity revenue for districts that have per pupil referendum revenue above the 95th percentile.

Public Safety Budget Division

Supplemental spending heard

Members of the Public Safety Budget Division met Wed., Mar. 22, to review the governor's supplemental budget recommendations for five boards and agencies. The panel is chaired by Sen. Jane Ranum (DFL-Mpls.).

The recommendations for the Peace Officer Standards and Training (POST) Board include a transfer from the special revenue fund to the general fund to

supplement dedicated training reimbursement funds to local units of government. The Board on Judicial Standards requested \$172,000 in FY 06 to cover the estimated costs of three public hearings on complaints of judicial misconduct anticipated this year. The recommendation for the Board of Public Defense is \$200,000 annually for additional mandatory transcript costs.

Three line items were recommended for the Dept. of Corrections. The recommendation includes \$3.213 million in FY 06 and \$10.1 million annually for FY 07 and beyond to fund employee salary and benefit increases. It also includes \$300,000 annually beginning in FY 07 to fund a grant to mentor inmates' children and \$196,000 annually beginning in FY 07 to add Scott County to the list of Community Corrections Act counties. Under the Community Corrections Act, counties may seek grants from the department for community-based correctional programs.

The Dept. of Public Safety requested \$284,000 in FY 06 to cover state match costs related to three past disaster declarations. The recommendations also include \$1 million in FY 07 and \$778,000 annually thereafter to create an internet child pornography team and \$2.186 million in FY 07 and \$1.187 million annually thereafter to create an illegal immigration enforcement team. The department also requested \$200,000 in FY 07 and \$116,000 annually in FY 08-09 to publish on the internet information about non-compliant sex offenders. The final recommendation is \$100,000 annually beginning in FY 07 to add a training component to the licensing of alcohol vendors to help prevent youth access to alcohol.

State and Local Government Operations

Local bills heard

Members of the State and Local Government Operations Committee held an evening hearing, in lieu of their regular afternoon hearing, Mon., Mar. 20, to consider several local bills.

Sen. Tom Saxhaug (DFL-Grand Rapids) carried the Dept. of Natural Resources forestry lands and minerals policy bill. The measure, S.F. 2852, was before the committee because of a

provision giving the commissioner the authority to establish fees for the use of state forest lands, including various recreation uses and exempting the department from rulemaking. Members approved the bill and advanced the measure to the Finance Committee.

All of the following bills were approved and sent to the Senate floor.

S.F. 3159, authored by Sen. Sharon Marko (DFL-Cottage Grove), establishes timelines for municipal action on the release of letters of credit. S.F. 2934, carried by Sen. David Senjem (R-Rochester), modifies municipal and county planning and zoning provisions and provides standards for preliminary plat approval in a proposed development. S.F. 3142, sponsored by Sen. Chris Gerlach (R-Apple Valley), authorizes cities to operate preventive health services programs. Sen. Betsy Wergin (R-Princeton), presenting the bill on Gerlach's behalf, said currently cities are not prohibited from operating preventive health services, but they are not expressly allowed, either. The bill simply gives cities the same authority that counties already have, she said.

S.F. 2528, carried by Marko, creates a task force to study the use of credit and debit cards for the payment of taxes, licenses, permits and other statutory fees. Keith Carlson, Metropolitan Inter County Association, said the measure is intended to allow the state to catch up with the way the real world operates financially. He said the use of credit and debit cards is rising and that often members of the public don't have the cash to pay for fees, licenses and taxes because they expected to use a debit or credit card.

Two bills sponsored by Higgins were also heard. S.F. 3099 makes the chair of the Metropolitan Council or designee a member of the Statewide Radio Board. S.F. 3055 extends the sunset date for the Council on Disability from June 30, 2007 to June 30, 2011. Joan Willshire, executive director, said the bill was needed because the council is currently applying for several grants.

Range of bills considered

Members of the State and Local Government Operations Committee met Wed., Mar. 22, to hear an agenda covering the gamut of issues from boxing to designating a state fruit.

The committee, chaired by Sen. Linda Higgins (DFL-Mpls.), began by hearing a bill, S.F. 2302, designating a state fruit. Chief Author Brian LeClair (R-Woodbury) said the bill was brought to him by members of a class at Anderson Elementary School in Bayport. He said the class wrote him a letter about state symbols and suggested that the Honeycrisp apple be designated the state fruit. Youngsters from the class testified in support of the bill. Anna Liesch said only 20 out of 50 states have a state fruit. She said even the state of Wisconsin has designated the cranberry as a state fruit. Shelby McCabe said the class did research on the Honeycrisp apple to provide information in support of the bill. She said the apple was created at the University of Minnesota in the early sixties to provide a winter hardy apple.

The panel also heard from Jim Luby, the U of M scientist who developed the apple. He said it was introduced to growers in the early 90s and became available to consumers in 1999. To cement the vote, the entire class sang a song about the Honeycrisp apple to the tune of the Minnesota Rouser. Members praised the students for their involvement in the legislative process and approved the bill on a unanimous voice vote.

Sen. Gary Kubby (DFL-Granite Falls) sponsored a bill, S.F. 3022, re-establishing the Minnesota Boxing Board. The board was eliminated several years ago and regulation of boxing was turned over to organizations in other states, he said. However, the other organizations did not want to regulate boxing in Minnesota and as a result no boxing matches have been held in the state. Former heavyweight contender Scott LeDoux and Anthony Bosante, former super middleweight world champion, spoke in support of the bill.

Committee discussion revolved around the definition of nontraditional fighting contest and whether regulating nontraditional fighting would curtail the practice or lead to more of the contests. LeDoux said by regulating the nontraditional fighting contests such as extreme fighting or ultimate fighting, the Boxing Board could make the rules so stringent and the fees so high that promoters would not stage the events in Minnesota. However, Sen. Jim Vickerman (DFL-Tracy) said that by including the nontraditional fights in the bill, the number of events could increase. A representative of

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nontraditional fighting said no one in the sport wants to be regulated by the Boxing Board, but would like to have a regulatory board strictly for nontraditional contests.

The bill also requires licensure of referees, judges, promoters, trainers, boxers and other individuals connected to boxing and of entities holding fighting events. The bill also provides for licensure for simultaneous telecast and requires insurance to be paid by the promoter. Finally, the bill sets penalties for nonlicensed exhibitions. The bill was approved and re-referred to the Commerce Committee.

The committee also heard a diverse collection of other bills. S.F. 2607, sponsored by Sen. Mady Reiter (R-Shoreview) creates an Internet Crimes Against Children Team. Reiter said the team expands upon the existing St. Paul Police Department's Internet Crimes Against Children Task Force. She said the bill directs the team to investigate technology-facilitated crimes against children, including the solicitation of minors for sexual purposes and the possession or distribution of child pornography. Reiter said internet crimes against children are on the rise and that it is important to have a coordinated effort to prevent more crimes. The bill was approved and advanced to the Finance Committee.

S.F. 3044, authored by Sen. Richard Cohen (DFL-St. Paul), provides a framework for a biomedical science research funding program to further the investment in biomedical sciences research facilities in the state. The bill creates a Minnesota Biomedical Sciences Research Authority to establish the funding program to provide grants to the University of Minnesota Board of Regents for 90 percent of the costs of projects approved by the authority. In addition, the bill directs the sale of \$330 million in bonds to be used for payment of construction costs of new facilities. The bill was approved and re-referred to the Finance Committee.

S.F. 2677, sponsored by Sen. Sandra Pappas (DFL-St. Paul), establishes a climate neutral policy for state building projects funded with state bonds. She said the prevention of a net increase in greenhouse gases may be accomplished by other actions, such as renewable energy development, renewable energy purchases, energy efficiency, and switching to

cleaner fuels, that will offset any increase in greenhouse gas emissions caused by the building or operation of the project. Pappas also carried another bill, S.F. 2870, creating a human trafficking task force and expanding the crime of human trafficking. The bill creates a 22-member task force to advise and assist the commissioner of public safety in implementing a plan to address human trafficking. She said the activities to be implemented include educating law enforcement personnel, prosecutors, social service providers and the public about the crime of trafficking. Both measures were approved and advanced to the Finance Committee.

Sen. Ann Rest (DFL-New Hope) sponsored two measures. S.F. 3023 establishes timelines for agency action on building and environmental permits. H.F. 3142 changes the name of the Suburban Hennepin County Park District to Three Rivers Park District in the one provision in statute that was overlooked when the name change was approved in 2005. Both bills were approved and sent to the full Senate.

S.F. 3283, carried by Sen. Steve Dille (R-Dassel), creates a new Minnesota Agricultural Fertilizer Research and Education Council. The bill also imposes a 40 cent per ton check-off on each ton of fertilizer sold to agricultural producers. The measure was approved and re-referred to the Finance Committee. S.F. 3148, sponsored by Sen. Tom Saxhaug (DFL-Grand Rapids), authorizes the city of Grand Rapids to issue general obligation bonds to pay off existing revenue bonds issued by the city.

One measure did not advance from the committee. S.F. 2886, authored by Sen. Jane Ranum (DFL-Mpls.), specifies that the Legislative Commission on Metropolitan Government has oversight of the Metropolitan Airports Commission (MAC). Currently, the legislative commission has oversight authority of just the Metropolitan Council. Higgins said she serves on the Legislative Commission on Metropolitan Government and that the commission does not meet frequently enough or have enough resources to do a good job of overseeing the Metropolitan Airports Commission. Other members suggested the Transportation Subcommittee on Aeronautics would be a better entity to have oversight over the MAC. The bill was laid on the table.

State Government Budget Division

Supplemental requests heard

Members of the State Government Budget Division, chaired by Sen. Sheila Kiscaden (DFL-Rochester), met Tues., Mar. 21, to hear supplemental budget requests from agencies under the panel's jurisdiction.

First, though, the division heard Jim Schowalter, assistant commissioner, Dept. of Finance, present a report on the fastest growing expenditures in state government. Schowalter said the report was in two parts, with one providing an analysis of some of the largest and fastest growing programs in the state budget and the other a listing of all programs that met the threshold of 15 percent growth. Four of the fastest growing programs are in the area of K-12 education spending, he said. The programs were compensatory aid, referendum equalization aid, charter school start-up aid and charter school lease aid. Two tax relief programs, the homeowners' property tax refund program and the tax refund interest program, were also among the fastest growing. Children service grants, Medical Assistance long-term care waivers, Medical Assistance basic care for elderly and disabled and Medical Assistance basic care for families and children are the fastest growing programs in the area of health and human services. In the area of public safety, the corrections institutions and trial courts are the fastest growing programs. Finally, debt service transfers are also anticipated to grow in the next few years, Schowalter said.

Schowalter also gave a brief overview of the supplemental budget requests. He said the governor's supplemental budget maintains a balanced budget for the current biennium. Recommended changes for FY 2006-07 include \$49 million in tax reductions, an \$8 million increase in non-tax revenues, \$102 million in budget fixes and \$103 million in other general fund spending for the biennium, Schowalter said. He added that the recommendations provide for limited new spending for emergency items, critical initiatives and the cost of the governor's 2006 capital budget.

Over 40 percent of the recommended spending changes relate to important budget fixes in the current biennium,

including \$64 million for Dept. of Human Services forensics reflecting the growth of sex offender caseloads and those for mentally ill and dangerous persons. Deficiency appropriations of \$17 million are provided for Dept. of Human Services State Operated Services salaries, \$13 million for Dept. of Corrections salary contracts and bed impacts and \$16 million for veterans homes.

Members then heard from representatives of various agencies detailing the departments' budget requests. Cal Ludeman, commissioner, Dept. of Employee Relations, said the agency is requesting \$2.260 million from the health care access fund to create a new health care plan for school districts and other governmental employers to help contain the growing costs of employee health insurance. The plans would be modeled on the current health insurance plan for Minnesota state employees.

Gopal Khanna, chief information officer, Office of Enterprise Technology, said the agency is requesting \$2.950 million for the initial development of a comprehensive security program, enterprise-wide risk assessments, coordination of the development and dissemination of security policies, procedures and standards, properly configured basic security tools and monitoring of compliance with policies procedures and standards. Khanna said the budget requests addresses the findings of the Legislative Auditor's Office and lead to a building-out a long-range comprehensive plan. Khanna said the funding is necessary to bring the office into the 21st Century.

The State Board of Investment supplemental budget request was outlined by Howard Bicker, executive director of the board. He said the board's request changes the funding source to provide approximately 90 percent of the board's operating cost from the retirement systems and other funds, rather than the general fund.

Michael Pugliese, assistant commissioner, Dept. of Veterans Affairs, said the department is requesting \$8.7 million. He said that \$3 million is for a state soldier's assistance program grant, \$3 million is for service enhancement grants for county veterans service officers, \$2.5 million is to establish veterans assistance offices on various colleges and universities and \$200,000 is for a one-stop website and Internet support services to coordinate

information on available services for veterans and their families.

Tax

Reports reviewed

Members of the Tax Committee, chaired by Sen. Lawrence Pogemiller (DFL-Mpls.), met Tues., Mar. 21, to consider four reports. The panel heard from Tom Melcher, Dept. of Education, on school district and charter school student fees. Fiscal Analyst Matt Massman reviewed a fee tracking report prepared by Senate staff. Dept. of Revenue staff discussed two reports on county assessors' practices in classifying rural woodlands and resort property.

Special sales tax bills heard

The Tax Committee met Wed., Mar. 22, to hear a series of bills providing for increases in sales taxes in individual communities to fund a variety of projects. Committee Chair Lawrence Pogemiller (DFL-Mpls.) has the committee use a system of grading bills, ranking measures according to priority from A to F. Bills approved for the A list are certain to be included in the committee's omnibus bills, while bills approved for the B list will be included, but need some work, and bills approved for the C list will be included if funds are available.

S.F. 2536, authored by Sen. Dick Day (R-Owatonna), authorizes the city of Owatonna to impose a sales and use tax of one-half of one percent to pay for transportation projects, regional parks and trail developments, fire hall and library improvements. The measure also authorizes a \$20 per vehicle excise tax. If voters approve the imposition of the tax, the city would be authorized to issue up to \$13.2 million in bonds. Sen. Becky Lourey (DFL-Kerrick) carried a bill, S.F. 2482, authorizing the city of Cloquet to impose a one-half of one percent sales tax to fund park improvement projects and construction improvements associated with the new Cloquet Industrial Park. The city is also authorized to impose an excise tax of \$20 per vehicle and to issue \$9 million in bonds.

S.F. 2546, carried by Sen. Yvonne Prettner Solon (DFL-Duluth), authorizes the city of Duluth to increase the rate of tax on sales of food and beverages by two and one-quarter percent to pay for capital

improvements for a new arena at the Duluth Entertainment and Convention Center. Further, the bill also changes the reduction rate of the tax. S.F. 2901, authored by Sen. Dan Sparks (DFL-Austin), authorizes the city of Austin to impose a sales and use tax of one-half of one percent to pay for flood mitigation projects. S.F. 2860, carried by Sen. Carrie Ruud (R-Breezy Point), authorizes the city of Pequot Lakes, upon voter approval, to impose a one-half of one percent sales tax and to issue \$5 million in bonds to fund the city's share of the Trunk Highway 371 North improvement project.

All of the measures were recommended for placement on the A list for definite inclusion on the panel's omnibus bill.

S.F. 2590, carried by Sen. Jim Vickerman (DFL-Tracy), authorizes the city of Luverne to impose a sales and use tax of one-half of one percent and to issue \$3 million in bonds to pay for capital improvements and renovation of the Historic Palace Theatre and renovation of a vacated community hospital for the Minnesota West Community and Technical College. S.F. 3423, sponsored by Ruud, authorizes the city of Breezy Point to impose a sales and use tax of up to one-half of one percent and impose an excise tax of \$20 per vehicle. In addition, the bill authorizes \$11 million in bonds to pay for improvements of sanitary sewer, storm sewer, street infrastructure and public safety.

S.F. 2768, carried by Sen. Paul Koering (R-Fort Ripley), authorizes the cities of Baxter, Brainerd and Nisswa to impose a sales and use tax of one-half of one percent and a motor vehicle excise tax of up to \$20. Upon voter approval, the city of Baxter is authorized to issue \$15 million in bonds to pay for constructing the Paul Bunyan Bridge, building a fire substation and acquiring and bettering waste and wastewater facilities. The city of Brainerd is authorized to issue \$22.03 million in bonds to pay for the Paul Bunyan Bridge, to upgrade a wastewater treatment facility, water infrastructure improvements and trail development. The bill also authorizes Nisswa, upon voter approval, to issue \$7.8 million for constructing an upgraded wastewater treatment facility and the city's cost related to the upgrade of State Highway 371. S.F. 3218, also carried by Koering, authorizes the city of Baxter to impose a sales and

Committee update

use tax of one-half of one percent and an excise tax of \$20 per vehicle. In addition, the bill authorizes the issuance of \$15 million in bonds for waste and wastewater facilities, building a fire substation and constructing the Paul Bunyan Bridge

S.F. 3010, sponsored by Sen. John Hottinger (DFL-St. Peter), authorizes the city of North Mankato, with voter approval, to impose a sales and use tax of one-half of one percent to fund the local share of Trunk Highway /Highway 14 interchange, the development of parks and trails, the expansion of the North Mankato Taylor Library, the redevelopment of the central business district and lake improvement projects. In addition, the bill authorizes the city to issue up to \$6 million in bonds.

The above bills were placed on the B list for inclusion in the omnibus bill after some work is done on the measures.

Members also considered a bill, S.F. 2208, authored by Sen. Richard Cohen (DFL-St. Paul), authorizing a 15 percent film production tax credit. Cohen said there are many benefits to having films made in Minnesota in terms of wages, salaries and other costs associated with film making. To encourage film makers to shoot films in the state the bill provides the credit for film production expenditures that are subject to taxation in Minnesota. Some of those expenditures include wages, set construction, wardrobe purchases and services relating to editing, sound, lighting and food and lodging. The bill was recommended for placement on the C list for inclusion in the omnibus bill if the funds are available.

Governor's tax proposal heard

The Tax Committee, chaired by Sen. Lawrence Pogemiller (DFL-Mpls.), met Fri., Mar. 24, to discuss the governor's tax proposal.

The proposal, contained in S.F. 3326 and carried by Sen. William Belanger (R-Bloomington), provides property tax levy limitations for taxes payable in 2007. Under the bill, the limits are equal to the local unit's property tax levy for taxes payable in 2006 plus an inflationary increase and an increase for the growth in the number of households within the local unit. The measure, sponsored by Sen. William Belanger (R-Bloomington), also conforms to changes in the federal tax code, provides an income and corporate franchise tax credit for investments in

dairy operations, provides an income tax credit for qualified citizenship expenditures and accelerates the sales-only apportionment phase-in, conforms to federal income tax marriage penalty relief, provides a subtraction from federal taxable income for military pensions and provides a sales tax refund on construction materials used to expand or make capital improvements in resort properties.

No formal action was taken on the proposal.

Transportation

Variety of bills heard

The Transportation Committee, chaired by Sen. Steve Murphy (DFL-Red Wing), met Tues., Mar. 21, and worked through an agenda of 15 bills. The bills ranged in topic from advertising devices adjacent to roads to prohibiting the distribution of personal information contained in driver's license and motor vehicle records.

S.F. 3093, carried by Sen. Betsy Wergin (R-Princeton), allows advertising devices to be placed adjacent to roads if the device is less than 432 square inches in size, displays the owner's name and telephone numbers, is in place for a maximum of six weeks and is at least 20 feet from the edge of the road. The bill also requires the owner of the advertising device get the permission of the owner or lessee of the land. S.F. 3213, sponsored by Sen. Gary Kubly (DFL-Granite Falls), authorizes the conveyance of two parcels of land and removes Trunk Highway 242 and Trunk Highway 262 from the state system and turns the routes back to their respective counties. S.F. 3106, authored by Sen. Sharon Marko (DFL-Cottage Grove), authorizes the suspension of a driver's license if the person attempts to pay vehicle taxes or fees with insufficient funds. S.F. 3033, sponsored by Sen. Sean Nienow (R-Cambridge), modifies the requirements for operation of a motor vehicle by a minor holder of a provisional license. Under the bill, the provisional license holder may not operate a vehicle with more than one passenger under 21, except for immediate family members, or between the hours of midnight and 5 a.m., unless a parent or guardian is present. The bill also provides that the provisional license holder may be exempt from one or both restrictions with written permission from the parent or guardian. The permis-

sion must be carried by the driver and include daytime contact information.

S.F. 2849, authored by Murphy, modifies the provision governing financial assistance from the town bridge account to specify that towns' net tax capacity limit be annually adjusted for inflation when determining net tax capacity for allocating money from the account. S.F. 2982, also carried by Murphy, clarifies that unauthorized racing is considered reckless driving and provides that exhibition driving, such as the use of unnecessary speed when starting or accelerating, as a misdemeanor. The bill specifically exempts authorized emergency vehicles responding to an emergency call. S.F. 2983, sponsored by Murphy, modifies provisions for salvage certificate of title and requires notice to the registrar that a vehicle is to be dismantled or destroyed.

Sen. Keith Langseth (DFL-Glyndon) carried S.F. 3151, the Dept. of Transportation housekeeping bill. The measure makes numerous technical and clarifying changes in provisions relating to the department. S.F. 3097, sponsored by McGinn, grants towing authority to the Dept. of Transportation freeway service patrol in the metropolitan district if a vehicle's location constitutes an accident or traffic hazard.

All of the above bills were approved and advanced to the Senate floor.

Sen. Dean Johnson (DFL-Willmar) carried two bills. S.F. 3083 adds motorized golf carts to the list of vehicles permitted to be carried by the trailer in an RV combination. The bill was also approved and advanced to the Senate floor. The second bill, S.F. 3084, regulating low-speed vehicles, was tabled.

One bill was advanced to the Finance Committee. S.F. 3045, sponsored by Marko, creates the "Gold Star Family License Plate" for motor vehicles belonging to a surviving spouse, parent, grandparent, sibling or child of a person who has died while serving honorably in active U.S. military service. The measure sets the fee at \$10, and adds a one time fee of \$3 to all sales of personalized motor vehicle license plates. The bill also allows a surviving spouse or parent to exempt one vehicle from the annual vehicle registration tax.

One measure was laid over. S.F. 3007, sponsored by Sen. Scott Dibble (DFL-Mpls.), allows cities to allow advertising on trash and recycling receptacle placed

in the rights-of-way of streets and highways.

Two measures were approved and re-referred to the Judiciary Committee. S.F. 3255, authored by Sen. Ann Rest (DFL-New Hope), restricts the permissible uses of data provided to obtain a driver's license or Minnesota identification card and to register a vehicle. The bill also prohibits bulk sales of records and prohibits resale of individual records by permissible users. The measure also prohibits disclosure of highly restricted information such as photographs, Social Security numbers, and medical information except to government agencies and requires permissible users to pay a fee for data. The measure also provides for public and private remedies for violations. S.F. 3375, carried by Sen. Satveer Chaudhary (DFL-Fridley), also prohibits bulk distribution of personal information in driver's license and motor vehicle records, requires consent for Internet or electronic access to records, specifies system security requirements, prohibits further use or release of records, establishes fees and provides for remedies.

Transit bonding increase okayed

The Transportation Committee, chaired by Sen. Steve Murphy (DFL-Red Wing), met Thurs., Mar. 23, to consider a variety of bills. One measure, S.F. 3320, sponsored by Sen. Lawrence Pogemiller (DFL-Mpls.), authorizes the Metropolitan Council to issue \$32 million in bonds for capital expenditures under its regional transit master plan and transit capital improvement plan. The bill was approved and re-referred to the Tax Committee.

S.F. 2980, carried by Sen. Michael Jungbauer (R-East Bethel), modifies provisions relating to commercial driver's license provisions. The bill modifies the definition of "conviction" a pleas of nolo contendere that is accepted by the court, modifies the content required on the driver's license and allows a 60 day cancellation of the driver's license when application information is inadequate. The bill was approved and advanced to the full Senate. S.F. 3007, sponsored by Sen. Scott Dibble (DFL-Mpls.), allows trash and recycling receptacles to be placed within limits of any street or highway and allows the placement of advertising on the receptacles. Under the bill, the placement of advertising is subject to authorization and franchises for

placement and maintenance of the receptacles by a city council or by the road authority. The bill was approved and re-referred to the Commerce Committee. Dibble also sponsored a bill, S.F. 1672, modifying provisions relating to property transactions of the Dept. of Transportation that was laid over.

Murphy sponsored two bills. S.F. 2940 requires bicycle operators and passengers under the age of 18 to wear helmets and updates the standard for helmets worn by motorize bicycles and electric-assisted bicycles. The bill was approved and referred to the Senate floor. S.F. 3450 requires the Metro Council to ensure that the geographic service area of the Metro Mobility special transportation is continuous within the transit district's boundaries.

Members also heard an overview of the supplemental budget request from the Dept. of Public Safety and the Dept. of Transportation.

Schedule available online

Next week's schedule is available at <http://www.senate.mn/schedule/2006/0327.htm>

Civic education DVD created

Senate Media Services has produced a DVD consisting of several short videos informing the public about the Minnesota Senate and the legislative process. The DVD provides an excellent tool to support presentations about the legislative process to help citizens become involved in their government. These short videos, which are televised during legislative coverage and often incorporated into Capitol Report, focus on various topics, including the branches of government, political party differences, how to read a bill, how to testify before a committee, effective ways to communicate with legislators, where to obtain information, the Senate Chamber, and the role of the professional and citizen lobbyist. For more information about the DVD, contact Senate Media Services at (651) 296-0264.

Educational Videos Available

Three videos, "Discover the Capitol," "Power in the Process: The Anti-Hazing Law," and "Rules, Laws and the Process,"

can be accessed at <http://www.leg.mn/leg/youth/video.htm>

These videos are excellent sources of information on the history of the State Capitol, how laws are made in Minnesota and how even the state's youngest citizens can get involved in the legislative process.

MyBills system available

The MyBills personalized bill tracking system is now available. Users can add House and Senate bills to their lists by bill number, subject, or author, and view the legislative status of their bills, with items with significant current floor action highlighted. Users can modify their lists at any time. The MyBills system is available from the Legislative website at: <http://www.house.mn/leg/billsblogin.asp>

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*Seventh graders from Chippewa Middle School in North Oaks fill the Capitol Rotunda with music, Fri., Mar. 31, during a performance featuring traditional American songs.
Photo by David J. Oakes*



March 31, 2006

Senate Highlights

Eminent domain reform okayed

Senators devoted the bulk of the Mon., Mar. 27, floor session to consideration of a bill reforming the use of eminent domain, the power of a government entity to take private property for public use.

Last June, the U.S. Supreme Court held that the taking of private property for economic development was permissible if the taking provided additional jobs or tax base for the community, said Sen. Thomas Bakk (DFL-Cook). Most of our constituents believe eminent domain should be reserved for public uses—constructing government buildings, laying roads and creating parks, he said. S.F. 2750 acts to restrict that overbroad use of eminent domain in Minnesota, Bakk said.

The bill clarifies that there is no implied authority of eminent domain for local governments and state agencies. The measure defines terms, including blight, abandoned property and environmentally contaminated area. It permits takings of property to remedy blight, environmental contamination, public nuisances or in situations of abandonment. The measure strengthens the notice and hearing requirements before the eminent domain process begins and expands the appraisal and negotiation requirements from the transportation context to all eminent domain proceedings. Under the bill, owners may be awarded attorney fees if the taking was unlawful. The measure provides for compensating business

owners for the loss of their going concern, rather than just the structure and underlying land. If the taking is challenged, the bill places the burden of proof on government entities to establish, by a preponderance of the evidence, that the taking is necessary and for the proffered public use. The measure also provides a right of first refusal to the prior owner if the taken property is unused and the condemning authority wishes to resell the property.

A lot of time was devoted to working with all sides on this bill, Bakk said. He said parties agreed to compromise on many issues. No one is totally happy, he said, but the bill has made good progress from where it started.

Sen. Gary Kubly (DFL-Granite Falls) offered an amendment requiring compensation for the loss of productive value of agricultural property. Under the amendment, an owner must be compensated for five years' productive value. Kubly said the compensation is similar to the going concern compensation made to business owners. Sen. Julianne Ortman (R-Chanhassen) said the amendment was unnecessary because agricultural operations could be treated as a business under the going concern language already in the bill. However, Kubly said agricultural land is often treated differently from commercial property. The amendment was adopted.

An amendment providing that attorney fees are not available in strip taking cases when the final damages award is less than \$25,000 was offered by Sen. Steve Murphy (DFL-Red Wing). A county engages in "strip taking" when it only takes a narrow portion of a parcel of land to widen a road. Ortman argued against the amendment, noting that the attorney provisions in the bill only apply when the taking is wrongful or when the damages award is more than 20 percent larger than the last offer from the governmental entity. If the county is negotiating unfairly, a homeowner should not be discouraged from asserting her right to fair compensation, Ortman said. The amendment was adopted.

Murphy also offered an amendment requiring compensation for loss of access to roads. Under the amendment, if a business owner can establish that a government entity permanently eliminated at least 51 percent of the business' driveway access and the loss of access reduced the business' revenue by at least

51 percent, the owner is entitled to compensation. Murphy said many businesses rely on drive-by consumers; losing access to roads may mean losing the business. The amendment was adopted.

Ortman offered an amendment eliminating the ability of government to take property based on blight. We should not be allowing government to prefer one use of property over another and call the disfavored use "blight," she said. Sen. Scott Dibble (DFL-Mpls.) said the bill is balanced in its approach. Eminent domain is an occasional tool for cities, he said, that need to rehabilitate. "If you want to see the center cities and the first-ring suburbs turn into slums," said Sen. Linda Higgins, "vote for this amendment." She said the bill places a high burden on cities—requiring unremedied code violations that would cost more than 50 percent of taxable value to repair to establish blight. The amendment would make it impossible, she said. The amendment was not adopted on a 33-33 roll call vote.

Sen. Steve Kelley (DFL-Hopkins) offered an amendment deleting a provision designating as a compensable taking an ordinance that requires the removal of a legal nonconforming use as a condition or prerequisite for the issuance of a permit for a conforming use. The provision being deleted has nothing to do with private or public takings, Kelley said. He said the deleted provision targets the regulatory authority of cities to keep property up-to-date with zoning ordinances. Sen. Thomas Neville (R-Northfield) said the provision is about inverse condemnation. You can lose your property just as much through regulation as you can through an outright taking, he said. The amendment was not adopted, 25-41.

An amendment requiring notices of condemnation and of the opportunity to exercise the right of first refusal to be sent by certified mail was offered by Sen. Warren Limmer (R-Maple Grove). The amendment was adopted. Neville offered an amendment modifying the definition of "blighted area." The amendment raises the threshold for the percentage of buildings that must be substandard for the area to qualify as blighted from 50 percent to 75 percent. Dibble said the amendment ignores the reality of the core cities and inner-ring suburbs. The amendment prevents redevelopment in these communities, he said. The amendment was not adopted, 27-38.

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Senators David Senjem (R-Rochester) and Steve Murphy (DFL-Red Wing) consult on the floor of the Senate during a recent floor session. Photo by David J. Oakes

S.F. 2750 was granted final passage, 64-2.

Senators also concurred in the amendments made by the other body to one bill. S.F. 1878, carried by Sen. Julianne Ortman (R-Chanhassen), permits Carver County to combine the offices of county recorder, auditor and treasurer and to make the combined office appointive. The measure was repassed, 58-4.

In other action, Majority Leader Dean Johnson (DFL-Willmar) apologized to the Senate, in accordance with an agreement reached to dismiss an ethics complaint against him. Johnson apologized for the “inaccurate statement” he made about an alleged commitment from one or more state Supreme Court justices that they would not hear a challenge to state law prohibiting same-sex marriages. Johnson admitted that he had received no commitments regarding any potential judicial decisions. I regret the statement I made, he said, and I apologize to the Senate, to my constituents and to the people of Minnesota. “I have learned from

this experience, and I expect the rest of us have as well,” Johnson said. He said he appreciates the support of friends and looks forward to addressing the important public policy issues that remain for the session.

Consent Calendar bills okayed

The Wed., Mar. 29, floor session was devoted primarily to processing committee reports and consideration of bills on the Consent Calendar. Bills on the Consent Calendar have been approved by one or more committees and are considered noncontroversial. Consent Calendar bills are considered for final passage. However, any Senator can object to a bill’s placement on the Consent Calendar, in which case the bill is placed at the bottom of General Orders for further discussion.

S.F. 2632, authored by Sen. Tom Saxhaug (DFL-Grand Rapids), provides for the extension of timber permits in the event of adverse surface conditions. S.F. 2749, sponsored by Sen. Dennis Frederickson (R-New Ulm), removes the

limit on county expenditures for soldiers’ rest. S.F. 2621, carried by Sen. Gary Kubly (DFL-Granite Falls), requires programs to meet an average yearly pass rate for EMT certification. S.F. 2818, authored by Sen. Wesley Skoglund (DFL-Mpls.), authorizes the extension of the domestic fatality review team pilot project in the Fourth Judicial District. All four bills were granted final passage.

Three bills passed

Senators used the Thurs., Mar. 30, floor session to grant final passage to three measures.

Sen. Linda Berglin (DFL-Mpls.) sponsored two bills allowing organizations to apply for essential community provider designation. S.F. 2726 permits the Mental Health Collective, which provides mental health services to students in the Minneapolis Public Schools, to apply. S.F. 2793 permits an application from a nonprofit, county mental health services center certified as a Medical Assistance provider of behavioral health services and wrap-around eligibility support services. H.F.

Senate Highlights

3039, carried by Sen. Tom Saxhaug (DFL-Grand Rapids), provides for extension of timber permits in the event of adverse surface conditions.

Senators also withdrew S.F. 1003 from the Finance Committee and placed it on General Orders. Carried by Sen. Pat Pariseau (R-Farmington), the bill requires carbon monoxide detectors to be installed in all homes.

Gophers' stadium proposals heard

Two measures providing for the construction of a new, on-campus football stadium for the University of Minnesota were the focus of the Tues., Mar. 28, meeting of the Higher Education Budget Division.

This has been an exciting week for the University, said Sen. Geoff Michel (R-Edina). He said the University is now a few steps closer to bringing Golden Gopher football back to campus. The refined proposal, in its third year, includes a nearly 50-50 split between the University and the state, he said. Division members adopted amendments, requested by Michel, bringing S.F. 237 into conformity with the revised proposal. The proposal includes transferring a parcel of land in Dakota County from the University to the state. University President Robert Bruininks described the land as more than 2,800 acres that have been used for research since the end of the Second World War. It is the largest single open space close to a Metropolitan Area in the country, he said. The proposal protects the land in perpetuity as a public nature preserve with recreational trails for hiking, horseback riding and cross-country skiing, Bruininks said, and as a base for ongoing University and state research. In exchange for the land, the state share of the stadium project increases from 40 percent to 50 percent, or from \$7 million to \$9.4 million annually over the 25-year life of the bonds, he said. Bruininks said the University has also restructured how it will raise its share of the stadium costs, reducing the proposed student fee by half—to \$25 per semester—and increasing the amount to be raised from private donations.

Several other University officials and boosters spoke in support of the proposal, including Athletic Director Joel Maturi, football coach Glen Mason, representatives of the Alumni Association and students.

The second proposal, S.F. 2460, included additional initiatives related to the University. Chief Author Lawrence Pogemiller (DFL-Mpls.) said the state should support additional study abroad opportunities for students, one of the proposals in the bill. However, Pogemiller offered an amendment removing the study abroad initiative and one other proposal, funding the University's expanded educational offerings in Rochester, from the bill. The amendment was adopted. The division also adopted an amendment, offered by Pogemiller, adding the land transfer deal to the proposal. Pogemiller offered one final amendment, also

adopted, creating a mitigation fund to address community costs related to game-day and other stadium-related activities. This proposal differs from the first plan, Pogemiller said, in two key respects: the mitigation fund and a prohibition on raising funds through student fees and corporate naming rights. We should acknowledge the recent steep tuition increases that have affected students and take on the portion they would have paid in student fees, he said. Pogemiller said there is a fundamental difference between naming a professional arena for a corporate sponsor and naming a University facility for a corporation. Academic



University of Minnesota head football coach Glen Mason makes his pitch for building a new Gophers football stadium to members of the Higher Education Budget Division, Tues., Mar. 28. On display is a football commemorating the University's 1941 national football title.

Photo by David J. Oakes

buildings and other University structures are named for people who may have been in business, Pogemiller said, but they are not named for corporate sponsors.

Both bills were sent to the full Finance Committee.

In other action, division members heard three additional bills.

S.F. 2909, authored by Sen. Tarryl Clark (DFL-St. Cloud), provides \$8 million from the bond proceeds fund to renovate the National Hockey Center at St. Cloud State University. Clark said the center has a wonderful ice sheet, but is a bare-bones facility for spectators and other users. She said the center is used by the university's men's and women's hockey teams, as well as by teams in local amateur programs, high school teams and nearby private colleges. The bill was forwarded to the Finance Committee.

S.F. 3074, carried by Sen. Rod Skoe (DFL-Clearbrook), reduces the student share of paying for college, under the state grant program, by one percent. To reduce the student share from 46 percent to 45 percent, the bill appropriates \$7.2 million to the state grant program in FY 07. S.F. 3227, sponsored by Sen. Tom Saxhaug (DFL-Grand Rapids), provides \$50,000 to the University of Minnesota Dept. of Forest Resources to gather data through interviews and surveys and to develop recommendations for an alternative sustainable forestry incentive payment structure. Both bills were laid over for possible inclusion in the division's omnibus supplemental budget package.

Constitutional amendments gain

Two proposed constitutional amendments were considered at the Wed., Mar. 29, Rules and Administration Committee.

Sen. Dallas Sams (DFL-Staples) began with an explanation of S.F. 2734, the constitutional amendment to increase the sales tax rate by three-eighths of one percent to be used for natural and cultural resources. The bill allocates 34 percent of the receipts for the state's fish, wildlife, habitat and fish and wildlife tourism, 22 percent for parks, trails and zoos, 22 percent for restoration and protection of the state's lakes, rivers, streams, wetlands, and groundwater, and 22 percent for arts, humanities, museums and public broadcasting. The bill also creates several funds and councils to distribute the sales tax receipts to the appropriate activities.

Former Sen. Bob Lessard spoke in support of the measure. He said the bill has been around for a very long time. "I believe this is landmark legislation and in ten years the other 49 states will be imitating this bill," Lessard said. Committee Chair Dean Johnson (DFL-Willmar) said Lessard had begun the bill many years ago and has been a steadfast supporter.

Sen. Thomas Neuville (R-Northfield) said that he could not in good conscience support a constitutional amendment for arts funding. "We have a fiduciary responsibility to protect our natural resources and I wholeheartedly support the natural resource funding." Sen. Ann Rest (DFL-New Hope) said she also had reservations about the arts funding, but our primary responsibility is clean water, clean air and other natural resources programs. "However, I came to a different conclusion and I will support the bill," Rest said.

Sams said the bill is a positive legacy for Minnesota and for future generations. "It is letting the people decide if their extra pennies should go for protecting all of our resources," he said.

Sen. Pat Pariseau (R-Pariseau) offered an amendment to increase the funding allocation for the state's fish, wildlife, habitat and fish and wildlife tourism to 46 percent and reduce the arts funding to 10 percent. The amendment failed on a 7-17 roll call vote.

The bill was approved on a 21-3 roll call vote and sent to the Senate floor.

S.F. 2625, carried by Sen. Linda Berglin (DFL-Mpls.), is a constitutional amendment affirming that every resident of Minnesota has the right to affordable health care. Berglin said if the amendment is adopted, it would be up to the governor and the Legislature to enact programs to fulfill the mandate for affordable health care. She said costs are rising very rapidly and that money in the system could be used to provide more effective and affordable health care to Minnesotans. Berglin said her goal is to provide primary and preventive care to keep costs down.

Several members questioned how the mandate for affordable health care could be met. Berglin said the Legislature and governor would have to make a commitment to enact the programs. Sen. Steve Dille (R-Dassel) said the language was too

broad and that health care should be defined more narrowly.

The bill advanced to the Senate floor on a 14-8 roll call vote.

Sen. Charles "Chuck" Wiger (DFL-North St. Paul) presented the report of the Rules and Administration Subcommittee on Litigation Expenses. Wiger said the event involved former Sen. Grace Schwab and a claim by Mel Prinzing that she had stolen or damaged letters that had been on lawn signs. Wiger said the subcommittee approved payment of \$36,916.69 for Schwab's attorney's fees and expenses related to the claim. The report and directs Schwab to assign to the state at least that amount of her \$150,000 judgment against Prinzing. Members approved the payment on a voice vote.

Site wins digital gov't award

The Center for Digital Government announced in October 2005 that the Minnesota Legislature's website won a Digital Government Achievement Awards (DGAA). The national program recognizes outstanding agency and department web sites and applications that enhance information interactions, transactions or services. The DGAA is produced in conjunction with the Center's annual Best of the Web (BOW) awards program. BOW recognizes the most innovative, user-friendly state and local government portals, while the DGAA showcases some of the nation's most creative, advanced government Web sites and applications. The Center received more than 250 entries for the program this year.

"Public agencies of all sizes and from all levels of governments are using digital tools to serve citizens in the digital age," said Cathilea Robinett, executive director of the Center for Digital Government. "The quality and quantity of interactions between citizens, business and their government has reached new levels of service."

The Legislature's site won in the government-to-government category. Five other sites were recognized in the category, representing government agencies and offices at the federal, state and local levels across the country.

Committee update

Agriculture, Veterans and Gaming

Gambling, military bills heard

The Agriculture, Veterans and Gaming Committee met Mon., Mar. 27, to consider bills dealing with the military, farming and lawful gaming.

H.F. 3243, authored by Sen. Chris Gerlach (R-Apple Valley), provides protections to persons ordered into active military service. Under the bill, a person ordered into active military service has all the protections afforded members of the U.S. military under United States Code, Appendix 50 and the Uniformed Services Employment and Reemployment Right Act (SCRA and USERRA). S.F. 3281, also carried by Gerlach, establishes a policy statement supportive of the military. The policy states that in recognition of the necessity of maintaining a strong military force for the protection and survival of the state, nation and free, democratic allied societies and in recognition of the varied sacrifices required of military and their families, it is the policy of the state to promulgate, implement and maintain laws, policies, rules and procedures that encourage, recognize and reward honorable military service to the state and nation. Both measures were approved and advanced to the full Senate.

Members also approved two additional bills relating to the military. S.F. 2562, sponsored by Sen. Steve Murphy (DFL-Red Wing), provides a health screening benefit for eligible members of the armed forces. Under the bill, an eligible member or veteran who returns or has returned to the state after service in an area designated as a combat zone by the president of the United States and who has been assigned a risk level I or II for depleted uranium exposure by the member's or the veteran's branch of service has the right to a best practice health screening test for exposure to depleted uranium using methods capable of detecting depleted uranium at low levels and with the capacity to discriminate between different radioisotopes in naturally occurring levels of uranium and the characteristic ratio and marker for depleted uranium. The measure was re-referred to the Finance Committee. S.F. 2728, carried by Sen. Sheila Kiscaden (DFL-Rochester), is a resolution memorializing the president and the U.S. Congress to name the Rochester Veterans

Outpatient Clinic the Corporal Chuck Lindberg Clinic. Kiscaden said Lindberg is the last surviving member of the group of Marines who raised the original American flag on Iwo Jima on Feb. 23, 1945. Members approved the measure and recommended the bill be placed on the Consent Calendar.

A bill granting beginning farmers a tax credit was also approved. S.F. 3437, authored by Sen. Gary Kubly (DFL-Granite Falls), provides an income tax credit for sales or rentals of agricultural assets to beginning farmers and provides an income tax credit for beginning farmer financial management programs. The bill was re-referred to the Tax Committee.

S.F. 2953, sponsored by Sen. Ann Rest (DFL-New Hope), makes various clarifying, technical and conforming changes to lawful gambling provisions and modifies expenditure restriction requirements. The bill advanced to the Senate floor.

Nursery stock education bill gains

The Agriculture, Veterans and Gaming Committee met Wed., Mar. 29, to consider several bills. The panel, chaired by Sen. Jim Vickerman (DFL-Tracy) approved all four measures and advanced them in the legislative process.

Sen. Steve Murphy (DFL-Red Wing) carried a bill, S.F. 3345, requiring the commissioner of agriculture to recommend appropriate procedures and display materials for increasing public awareness of the toxicity of various nursery plants to humans, pets and livestock. Bob Marg, a farmer from Altura, said he had been unaware that Japanese yew trees he had purchased were fatal to livestock. Marg said he lost a cow when the cow ate a small portion of the tree and that several neighbors had also lost livestock through poisoning by the tree. The bill was advanced to the full Senate.

S.F. 3506, sponsored by Sen. David Senjem (R-Rochester), creates a farm enhancement loan program to help finance the acquisition, construction or improvement of buildings for dairy animal housing, confinement, feeding, milk production and waste management. Senjem said dairy farming is very important for Minnesota's economy, but the number of dairy operations is decreasing. The bill is an attempt to assist the state's dairy farmers, he said. The measure was re-referred to the Finance Committee.

S.F. 3546, carried by Sen. Mike McGinn (R-Eagan), permits active military personnel stationed outside Minnesota to enter state parks without a fee when home on leave. McGinn said the bill is a small gesture to acknowledge active duty personnel when they are relaxing back home. The measure was also sent to the full Senate.

The final bill, S.F. 3314, carried by Vickerman, creates a soy-based transformer fluid conversion allowance program. Vickerman said the Legislature has been encouraging alternative uses for soy products and the bill is an attempt to encourage another use. The bill was approved and re-referred to the Finance Committee.

Commerce

Alcohol regulation bills gain

Two bills relating to state regulation of alcoholic beverages were approved by members of the Commerce Committee during a bifurcated hearing, Mon., Mar. 27.

S.F. 3081, sponsored by Sen. Sandra Pappas (DFL-St. Paul), is the omnibus liquor bill. The measure permits Minnesota farm wineries to produce fortified wines, such as port or sherry, allows brewpubs to distribute their product at other licensed brewpubs owned by the brewer and for distribution through licensed wholesalers to other retail licensees, allows Minneapolis to issue an on-sale intoxicating liquor license to a restaurant operator at the Minnesota Book and Literary Arts Building's Open Book facility, allows a bed and breakfast to serve wine to guests attending private events at the facility under its on-sale wine license if the bed and breakfast has a licensed commercial kitchen. The bill also authorizes a limited on-sale liquor license to a business that conducts culinary or cooking classes, eliminates a restriction on alcohol license issuance with respect to areas surrounding the premises of Metropolitan State University in Minneapolis, allows a municipality to impose different hours for off-sale of intoxicating malt liquor and 3.2 malt liquor and allows New Prague to issue an on-sale intoxicating liquor license for the New Prague Golf Club. S.F. 3256, carried by Sen. Jane Ranum (DFL-Mpls.), prohibits alcohol-without-liquid devices, which mix alcoholic beverages with pure or diluted

oxygen to produce an alcohol vapor to be inhaled. Both bills were approved and forwarded to the full Senate.

Committee members, chaired by Sen. Linda Scheid (DFL-Brooklyn Park), also considered five other measures. Sen. Rod Skoe (DFL-Clearbrook) carried S.F. 3026, which allows service cooperatives to offer health insurance programs that provide reinsurance or stop loss coverage. S.F. 2524, sponsored by Sen. Tom Saxhaug (DFL-Grand Rapids), provides that there is no coverage under a foster care for adults provider's homeowner's insurance for loss arising out of the operation of foster care for adults services. S.F. 1674,

authored by Sen. Dan Sparks (DFL-Austin), provides that a driver's personal automobile insurance policy will provide primary liability coverage when the driver rents a vehicle. Under current law, rental car companies provide primary liability coverage. Sen. Brian LeClair (R-Woodbury) offered an amendment providing that the rental company, not the renting driver, is responsible for losses directly caused by acts of nature. The amendment was adopted. All three bills were sent to the Senate floor.

Two bills were re-referred to the Finance Committee. S.F. 3331, carried by Sparks, modifies provisions relating to

petroleum fund compensation for transport vehicles. S.F. 3022, authored by Sen. Gary Kubly (DFL-Granite Falls), reestablishes a state boxing commission to regulate all aspects of boxing and tough man contests.

Insurance bills gain

Members of the Commerce Committee devoted most of the Wed., Mar. 29, meeting to hearing a variety of insurance bills.

S.F. 2787, authored by Committee Chair Linda Scheid (DFL-Brooklyn Park), modernizes insurance regulation. Portions of the bill authorize agents to get continuing education credit for types of courses that are oriented toward efficient business practices, change the date of an annual registration required for insurance companies that are part of an insurance holding company system and permits insurance agents to get continuing education credit for courses focused on professional development. The bill also provides for Minnesota joining the Interstate Insurance Product Regulation Compact. Scheid said the compact goes into effect after being joined by at least 26 states or by states that combined account for 40 percent of insurance premiums paid for products subject to the compact. Scheid said the purpose of the compact is to determine uniform standards for individual and group annuity contracts, life insurance, disability income insurance and long-term care insurance. She said joining the compact also avoids federal regulation of insurance products. The measure does allow states to opt out of a particular uniform standard by legislation or by rule, Scheid said.

Testimony for the bill was presented by Robyn Rowen, Minnesota Insurance Federation, and Dominic Sposeto, National Association of Insurance and Finance Advisors. Rowen spoke in support of the modernization portions of the bill and on the development of uniform standards. Joel Carlson, representing the Trial Lawyers Association, spoke in opposition to the measure and said the interstate compact portion of the bill would result in Minnesota's insurance being regulated by a body outside of Minnesota unaccountable to the consumers of the state.

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



Latasha Finklea of St. Paul and her 21 month old son, Niyun, participate in a rally for affordable housing in the Capitol Rotunda, Tues., Mar. 28.

Photo by David J. Oakes

Committee update

Scheid also carried a bill, S.F. 2293, regulating the filing and use of health insurance policy forms. The bill allows health insurers to use a policy form and the premiums rates to be used with it in the insurance market upon filing a “loss ratio guarantee.” Scheid said the guarantee is the insurer’s guarantee that the premium rates will yield a loss ratio of at least 65 percent. The bill further requires the insurer to refund premiums in the amount necessary to bring the actual loss ratio up to the guaranteed minimum loss ratio. The bill was advanced and sent to the full Senate.

The committee also heard two additional bills. S.F. 3079, authored by Sen. Linda Higgins (DFL-Mpls.), modifies the licensing provision for barbers and cosmetologists to allow an applicant who is an ex-felon to obtain a license if the applicant meets all other licensing requirements. The bill was approved and advanced to the Senate floor. S.F. 2941, sponsored by Sen. Ann Rest (DFL-New Hope), changes the tax on insurers’ fire insurance premiums to a surcharge on policyholders of policies that cover fire. Under the bill, the surcharge equals 0.75 percent of gross premiums and assessments, less return premiums on direct business received by a company for homeowners’ and commercial fire insurance policies in the state. The funds are to be deposited in a special account to pay for fire safety activities. The measure was approved and sent to the Crime Prevention and Public Safety Committee.

Crime Prevention and Public Safety

Variety of bills gain

A menu of legislation on diverse topics awaited members of the Crime Prevention and Public Safety Committee when they met, Tues., Mar. 28. Committee members, chaired by Sen. Leo Foley (DFL-Coon Rapids), labored through an agenda of 18 bills, approving most of the bills for inclusion in the committee’s omnibus criminal justice measure.

S.F. 3047, authored by Sen. Ann Rest (DFL-New Hope), authorizes organizations providing mentoring services to ask the Bureau of Criminal Apprehension (BCA) to conduct criminal background checks on volunteer mentors. S.F. 2380, sponsored by Sen. Jane Ranum (DFL-

Mpls.), requires a five-year conditional release term for persons who are convicted of using minors in a sexual performance or possessing pornographic work involving minors. The bill also includes a ten-year conditional release term for offenders who have previously been convicted of criminal sexual conduct, criminal sexual predatory conduct or possession of pornographic work involving minors. Ranum also sponsored S.F. 3374, creating a felony penalty for impaired driving if the offender has previously been convicted of criminal vehicular homicide involving impaired driving. A third Ranum bill, S.F. 3520, adopts the January 2006 recommendations of the Minnesota Sentencing Guidelines Commission, but makes a technical correction in the recommendations consistent with the commission’s original intent. Ranum’s final bill of the hearing, S.F. 3251, authorizes the commissioner of corrections to order that an inmate be screened for tuberculosis if the inmate refuses to submit to a screening test.

Sen. Dean Johnson (DFL-Willmar) sponsored S.F. 2684, which authorizes the commissioner of corrections to rent beds from a newly constructed county or regional jail licensed to provide chemical dependency treatment. S.F. 2540, carried by Sen. Mike McGinn (R-Eagan), includes licensed peace officers within the definition of “emergency medical services person” in the blood borne pathogen screening protocol. Under the bill, the licensed peace officer need not be engaged in performing emergency services to qualify. S.F. 3008, authored by Sen. Wesley Skoglund (DFL-Mpls.), provides Comprehensive Incident-Based Reporting System (CIBRS) access to the Fugitive Apprehension Unit of the Dept. of Corrections. S.F. 1752, carried by Sen. John Hottinger (DFL-St. Peter), restores convicted felons’ civil rights when they are discharged from parole, conditional release or supervised release.

S.F. 3102, carried by Sen. Thomas Neuville (R-Northfield), requires prosecutors to attempt to notify victims of criminal sexual conduct of a decision to dismiss charges or not to prosecute. Neuville also sponsored S.F. 3100, authorizing the Governor’s Office to request background checks on candidates for positions in the Governor’s Residence or for appointment by the governor, and S.F. 3101, providing that the BCA is not

required to destroy acquitted defendants’ biological specimens unless requested. S.F. 2919, authored by Foley, increases the membership of the Criminal and Juvenile Justice Task Force to include a member appointed by the state chief information officer. S.F. 3231, also carried by Foley, requires the commissioner of corrections to appoint the department medical director as the health care agent for inmates in cases where the inmate has not designated a health care decision maker.

Four bills were not laid over for inclusion in the omnibus bill, but were approved and advanced separately. S.F. 3049, sponsored by Hottinger, creates criminal penalties for filing a fraudulent financing statement for a secured transaction. S.F. 3252, carried by Higgins, requires county sheriffs or jailers to provide absentee ballots to prisoners who desire to vote. Both bills were re-referred to the Finance Committee. Two bills were sent to the full Senate. S.F. 3038 makes it a gross misdemeanor to compile lists of voters who will be challenged on the basis of mail sent and returned as undeliverable. S.F. 3039 makes it a gross misdemeanor to knowingly deceive another person, with the intent of preventing the person from voting, regarding the time, manner or place of voting or regarding the qualifications or restrictions on voter eligibility. Both bills were carried by Higgins.

“Second chance” bill gains

S.F. 3078, dubbed the “second chance” bill, was the centerpiece of the Thurs., Mar. 30, meeting of the Crime Prevention and Public Safety Committee. Sen. Thomas Neuville (R-Northfield), chief author, said the bill refines legislation passed last year designed to aid non-violent, first-time offenders successfully re-enter society. Neuville said the measure also increases the monetary thresholds for property crimes to more accurately reflect inflationary economic increases. He said the bill extends the sunset of the early release of qualified drug offenders until 2009 in order to allow enough time to pass to properly evaluate the program. The bill attempts to encourage first-time drug offenders to complete treatment and have a second chance, he said.

The bill also requires deferred prosecution for first-time, non-violent drug offenders and specifies that if the

court decides deferred prosecution is inappropriate, the court must enter written findings explaining why. The bill also modifies provisions governing the suspension of a driver's license without preliminary warning and modifies license reinstatement provisions by allowing the payment of fees and surcharges in four annual installments. Another provision specifies that if a prosecuting authority or sentencing court wants to comment regarding the conditional release of a non-violent drug offender, the prosecuting authority or the court must give the reasons for its position. The bill also prohibits county jails from charging a fee for an inmate to participate in a work-release program if the inmate is already paying for room and board. Finally, the bill establishes a collateral consequences committee to study the collateral consequences of adult convictions and juvenile adjudications and recommend changes. Neuville said collateral consequences such as job loss, loss of home and difficulty paying fines and fees often cause drug offenders to relapse and end up reoffending.

The committee deleted a provision of the bill specifying that drug offenders who have been adjudicated delinquent for a violent crime are not eligible for early release. The panel then laid all of the provisions, except those relating to the collateral consequences committee, over for possible inclusion in the panel's omnibus bill. The collateral consequences portions of the bill were approved and advanced to the State and Local Government Operations Committee.

The committee also laid several other bills over for inclusion in the omnibus bill. S.F. 3170, authored by Sen. Michelle Fischbach (R-Paynesville), modifies provisions governing variances to the Uniform Fire Code. S.F. 3051, also carried by Fischbach, provides for the appeal of the state fire marshal's decision to suspend, revoke or refuse a fireworks operator permit.

S.F. 3517, sponsored by Committee Chair Leo Foley (DFL-Coon Rapids), broadens prohibitions for driving while impaired to include impairment by any drug or metabolite, broadens the prohibition against driving while impaired by controlled substances to include metabolites of those substances and exempts courts from mandatory consecutive sentencing requirements when sentencing

a person for felony-level violation for DWI.

S.F. 3273, authored by Sen. Julianne Ortman (R-Chanhassen), establishes a Forensic Laboratory Oversight Commission and specifies the commission's duties. Originally, the bill included provisions relating to cold case investigations, but Ortman offered an amendment to remove the provision and accompanying appropriation. Members expressed concern about adding another layer of bureaucracy to the Bureau of Criminal Apprehension and laid the bill on the table until an amendment could be drafted. At a later point in the hearing, an amendment was adopted to make the commission's duties permissive and to take out references to the commission developing an accreditation process for all laboratories and entities that conduct forensic analyses. Finally, the amendment narrowed the scope of the bill to apply forensic analysis processing time period requirements to the BCA only. The bill was approved and re-referred to the State and Local Government Operations Committee.

A bill authored by Sen. Tarryl Clark (DFL-St. Cloud), S.F. 3532, providing for an additional gang strike force was also approved. The bill requires the Gang and Drug Oversight Council to establish a second gang strike force located in the St. Cloud metropolitan area. St. Cloud Mayor Dave Kleis, a former Senator, said the jurisdictions in the area are working closely to combat gang activities, but need a formal gang strike force. The measure was approved and advanced to the Finance Committee. A second bill, S.F. 2615, was also advanced to the Finance Committee. The bill, authored by Sen. Thomas Bakk (DFL-Cook), prohibits the state and counties from using private prisons after 2015.

Early Childhood Policy and Budget Division

Bills gain

Members of the Early Childhood Policy and Budget Division used their Tues., Mar. 28, meeting to consider five bills. All of the bills were approved; four were advanced to the full Finance Committee and one was laid over for inclusion in the division's supplemental budget package.

S.F. 3384, sponsored by Sen. Lawrence Pogemiller (DFL-Mpls.), establishing an allowance for early childhood learning preparedness and enrichment expenses. S.F. 2883, carried by Sen. Dan Sparks (DFL-Austin), expands the definition of "special family day care home" to include a license holder that is a not-for-profit agency providing child care in a dwelling located on a residential lot and that maintains two or more contracts with community employers to provide child care services. S.F. 3615, authored by Division Chair John Hottinger (DFL-St. Peter), modifies the parent fee statute to allow another source to pay the parent fee directly to the child care provider without a penalty. Another Hottinger bill, S.F. 3087, provides that child care centers that only transport school age children in school buses are exempt from child passenger restraint system requirements. All four bills were sent to the full Finance Committee.

The bill was laid over for inclusion in the omnibus early childhood proposal was S.F. 2997. Carried by Hottinger, the bill requires the commissioner of human services to determine the maximum child care rate on a half-day basis for school age children and creates in-service training requirements for family and group family child care providers.

Education

U of M Rochester branch gains

The Education Committee, chaired by Sen. Steve Kelley (DFL-Hopkins), held a two part hearing Tues., Mar. 28, in advance of the first deadline. The panel laid over a number of bills to be included in an omnibus education policy bill. Several measures, though, were advanced further in the legislative process.

S.F. 3271, authored by Sen. Sheila Kiscaden (DFL-Rochester), authorizes the Board of Regents to establish a branch campus of the University of Minnesota in Rochester to serve the educational needs of students and to foster the economic goals of the region and state. To that end, the bill appropriates \$5 million, in addition to the appropriations made last year, for academic programs supporting the University of Minnesota-Rochester, including faculty, staff, and program planning and development in the areas of biomedical technologies, engineering and

Committee update

computer technologies, health care administration and allied health programs. The appropriation is also to be used for ongoing operations of industrial liaison activities and the operation of leased facilities. The bill was approved and advanced to the Finance Committee.

A bill sponsored by Sen. Dick Day (R-Owatonna), S.F. 2610, modifies interpreter requirements for deaf students. Under the bill, a school district or charter school may employ as an interpreter/transliterater a person who is deaf or hard of hearing and holds a current reverse skills certificate or a certifies deaf interpreter certificate awarded by the Registry of Interpreters for the Deaf. S.F. 3111, carried by Sen. Tom Saxhaug (DFL-Grand Rapids), modifies the Online Learning Option Act.

S.F. 2585, authored by Sen. David Tomassoni (DFL-Chisholm), provides for health and physical education requirements. Tomassoni said the bill sets minimum requirements for physical education. He said the epidemic of obesity may be stemmed by meeting physical education and health requirements. Tomassoni said the bill is the same as measures passed in previous sessions. S.F. 2977, sponsored by Sen. Sandra Pappas (DFL-St. Paul), provides for comprehensive family life and sexuality education programs. Pappas said the bill is very similar to provisions approved by the committee last year. The bill provides that comprehensive family life and sexuality education means education in grades 7 through 12 that respects community values and encourages family communication, contributes to healthy relationships, includes an abstinence-first approach to delaying initiation of sexual activity while also including education about the use of protection and contraception and promotes individual responsibility. The bill also allows parents to excuse their children from all or part of a comprehensive family life and sexuality education program and requires the school district to establish policies and procedures for providing parents reasonable notice, the opportunity to inspect the educational materials used, and the identity of outside consultants if they are used to provide the education.

S.F. 2826, carried by Sen. Tarryl Clark (DFL-St. Cloud), provides revenue for a character development education pilot program. Clark said the bill requires



The mascot for the Teddy Bear Band engages a handful of the dozens of children gathered in the Capitol Rotunda, Thurs., Mar. 30, as part of an early childhood rally.

Photo by David J. Oakes

the commissioner of education to maintain a list of character development education curriculum approved providers. She said the character development education is from a Golden Rule framework. Sen. Steve Dille (R-Dassel), a co-author of the bill, said 14 states require character development education, but the bill encourages inclusion of character development by providing revenue.

All of the measures were laid over for possible inclusion in the omnibus policy bill.

Members returned in the evening to consider several additional measures. S.F. 3489, authored by Sen. LeRoy Stumpf (DFL-Plummer), memorializes Congress to repeal the No Child Left Behind requirements in the schools. The bill was advanced to the Senate floor.

Stumpf also sponsored a bill, S.F. 3588, establishing a pilot program to use child-relevant American Sign Language to facilitate young children's development of second language learning and stronger literacy and verbal skills. S.F. 3535, sponsored by Clark, includes blindness within the definition of disability and directs the commissioner of education to incorporate references to blindness in the definition of "visually impaired" in rule. S.F. 3412, sponsored by Sen. Rod Skoe (DFL-Clearbrook), updates school bus equipment standards, clarifies school bus discipline policies for charter school and nonpublic pupils being transported on school district buses, modifies school bus license standards and clarifies pupil transportation cost data. All three measures were laid over of possible inclusion in the omnibus bill.

Omnibus policy bill discussed

Members of the Education Committee met Thurs., Mar. 30, to begin compiling an omnibus education policy bill. The panel, chaired by Sen. Steve Kelley (DFL-Hopkins), reviewed provisions from other bills that they had previously heard and approved for inclusion in the bill. Among the previously considered provisions was a requirement that schools adopt lock down plans, an expansion of the definition of disability to include blindness, a requirement that school districts report their special education litigation costs and a modification to the requirement that schools provide interpreters for deaf students. The panel also discussed policy provisions recommended by the Dept. of Education. Kelley said the committee would complete its work on the bill, Tues., Apr. 4.

Environment and Natural Resources

'California emissions' bill fails

Members of the Environment and Natural Resources Committee, chaired by Sen. John Marty (DFL-Roseville), met for an abbreviated hearing Mon., Mar. 27.

The panel began with consideration of the Dept. of Natural Resources technical bill, S.F. 3273. The bill, carried by Marty, makes mostly technical changes in provisions relating to the department. The measure modifies contractual and grant agreement provisions, excepts the

electronic licensing system commission from specific standing appropriations, modifies invasive species provisions, modifies state trail provisions, modifies water use surcharge provisions and modifies water aeration safety provisions. Members adopted several amendments including an amendment containing the language of S.F. 2775. The bill, sponsored by Sen. Dennis Frederickson (R-New Ulm), extends the Casey Jones State Trail to join with the Minnesota River State Trail. The amended bill, S.F. 3273, was approved and advanced to the full Senate.

A bill, S.F. 2757, providing for the prevention, preparedness and response to unauthorized releases of extraordinarily hazardous substances also gained committee approval. The measure, authored by Sen. Jane Ranum (DFL-Mpls.), lists the substances, requires registration, risk assessment and the development of a release prevention and response plan. The bill was re-referred to the Finance Committee.

Marty also carried a bill, S.F. 2816, requiring the Minnesota Pollution Control Agency (PCA) to adopt California standards regarding low emission vehicles. Specifically, the bill provides that as part of the state implementation plan under the federal Clean Air Act, by Jan. 2, 2007, the PCA must adopt rules to require the sale, purchase and use of motor vehicles that implement a low emission vehicle program identical to the California low emission vehicle program being implemented by California. Marty said the bill will reduce pollution and improve air quality in the state.

Sen. Pat Pariseau (R-Farmington) said, "We should not tie ourselves to another state in terms of standards, particularly not one with such a different climate." Alyssa Schlander, Minnesota Auto Dealers Association, said the bill refers to vehicles sold in the state, not vehicles driven in the state. As a result, nothing would prevent a person from buying a vehicle in another state to drive in Minnesota, she said. Schlander also said the bill would prevent dealers from trading stock from other dealers in the country or from buying stock at auction. Members failed to approve the bill on a 3-5 roll call vote.

A final bill, S.F. 3293, carried by Marty, proposes an amendment to the Minnesota Constitution to allow the environment and natural resources trust

fund to be invested not only in stocks and bonds, but also in land resources within the state. He said he wanted to present the bill to place the concept before the committee, but not necessarily take any action.

Appointments approved

Members of the Environment and Natural Resources Committee approved three gubernatorial appointments at the Wed., Mar. 29, hearing. The committee, chaired by Sen. John Marty (DFL-Roseville), approved the appointments of Melanie Allen, Brian Bensen and Daniel Foley to the Pollution Control Agency.

In other action, the committee approved three bills and forwarded them to the full Senate. S.F. 2695, sponsored by Sen. Cal Larson (R-Fergus Falls), authorizes the conveyance of surplus state land in Otter Tail County to ISD #544, Fergus Falls. H.F. 2994, sponsored by Sen. Thomas Bakk (DFL-Cook), allows for the replacement and repair of watercraft storage structures on public waters. H.F. 1480, carried by Sen. LeRoy Stumpf (DFL-Plummer), allows an outlet fee to be charged for use of an established drainage system in Red Lake County as an outlet for drainage originating in Pennington County.

Environment, Agriculture and Economic Development Budget Division

Supplemental spending considered

Members of the Environment, Agriculture and Economic Development Budget Division used their Tues., Mar. 28, meeting to hear several measures providing supplemental appropriations. All but one of the bills were laid over; the panel will be assembling an omnibus spending package in the coming weeks.

S.F. 3305, sponsored by Sen. Ellen Anderson (DFL-St. Paul), modifies a prior appropriation for community wind energy rebate programs to include programs that also offer financial assistance. The bill also provides for a carryforward for local initiative grants for parks and natural areas. Anderson carried two additional bills. S.F. 3182 authorizes a \$150,000 grant to Advocating Change Together to provide training, technical assistance and resource materials to persons with

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developmental and mental health disabilities. S.F. 3529 provides \$1 million annually in FY 06 and FY 07 for the direct and indirect expenses of the University Enterprise Laboratories for bioscience business development activities.

Division Chair Dallas Sams (DFL-Staples) authored three bills. S.F. 3431 provides a grant to the BioBusiness Alliance of Minnesota for bioscience business development programs that will work to grow and create bioscience jobs in the state and position Minnesota as a global biobusiness leader. S.F. 3338 appropriates \$450,000 for the operational costs of the commission.

S.F. 3463 appropriates money from the environment and natural resources trust fund in accord with the recommendations of the LCMR. The funds are disbursed to train high school students and teachers on environmental problem solving, to create groundwater exhibits and a statewide traveling groundwater classroom program, to assist in the distribution system equipment and construction costs of a biomass district energy system, to lease land and plant trees to support a proposed conversion to a biomass power plant, to evaluate the socioeconomic benefits of statewide and community renewable energy production and distribution, to develop geographic information system tools for prioritizing natural areas for protection and restoration, to upgrade and overhaul the Blue Heron research vessel, to install green, vegetated roofs on commercial or industrial buildings in Roseville and Falcon Heights, and to improve public and private land ownership patterns and protect critical habitat in Aitkin, Cass and Crow Wing counties.

S.F. 2931, carried by Sen. Thomas Bakk (DFL-Cook), requires repayment to the permanent school fund and the university trust fund the amounts deposited in the minerals management account in the natural resource fund from mineral payments on permanent school trust land and university trust lands. S.F. 3324, sponsored by Sen. Tom Saxhaug (DFL-Grand Rapids), appropriates \$100,000 for the operation of the Minnesota Shooting Sports Education Center. Under the bill, the appropriation is only available to the extent that \$1 in nonstate money is raised for every \$2 of state money. S.F. 3372, authored by Sen. Steve Dille (R-Dassel), provides \$100,000 to reimburse the city of

Cedar Mills for costs incurred in constructing a wastewater treatment system for 28 properties. Sen. Cal Larson (R-Fergus Falls) sponsored a bill, S.F. 2884, providing a \$448,000 grant to the city of Fergus Falls to retire interfund loans incurred by the city in connection with the waste incinerator and steam heating facility at the Fergus Falls Regional Treatment Center. S.F. 3298, carried by Sen. Steve Kelley (DFL-Hopkins), authorizes a one-time \$18 million payment to cover the direct and indirect expenses of the collaborative research partnership between the University of Minnesota and the Mayo Foundation for research in biotechnology and medical genomics.

One bill was not laid over, but advanced separately to the Finance Committee. S.F. 2814, sponsored by Sams, modifies and renames the Legislative Commission on Minnesota Resources (LCMR); under the bill, the new commission would be composed of ten Legislators and seven non-Legislator citizens.

DOLI budget change heard

The Environment, Agriculture and Economic Development Budget Division, chaired by Sen. Dallas Sams (DFL-Staples) met Thurs., Mar. 30, to hear three bills and a revised budget initiative from the Dept. of Labor and Industry.

Cindy Farrell, department budget director, and Tom Joachim, executive director, State Building Code Division, explained the changes in the agency's budget initiative. The major change involves construction code division's consolidation. Farrell said the consolidation will lead to a one-stop shop for builders in the construction trades. She said the change will lead to more efficiency and better customer service. The budget changes involve moving dollars from five different funds into one fund to better allocate dollars and employees. The change leaves a gap in the general fund of about \$1.7 million, but the governor recommends using the on-going forecast surplus to make up the difference. In addition, the consolidation means the agency needs funding to unify technology across divisions.

Members also laid over three bills for possible inclusion in the division's omnibus bill. S.F. 3596, sponsored by Sen. Linda Higgins (DFL-Mpls.), directs the Dept. of Commerce to develop a plan to

license individual employees of mortgage originators and appropriates \$300,000 from the real estate education, research and recovery fund for mortgage foreclosure prevention. S.F. 1263, carried by Sen. Gary Kubly (DFL-Granite Falls) establishes a wind energy conversion system loan guarantee program. S.F. 3411, authored by Sen. Jim Vickerman (DFL-Tracy) appropriates \$50,000 to the city of Worthington for construction of a veterans' memorial. Vickerman said the appropriation is contingent upon the receipt of local matching funds on a dollar-for-dollar basis.

Health and Family Security

Biomonitoring bill gains

A bill to measure environmental factors in order to identify hazards to human health was a center piece in the Mon., Mar. 27, meeting of the Health and Family Security Committee. The panel, chaired by Sen. Becky Lourey (DFL-Kerrick), also heard bills relating to a controlled substance electronic reporting program and dental mercury removal.

S.F. 979, carried by Lourey, sets up the biomonitoring program modeled on an approach suggested by the National Conference of State Legislatures. The bill specifies the establishment of a Healthy Minnesotans Biomonitoring Program Advisory Panel consisting of two committees, one of scientists and one of community representatives to oversee the program. Lourey said the bill sets up the program to provide voluntary and confidential community-based monitoring to identify toxic chemicals that may be present in the environment.

Samuel Yamin, Minnesota Center for Environmental Advocacy, presented an overview of biomonitoring. He said the definition of biomonitoring means to measure pollutants and other environmental elements to track diseases to determine if there is a relationship. The fundamental reason for monitoring is to correlate the occurrence of environmental hazards and diseases, Yamin said. Biomonitoring would enable us to develop disease prevention strategies targeted at public health, he said. Yamin said the Center for Disease Control is encouraging states to develop biomonitoring programs because a pollutant in one area of the country may not be significant, but in another area it may provide a direct

relationship to diseases cause by pollutants.

Louise Liao, Dept. of Health, said the department is neutral on the bill, but that it will need additional resources. She said the department does have the technical ability to do the monitoring, but whether it should be done is up to the Legislature.

Some members expressed concern about the privacy of the data in the program. Liao said it depends on the type of study because sometimes the data will be totally anonymous and sometimes communities want to know about the results of the measurements. Sen. Betsy Wergin (R-Princeton) said, "I can see a lot of potential for misuse of the data and I am not at all comfortable with the bill." Lourey responded that the measure provides safeguards and there are many benefits for public health.

The bill was approved and advanced to the State and Local Government Operations Committee.

A bill setting up a controlled substances reporting program also generated considerable debate. S.F. 2899, sponsored by Sen. Linda Berglin (DFL-Mpls.), establishes an electronic system for reporting information about the prescribing of controlled substances. Berglin said there is a growing problem with abuse of controlled substances prescribed by physicians. The bill tracks the prescribing of controlled substances in a database to determine if there are anomalies indicating abuse or the selling of the prescribed drugs.

Dr. Thomas Flynn, a practitioner, spoke in opposition to the bill. "The bill is unnecessarily intrusive in the relationship between patient and physician," he said. Dr. Alfred Anderson, Board of Medical Practice, said prescribing medication for pain management is highly subjective and varies greatly from patient to patient. He said the result would be serious underprescribing of pain medications. Anderson also said most controlled substances on the street are there because of theft, rather than prescriptions. "I am concerned the emphasis is too concentrated on the providers," he said.

Sen. Steve Kelley (DFL-Hopkins) offered an amendment to remove provisions relating to the active monitoring of dispensers' and physicians' prescribing practices. The amendment was adopted. The committee also adopted an amendment, offered by Kelley, deleting provi-

sions relating to hiring an outside vendor to set up and maintain the database. The bill was approved and re-referred to the Judiciary Committee.

The final bill of the morning hearing, S.F. 641, sponsored by Sen. John Marty (DFL-Roseville), requires the removal of dental mercury before cremation. Marty said the state has a goal of reducing mercury emissions, and although electricity generation accounts for most emissions, cremations account for about 2 percent of mercury emissions and dental waste from amalgam fillings account for about 3 percent. He said the Dental Association has agreed to a voluntary program to eliminate the problem of waste from amalgam fillings, therefore an amendment was adopted removing the portion of the bill dealing with dentists.

Mark Waterston, president, Cremation Society of Minnesota, said the Environmental Protection Agency has determined crematories don't need to be regulated, because of technology used in the process. He said the cost to the consumer would be prohibitive.

The bill was laid on the table.

Health care bills advance

The Health and Family Security Committee continued their earlier hearing the evening of Mon., Mar. 27. The panel, chaired by Sen. Becky Lourey (DFL-Kerrick), heard an additional seven bills.

S.F. 3302, sponsored by Sen. Yvonne Prettner Solon (DFL-Duluth), expands reimbursement for mental health services. Solon said she views the bill as being complimentary to the mental health initiative currently moving through the process. The bill specifies that payments for mental health services covered under the Medical Assistance program that are provided by social workers are to be made in the same manner as payments to other mental health practitioners. In addition, the bill provides for payments for family psycho-education, for provider travel time and for mental health telemedicine.

Sen. Betsy Wergin (R-Princeton) sponsored a bill, S.F. 2511, excluding aid and attendance benefits from the U.S. Dept. of Veterans Affairs from the calculation of income for purposes of MinnesotaCare eligibility for other household members. S.F. 3322, sponsored by Sen. Linda Berglin (DFL-Mpls.), establishes a reverse mortgage incentive

program in order to encourage elderly persons to pay for long-term care services in their own homes as an alternative to nursing home placement. The measure also establishes eligibility standards, benefits and other requirements.

S.F. 3395, authored by Sen. Sheila Kiscaden (DFL-Rochester), establishes the Center of Health Care Purchasing Improvement. Kiscaden said the bill establishes a small unit within the Dept. of Employee Relations to support the state in its efforts to be a more prudent and efficient purchaser of quality health care services. She said the unit could develop expertise and assist in the state's health care purchasing. Cal Ludeman, commissioner, Dept. of Employee Relations, said the unit could develop coordinated plans for state health care purchasing, evaluate the performance of current health care purchasing strategies and participate with other groups to improve health outcomes and identify and overcome barriers to more efficient, effective and quality health care. All four measures were re-referred to the Finance Committee.

S.F. 2917, sponsored by Lourey, requires the issuance of a social worker license under specific conditions. The measure was laid over for incorporation in an omnibus licensing bill.

The final two bills, authored by Lourey, were approved and advanced to the Senate floor. S.F. 3522 is the Dept. of Human Services policy bill, Lourey said. She said the bill modifies medical assistance-related transportation costs, specifies that circumcision is not covered by Medical Assistance, requires the last four digits of the Social Security number of a Medical Assistance recipient providing notice of a claim, modifies an alternative services provision, requires the commissioner to verify whether a MinnesotaCare applicant or enrollee has access to employer-subsidized coverage, modifies transitioned adults provisions and requires a Medical Assistance lien notice to also contain the last four digits of the Social Security number of the recipient. S.F. 3355 specifies that a nonprofit community health clinic providing family planning services is to be included in the definition of "governmental unit."

Hospital approval alternative ok'd

The Health and Family Security Committee, chaired by Sen. Becky Lourey

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(DFL-Kerrick), held two hearings Tues., Mar. 28, in order to complete work on bills assigned to the panel before the first committee deadline.

Members advanced several bills in the legislative process. S.F. 3098, sponsored by Sen. Linda Berglin (DFL-Mpls.), establishes an alternative process for approving exceptions to the hospital construction moratorium when more than one entity is interested in building a hospital in one service area. The bill requires an organization seeking to obtain a new hospital license to submit a letter of intent to the Dept. of Health specifying the location and number of beds. The department must publish a notice giving other interested organizations 30 days to notify the department that they are also interested in obtaining a license for the same area. If no other organization is interested, the department must notify the original entity that it is subject to a public interest review. The bill also requires the department to conduct a needs assessment on the proposed new hospital if one or more additional organizations responds to the original letter of intent. The bill also spells out the requirements the department must follow if it determines that a new hospital is needed. After completing the requirements, the department is to select the most qualified applicant and submit the recommendation to the Legislature. If the Legislature fails to act, the department's recommendation is the final approval. If the Legislature accepts the proposal, the acceptance constitutes approval of a moratorium exception, but if the Legislature does not approve, the process is concluded. The measure was approved and advanced to the Senate floor.

Several additional measures were heard in the day time hearing period. S.F. 3208, carried by Sen. Ann Rest (DFL-New Hope), provides for developing training requirements for postadoption search services and directs the commissioner of human services to promulgate rules relating to postadoption search services. The bill requires personnel in the Dept. of Human Services, county agencies and social service agencies to undergo training in a specialized curriculum relating to postadoption search services developed in the best practices guidelines reported to the Legislature in 2006. S.F. 2751, sponsored by Sen. Tarryl Clark (DFL-St. Cloud), allows persons with life-

threatening medical conditions to spend down excess income under MinnesotaCare. S.F. 3265, authored by Sen. Julie Rosen (R-Fairmont), creates a state-level methamphetamine coordinator. Rosen said the coordinator would be charged with reducing the incidence of meth addiction by working with various state agencies, local units of government, law enforcement agencies, the courts and the chemical dependency community. All three measures were approved and re-referred to the Finance Committee.

Clinical trial bill okayed

The evening portion of the Tues., Mar. 28, meeting of the Health and Family Security Committee was devoted to clearing the agenda prior to the first committee deadline.

One measure generating considerable discussion, S.F. 3342, requires drug manufacturers to disclose information regarding clinical trials on the Internet. Sen. John Hottinger (DFL-St. Peter), chief author, said it is important for consumers to have information about the clinical trials in order to make informed decisions about prescription drugs. Earl Lui, an attorney representing the Consumer Union, said that drug manufacturers have a financial interest in not disclosing negative data from clinical trials of their products. He said the bill requires the manufacturers to disclose information about all clinical trials for prescription drugs sold in Minnesota. He said currently, data suppression and manipulation is too common within the industry.

A representative of PhRMA, Mike Labson, said the requirement to disclose clinical trial information would add to the costs of developing drugs and would not enable consumers to have a complete understanding of a drug's effects. He said the use of drugs for "off label" purposes may lead to serious conditions, but would not be part of the clinical trial information. Hottinger responded that disclosing information could protect manufacturers from law suits. "I can't think why a manufacturer wouldn't want to disclose," he said.

Members approved the bill and advanced the measure to the Finance Committee.

A bill expanding chemical use assessment requirements was also approved and re-referred to the Finance

Committee. S.F. 3307, sponsored by Sen. Jane Ranum (DFL-Mpls.), clarifies chemical use assessments for a person who has been arrested. The bill also requires the person's probation officer be contacted to verify or supplement information provided by the persons and requires the commissioner to present a plan to the Legislature for improving the availability of community-based substance abuse treatment. Ranum said the bill is the product of a legislative auditor's report on substance abuse treatment.

S.F. 3240, authored by Sen. Paul Koering (R-Fort Ripley), establishes a pharmacy payment reform advisory committee. Koering said under the bill, the committee is directed to make recommendations to the Legislature in implementing federal charges. The measure was approved and re-referred to the State and Local Government Operations Committee.

S.F. 1640, carried by Sen. Sheila Kiscaden (DFL-Rochester), modifies the procedures for health care facilities to report major health care capital expenditures over \$5 million. The bill, which had been heard earlier, was amended to provide for a public hearing for information purposes, but does not require a public hearing for findings of fact. The bill was approved and advanced to the Finance Committee.

Sen. Linda Higgins (DFL-Mpls.) sponsored two measures that were approved and re-referred to the Finance Committee. S.F. 3223 modifies provisions relating to Medical Assistance special transportation services. Higgins said the bill specifies that residents of nursing facilities and persons being discharged from a hospital to a skilled nursing facility are eligible for driver-assisted service. The bill also increases reimbursement rates for special transportation and delays the full implementation of the use of a special transportation broker for one year.

Higgins said S.F. 3221 is a combination of several bills designed to prevent lead poisoning. The bill requires health care providers providing primary health care services to children to screen all children at 12 months and 24 months for elevated blood lead levels, unless the provider makes a determination that there is no risk for elevated blood lead levels. The sale of jewelry containing lead is also prohibited under the bill. Higgins said the prohibition stems from a fatal incident in



Milissa Lipp, Minneapolis, examines one of several shirts—decorated to honor victims of domestic violence and sexual assault—hanging in a corridor of the Capitol as part of the “Clothesline Project,” Thurs., Mar. 30.

Photo by David J. Oakes

South Minneapolis in which a child swallowed a lead charm. The measure also requires Medical Assistance to cover environmental investigations for children with elevated blood lead levels. Committee discussion centered on the provisions prohibiting the sale of lead jewelry. Buzz Anderson, Minnesota Retailers Association, said retailers are actively engaged in preventing the sale or distribution of products containing lead to children. Members also debated the provision requiring the screening of children for blood lead levels. Several members said the bill contained no provision for parents to opt out of their child’s being screened. However, Sen. Linda Berglin (DFL-Mpls.) said parents always have the right to refuse medical screening or care for their children.

Sen. Steve Kelley (DFL-Hopkins) carried a bill authorizing a new facility for persons with eating disorders. Kelley said

the bill allows an exception to the nursing home construction moratorium for the new facility. Dr. Joel Jahraus of Park Nicollet said the facility would allow a continuum of care for persons with eating disorders ranging from residential treatment to outpatient visits. The bill was approved and re-referred to the Finance Committee.

The final bill of the evening, S.F. 3399, carried by Lourey, modifies the reporting requirements for health plans participating in Medical Assistance. The measure also allows the commissioner of human services to contract with Medicare approved special needs plans to provide Medical Assistance to persons with disabilities. The bill was also re-referred to the Finance Committee.

Health licensing bills heard

Members of the Health and Family Security Committee, chaired by Sen.

Becky Lourey (DFL-Kerrick), met Thurs., Mar. 30, to consider several bills dealing with the licensure of health professionals.

S.F. 3173, authored by Sen. Sheila Kiscaden (DFL-Rochester), is a technical bill from the department relating to health licensing. Kiscaden said the bill modifies provisions for health occupations and professions, clarifies a definition of hearing instrument dispensing, grants the commissioner authority to contract with the health professionals services program to access diversion and monitoring services and modifies provisions for occupational therapists. Kiscaden offered, and members adopted, an amendment to expand the time line for two of three parts of the physicians’ license examination. An amendment, offered by Sen. Betsy Wergin (R-Princeton), modifies the fine for advanced practice registered nurses failing to notify the department of changes in licensing status. The amendment was

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adopted. The panel laid the bill to one side while considering another licensing bill, H.F. 3132. The bill, carried by Kiscaden, allows foreign medical school graduates to use a credentials verification service. The committee moved to amend the contents of H.F. 3132 on to S.F. 3173. Members then approved S.F. 3173 and advanced the bill to the floor.

H.F. 2745, authored by Sen. Steve Kelley (DFL-Hopkins), modifies provisions for medical licenses related to reciprocity and comprehensive examinations. The bill expands the list of organizations offering comprehensive examinations that an applicant who is not currently licensed in another state or Canada must pass for licensure to include the National Board of Medical Examiners, the Medical Council of Canada or an appropriate state board. The bill also adds the College of Family Physicians of

Canada to a list of specialty boards from which applicants may have a certification in order to meet the requirements for licensure based on reciprocity. The measure was approved and advanced to the floor. Lourey carried a bill, S.F. 3457, specifies that an applicant who is mobilized into active military service during the process of taking the United States Medical Licensing Examination, but before passage of all steps, must pass all three steps within a 10-year period. The bill also requires proof of military service be submitted to the board. The bill was also approved and advanced to the floor.

In other action, the committee approved an additional four bills. S.F. 3209, authored by Sen. Ann Rest (DFL-New Hope), creates an adoption advisory task force to review and report on whether existing adoption and birth record statutes and rules need to be

rewritten or recodified and to propose legislation to implement changes in content and organization of adoption and birth record statutes. The bill was referred to the State and Local Government Operations Committee. S.F. 3059, carried by Sen. Linda Berglin (DFL-Mpls.), modifies the frequency of nursing facility rate adjustments to reflect resident assessments and makes other changes to continuing care provisions and elderly and disabled services. The bill was sent to the Senate floor.

Lourey carried two additional bills. S.F. 3521 modifies policies for secured treatment facilities and provides for criminal penalties for possession of contraband and modifies escape from custody provisions. The bill was referred to the Crime Prevention and Public Safety Committee. S.F. 3523 makes numerous technical changes in



Senators Michael Jungbauer (R-East Bethel), left, and Chris Gerlach (R-Apple Valley) converse in the Senate chamber during a floor session, Mon., Mar. 27.

Photo by David J. Oakes

provisions relating to human services. The measure was advanced to the full Senate.

Health and Human Services Budget Division

Employer health payments okayed

A measure requiring large employers to pay the state if the employer does not spend at least eight percent of wages on health care for employees was approved by members of the Health and Human Services Budget Division, Tues., Mar. 28.

S.F. 2672, sponsored by Sen. Becky Lourey (DFL-Kerrick), requires employers with more than 10,000 Minnesota employees to pay the state the difference between eight percent of wages and what the employer spends on health costs, if the employer spends less than eight percent on health costs. The panel, chaired by Sen. Linda Berglin (DFL-Mpls.), had previously heard the bill, but had laid it over for possible amendments.

Sen. Brian LeClair (R-Woodbury) offered an amendment increasing the threshold to 20 percent of wages. If we are going to do this, we should not go halfway on health coverage, he said. Lourey opposed the amendment, saying it was not realistic. Eight percent is the national average for health spending, she said. The amendment was defeated. Lourey offered an amendment requiring the commissioner of human services to annually report which employers with more than 100 employees have at least 25 employees enrolled in MinnesotaCare, General Assistance Medical Care or Medical Assistance. Because the amendment also included an appropriation to fund the report, Berglin suggested the amendment would be more appropriate for the division's supplemental budget proposal. Lourey withdrew the amendment.

This bill does not represent reality, LeClair said. "To suggest that the state ought to mandate how the private sector does its work is antithetical," he said, "to what state government ought to be doing." He said the bill is a mandate on employers and represents the heavy hand of government discouraging the private sector from flourishing. Lourey said the bill is consistent with the original vision of MinnesotaCare. When the program was first created, she said, Legislators were concerned that businesses would drop health coverage and push their employees

onto state assistance. Employers who can afford to provide coverage should help pay for their employees' coverage, she said. S.F. 2672 was advanced to the full Finance Committee.

The division also considered amendments to S.F. 2725. Carried by Berglin, the bill restores MinnesotaCare benefits cut in 2003. The panel adopted a series of amendments, offered by Berglin, providing a rate enhancement for federally qualified health centers and safety net clinics, increasing payment rates for critical access dental providers, setting effective dates for benefit and eligibility changes and removing eligibility barriers for children. The bill was then laid over for consideration as part of the supplemental budget package.

The panel considered four additional bills. S.F. 2477, carried by Sen. Charles "Chuck" Wiger (DFL-North St. Paul), provides a 12-month exemption from MinnesotaCare premiums for members of the military who enroll within 24 months following their tour of active duty. S.F. 2957, sponsored by Lourey, eliminates the reduction to the family planning special projects grants that was enacted in 2005. Both bills were laid over for inclusion in the omnibus budget proposal. Sen. Paul Koering (R-Fort Ripley) carried S.F. 2534, which requires the continued operation, until January 2010, of laundry services provided by the laundry unit at the Brainerd Regional Treatment Center. Members laid the bill over for further work after questioning a fiscal note indicating the bill will cost the general fund \$2.795 million in FY 07 to replace equipment. S.F. 3095, authored by Berglin, delays for one year documentation and reporting requirements imposed on providers of personal care assistant services using pooled or shared hours. Because of time constraints, the panel laid the bill over for further consideration at another meeting.

In other action, the division continued its examination of the governor's supplemental budget recommendations. The panel heard from representatives of the Dept. of Human Services, who discussed several elements of the proposal in detail.

Omnibus bill prep continues

Members of the Health and Human Services Budget Division continued their progress toward starting to put together an

omnibus supplemental budget proposal, Wed., Mar. 29. The panel considered three bills, continued its examination of the governor's recommendations and heard from community service providers.

S.F. 3346, sponsored by Division Chair Linda Berglin (DFL-Mpls.), raises the asset limits for food stamp recipients to \$7,000 to provide more continuity with Medical Assistance. The asset limits cannot be exactly the same, she said, because each program counts different things when calculating a person's assets. Berglin also carried S.F. 3103, which creates the work participation rate enhancement program (Work PREP). The program is designed to serve families not making significant progress within MFIP due to barriers to employment. Both bills were laid over for possible inclusion in the omnibus budget package. The division also heard from representatives of community action programs on the effects of cuts since 2003 on their programs.

Assisted living bill gains

A bill establishing requirements for assisted living services was approved and advanced to the full Finance Committee at the Thurs., Mar. 30, meeting of the Health and Human Services Budget Division. S.F. 2888, carried by Division Chair Linda Berglin (DFL-Mpls.), limits the use of the term assisted living, specifies procedures for terminating services for assisted living clients, modifies the home care bill of rights for purposes of assisted living, establishes the Class R home care provider category, eliminates the Class E assisted living programs license and requires the provision of information on assisted living and the legal rights of assisted living clients.

Berglin said the bill is the product of two years of work by a task force. She offered, and members adopted, an amendment relating to awake staff at assisted living facilities. Under the amendment, small establishments with 12 or fewer clients may have awake staff in another building as long as there is a disclosure that awake staff is not in the same building. Berglin said the \$140,000 appropriation in the bill is from a special revenue fund and is designated for the Dept. of Health's enforcement of the bill's requirements.

Iris Freeman, Alzheimer's Association, and Jon Lips, CareProviders of

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Minnesota, spoke in support of the bill. Freeman said the task force worked diligently with all sides to provide protections for assisted living clients.

Members also considered, S.F. 3290, the governor's mental health proposal. The bill, carried by Berglin, provides children's mental health grants, establishes mental health service delivery and finance reform, modifies mental health case management and rates, modifies General Assistance Medical Care coverages, adds services provided by clinical nurse specialist in mental health and certified psychiatric nurse practitioner to those covered under Medical Assistance and adds crisis assistance as a covered service.

Berglin said the bill is a continuum, building on other efforts to make sure individuals get the proper services. She said the bill is not an end point, but just another step. The bill was laid over for possible inclusion in the division's omnibus bill.

Members also heard testimony from Lorraine Teel, executive director, Minnesota AIDS Project, on the necessity of having funding restored for the AIDS prevention telephone line. She said the telephone service is one of the few places individuals can turn to in order to speak confidentially about high risk behavior and AIDS resources available in the state. Lori Meyer, Minnesota Health and Housing Alliance, spoke on heating assistance issues. She said that although heating costs did not reach the anticipated 70 percent increase, the average increase of 33 percent was difficult for some smaller facilities to absorb.

Jobs, Energy and Community Development

Required attendance at political, religious meetings prohibited

A measure barring employers from requiring employees to attend religious or political meetings was approved by members of the Jobs, Energy and Community Development Committee at their Mon., Mar. 27, meeting.

S.F. 2882, said Chief Author David Tomassoni (DFL-Chisholm), gives employees the right to refuse to attend religious or political meetings sponsored by the employer without fear of retribution. The bill does not limit employers'

free speech, he said, but does protect the rights of workers not to listen to opinions they do not want to hear. Brad Lehto, AFL-CIO, said other states are acting on similar legislation. Tony Ogundiran of AFSCME and Rick Varco of SEIU said employers frequently resist unionization efforts by requiring employees to attend mandatory anti-union meetings.

Federal law outlines employers' ability to communicate with their employees while a unionization effort is ongoing, said Tom Hesse, Minnesota Chamber of Commerce. He said the bill would likely be preempted by federal labor law. Hesse said the bill could also have negative effects on other topics regularly discussed by employers, such as charitable organizations employees may support through payroll deduction.

The bill was advanced to the full Senate.

Committee members, chaired by Sen. Ellen Anderson (DFL-St. Paul), considered eight additional bills.

S.F. 3528, authored by Sen. Steve Kelley (DFL-Hopkins), permits the Public Utilities Commission to base a public utility's allowance in rates for income or corporate franchise taxes on an estimate of what the utility will pay as a stand alone taxpaying entity or an estimate of the utility's tax liability if it files returns on a consolidated basis with other related business entities. Kelley said the bill is designed to ensure that Minnesota ratepayers do not absorb the risks of regulated companies' non-regulated related businesses.

Currently, utilities can collect from ratepayers funds to pay estimated taxes, but then use the tax losses of non-regulated businesses to avoid actually paying taxes, said Myer Shark, a St. Louis Park attorney. "[These taxes are] a cost they will not have and they know it," said Assistant Attorney General Ron Giteck. If the utilities are not going to pay taxes, taxes should be kept out of rate calculations, he said.

The current policy is that rates charged by regulated utilities are not affected by the activities of non-regulated related entities, said Scott Wilensky, Xcel Energy. That rates will not be affected means that ratepayers will not be harmed, and will not be benefited, by nonregulated activities, he said. Wilensky said that customers of regulated utilities are in no different a position than they would have

been in if the non-regulated entity had never been established.

A motion to table the bill, made by Sen. James Metzen (DFL-South St. Paul), failed on a tie vote, 7-7. The bill was approved and re-referred to the Tax Committee on a voice vote.

S.F. 3516, carried by Sen. Richard Cohen (DFL-St. Paul), increases the deed tax to fund housing programs, including rental assistance and the economic development and housing challenge program. The bill also establishes a new account to provide matching grants for affordable home ownership and rental housing projects. S.F. 3308, authored by Sen. Dennis Frederickson (R-New Ulm), provides tax refunds to electric utilities that transition to soy-based transformer fluid. Both bills were also advanced to the Tax Committee.

Two measures were recommended for placement on the Consent Calendar. S.F. 2832, sponsored by Tomassoni, creates a task force to study issues surrounding the recruitment and retention of volunteer firefighters, volunteer ambulance personnel and volunteer emergency responders. S.F. 3465 contains the recommendations of the Workers' Compensation Advisory Council. Carried by Sen. Thomas Bakk (DFL-Clearbrook), the measure modifies appeal procedures and modifies notice of coverage provisions.

Sen. Dan Sparks (DFL-Austin) authored S.F. 776, which gives consumers the right to know the city, state and country where a customer service call employee is located and to be transferred from a foreign call center to a U.S. call center if the consumer is requested to provide financial, credit or identifying information. The bill was approved by the committee last year, but was returned to the panel under Senate Rule 47 after no action was taken on the Senate floor. S.F. 3244, carried by Sen. Thomas Neuville (R-Northfield), requires employers to notify employees of their right to access and review personnel records. S.F. 2840, sponsored by Sen. Linda Scheid (DFL-Brooklyn Park), requires public employers to grant employees paid leaves of absence to donate an organ. All three bills were advanced to the full Senate.

Plug-in hybrids study approved

A proposal to study how plug-in hybrid electric vehicles could be promoted in Minnesota was approved by

members of the Jobs, Energy and Community Development Committee, Wed., Mar. 29.

S.F. 3513, presented by Sen. Sandra Pappas (DFL-St. Paul) on behalf of Chief Author Richard Cohen (DFL-St. Paul), creates a task force to study plug-in hybrids. Under the bill, the task force is also charged with examining how the state can work with the Ford Motor Company to build plug-in hybrid vehicles at the company's St. Paul plant. The bill also proposes setting a target for increasing flexible fuel vehicle sales in Minnesota and directs the Public Utilities Commission to examine the interrelationship between greater adoption of plug-in hybrid vehicles and the electricity grid system. The bill was advanced to the State and Local Government Operations Committee.

The committee, chaired by Sen. Ellen Anderson (DFL-St. Paul) considered seven additional measures. S.F. 3332, carried by Sen. Ann Rest (DFL-New Hope), makes technical changes to the international economic development zone program. The bill was re-referred to the Tax Committee. S.F. 3229, sponsored by Sen. Thomas Bakk (DFL-Cook), creates a fund providing 10-year, low-interest loans for Greater Minnesota initiative programs. The measure was forwarded to the Finance Committee. S.F. 3282, sponsored by Sen. Steve Kelley (DFL-Hopkins), provides for statewide expansion of the public safety radio communications system. The bill includes a \$277.732 million appropriation from the 911 revenue bond proceeds account; the account is supported by 911 surcharges, which are increased in the bill to fund the expansion. The bill was also advanced to the Finance Committee.

The remaining bills were all sent to the Senate floor.

S.F. 3228, carried by Sen. Jane Ranum (DFL-Mpls.), makes technical changes to the 911 service system. S.F. 3319, sponsored by Sen. Linda Scheid (DFL-Brooklyn Park), requires competency criteria for construction code inspectors. Scheid also authored S.F. 3176, which consolidates, under the Dept. of Labor and Industry, many of the units related to building and construction codes from several state agencies. S.F. 2907, carried by Sen. John Hottinger (DFL-St. Peter), requires annual reports to the Legislature about recipients of business

development public infrastructure and redevelopment grants.

Judiciary

New home warranty bill advances

At the beginning of the Tues., Mar. 28, Judiciary Committee, Chairman Don Betzold (DFL-Fridley), announced because it was deadline day, members had to complete the lengthy agenda during the panel's allotted time, or the bills would be dead for the session. The panel buckled down immediately and managed to clear 13 bills from the agenda.

S.F. 3234, sponsored by Sen. Ellen Anderson (DFL-St. Paul), regulates statutory housing warranties. Anderson said the bill attempts to fix a loophole in the law that allows builders' corporations to dissolve before the statutory 10 year new home warranty runs out and escape terms of the warranty. The bill was amended to specify that insurance purchased by the builder is still in force, even if the builder's corporation is dissolved. In addition, the bill specifies that the warranties are unaffected if the builder's corporation dissolves.

Anderson also carried a bill, S.F. 2995, regulating liens for storage charges on motor vehicles with one or more secured creditors listed on the certificate of title. Under the bill, a lien for storage charges for more than five days accrues only after written notice is sent by registered mail to all listed secured creditors. The bill also specifies that the notice contain the name, address, and telephone number of the lien holder, the amount of money owed and the rate at which the storage charges are accruing. S.F. 1695, authored by Sen. Wesley Skoglund (DFL-Mpls.), provides for the release of records necessary for family and caretaker involvement in mental health care. Under the bill, the request for access must be in writing, the family member or caretaker must be directly involved in the patient's care, the involvement must be verified by the provider or physician, the patient must be informed, the patient does not object and the information must be necessary to help care for the patient.

S.F. 1040, carried by Betzold, limits liability for physicians, physician's assistants, certified nurse practitioners, or clinical nurse specialists in psychiatric and mental health for the conduct of a former prisoner or committed person related to

the use or nonuse of medicines prescribed before the person's release. S.F. 3349, authored by Sen. Jane Ranum (DFL-Mpls.), provides for enforcement of foreign protective orders. Ranum said foreign protective orders include orders for protection entered by a court of another state, and order by an Indian tribe or an order entered in a U.S. territory that would be a protective order in Minnesota. S.F. 2735, sponsored by Sen. Ann Rest (DFL-New Hope), makes changes to the membership of the Legislative Audit Commission and eliminates obsolete language. Rest said the bill was before the panel because of provision that is repealed dealing with the commission's power to request data that is withheld by a state agency after the commissioner of administration rules that an individual is entitled to access the data.

All of the above bills were approved and advanced to the full Senate for consideration.

S.F. 2002, authored by Sen. Dan Sparks (DFL-Austin), makes a number of changes in order to protect consumers from identity theft. The bill provides for credit blocks in cases of identity theft, authorizes a consumer to place a security freeze on the consumer's credit report, provides protections against identity theft, provides for credit monitoring, provides for the adequate destruction of personal records and provides civil and criminal penalties. Members laid the bill aside in order to consider S.F. 2965, sponsored by Sen. Satveer Chaudhary (DFL-Fridley). S.F. 2965 regulates the disclosure of personal information by data warehouses, provides notice content requirements and removes an exemption for security breaches for financial institutions and health care entities. Chaudhary offered most of the language of the bill as an amendment to S.F. 2002. The amendment was adopted. In addition, S.F. 2965 was approved and sent to the full Senate. S.F. 2002 was also approved and advanced to the Senate floor.

Two bills authored by Sen. Scott Dibble (DFL-Mpls.) were advanced to the full Senate. S.F. 2887 requires notices of manufactured home parks to be given to the commissioner of health and the Housing Finance Agency. S.F. 3216 regulates condominium conversions and allows local regulation of the common interest community form of ownership by striking a provision that provides that any

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ordinance is not effective for a period of more than 18 months.

S.F. 2899, authored by Sen. Linda Berglin (DFL-Mpls.), establishes a controlled substances reporting program. Berglin said the bill aims to reduce the incidence of drug diversion by allowing the Board of Pharmacy to maintain a database of prescribing information. Members adopted two amendments removing language relating to rulemaking and to an advisory committee and to limit access to information by a private vendor hired to provide technical assistance. The bill was approved and re-referred to the Finance Committee.

S.F. 3263, sponsored by Sen. Lawrence Pogemiller (DFL-Mpls.), provides for the awarding of reasonable attorney fees and costs in litigation relating to new home warranties. The bill was also advanced to the floor.

One bill was laid over. S.F. 3279, carried by Sen. Gary Kubly (DFL-Granite Falls), provides Conciliation Court with jurisdiction to determine fraudulent bank transactions using a debit card.

Data bill okayed

Members of the Judiciary Subcommittee on Data Practices, chaired by Sen. Wesley Skoglund (DFL-Mpls.), held an evening meeting, Tues., Mar. 28, to consider three measures. The subcommittee combined all three proposals forwarded the package to the full committee.

S.F. 3375, sponsored by Sen. Satveer Chaudhary (DFL-Fridley), prohibits bulk distribution of personal information in driver's license and motor vehicle records and requires drivers' consent for Internet or electronic access to their records. S.F. 3167, carried by Sen. Don Betzold (DFL-Fridley), modifies the classifications of numerous types of data. S.F. 3414, carried by Skoglund, authorizes probation and parole officers to access information about a handgun permit applicant or holder who is a defendant, parolee or probationer of a district court.

Language from the bills was amended into S.F. 3414, which was then advanced to the full Judiciary Committee.

Newborns' testing changes ok'd

A bill modifying the system testing newborns for heritable and congenital disorders was approved by members of the Judiciary Committee at their Thurs., Mar. 30, meeting.

S.F. 3344, carried by Sen. Linda Scheid (DFL-Brooklyn Park), shifts the approach of the system from an opt-out option for parents to an opt-in style. The bill also allows parents to choose to opt-in only for phenylketonuria (PKU), rather than the full battery of genetic tests. Before new tests may be added to the battery, under the bill, the Legislature must approve their addition. The measure also enhances destruction provisions by allowing parents to direct the destruction of their children's samples within 30 days, rather than the current two years, and by requiring the Dept. of Health (MDH) to provide a certificate of destruction to parents.

I support early detection of PKU and the more than 50 other disorders being tested for, Scheid said. However, she said, parents are currently being given little or no meaningful information about the tests before they are conducted. Many parents are not told about the tests or given a meaningful opportunity to opt out before their children are born, Scheid said. She said parents often do not find out about the tests until they notice a bruise on their child's heel, where the blood sample is usually taken. "Who do we think we are that we know better," she said, by forcing parents to have their children tested. By far, most parents will still opt in, she said, but they must be allowed to make informed choices about their children's well-being.

The list of tests has been expanding steadily, without public comment, since 2003, said Twila Brase of the Citizens Council on Health Care. She said some parents who consider opting out are told by doctors and nurses that social services will be called if the parent chooses to opt out of the testing. Medical professionals should be talking with parents in the nine months leading up to birth about the importance of the tests and the dangers of letting the disorders go undetected, she said. Carla Taepke, a parent, said she wanted her child tested, but did not want the genetic information entered into a state database. She questioned whether there are any good reasons for keeping a child's samples for two years after parents have said they want the samples destroyed; the tests have been conducted and the results given to parents. Magdalena Wallhoff said she and her husband were not informed of their ability to opt out when their child was born last

year. Parents should be engaged and informed in making medical decisions, not kept ignorant or afraid of medicine, said Wallhoff, a public health graduate student married to a medical student.

Opt-in programs always mean less participation than opt-out programs, said Rep. Paul Thissen (DFL-Mpls.). Thissen said his son was born shortly after MDH expanded the battery of tests. One of the new tests, he said, covered a disorder that both parents unknowingly carried in their genetic profile. Thissen said his son tested positive and they were able to secure early treatment. Many parents are in similar positions, where they do not know they are carriers for something that may seriously endanger their newborn, he said. Sara Noznesky said the American Academy of Pediatrics Minnesota Chapter is greatly concerned that the proposal could significantly reduce the number of newborns screened. Phil Griffin, representing the March of Dimes, said that if the current opt-out system is not working properly, it should not be trashed, but should instead be reformed.

Mark McCann, MDH, said active research is conducted on the samples, but only on an anonymous basis. Academic review committees have determined that direct parental consent was unnecessary because of the anonymous nature of the research and because no private health information is available to researchers, he said. McCann said MDH began storing samples in 1997 and has collected over 600,000 samples since then. The department is aware of concerns about parent education and is in the midst of an effort to improve education for physicians to distribute to expectant parents, he said.

Sen. Ann Rest (DFL-New Hope) offered an amendment deleting the provisions requiring legislative approval of new tests and shifting from an opt-out to an opt-in model. The amendment was divided to consider each provision separately; both parts of the amendment were adopted and the provisions deleted on matching 5-4 roll call votes. Sen. Warren Limmer (R-Maple Grove) offered an amendment requiring the MDH website to include annual reports with data about how many screenings were performed, how many individuals opted out, how many samples were destroyed, how many individuals' test results were destroyed and how many samples were released for research. The amendment was

adopted. Sen. Thomas Neuville (R-Northfield) offered, and the committee adopted, an amendment making clear that tests other than those for heritable and congenital disorders may not be added to the battery unless expressly authorized by law. Sen. Julianne Ortman (R-Chanhassen) offered an amendment making providers civilly liable to parents if the required information is not provided before testing is performed. Ortman said it was important to make the current opt-out provisions meaningful for parents. The amendment was tabled on a 5-4 roll call vote.

S.F. 3344 was approved and referred to the Health and Family Security Committee.

The committee, chaired by Sen. Don Betzold (DFL-Fridley), advanced two additional bills.

S.F. 2662, authored by Sen. Linda Higgins (DFL-Mpls.), creates a procedure for nonprofit organizations to acquire unoccupied nuisance property and rehabilitate it for low- or moderate-income housing. Higgins said communities across the state face challenges with nuisance property that the owner is willing to leave boarded up while paying a minimal fee and the property taxes. She said the bill proposes a remedy that is more affordable than condemnation because it does not involve the city government. Under the bill, the nonprofit seeking possession undertakes independent judicial action to take possession of the property. Neuville said current law provides procedures for dealing with hazardous properties. The bill represents good intentions, he said, but proposes a dangerous solution. The procedure amounts to a private power of eminent domain, he said. Neuville moved to table the bill; the motion failed. S.F. 2662 was sent to the full Senate on a 5-4 roll call vote.

S.F. 2852, sponsored by Sen. Tom Saxhaug (DFL-Grand Rapids), is the Dept. of Natural Resources' forestry bill. The measure permits the department to reimburse owners for their appraisal costs after they have donated land to the state, allows the department to accept gifts of land outside the boundaries of state parks and recreation areas, modifies the auction procedure for state timber sales and allows permits to include a schedule of liquidated damages for breach of the permit terms. The bill was advanced to the Finance Committee.

K-12 Education Budget Division

Department policy bill heard

Members of the K-12 Education Budget Division devoted most of the Tues., Mar. 28, meeting to a review of a bill making numerous policy changes suggested by the Dept. of Education. The bill, S.F. 3274, sponsored by Division Chair LeRoy Stumpf (DFL-Plummer), provides for financing of prekindergarten through grade 12, makes changes in provisions relating to students over the age of 21, expands the alternative teacher compensation program, expands early childhood Part C services, and provides for a district and high school redesign pilot project.

Commissioner Alice Seagren, Dept. of Education, explained the appropriations in the bill. She said a provision allowing the Waseca school district to levy up to \$343,550 beginning in 2006 over five years for health and safety revenue is because of a miscalculation on the part of the department. A \$1.049 million appropriation for FY 2007 is for the expansion of early childhood Part C services. Seagren said Part C services are for children under the age of 3 who are eligible for special education. The measure also adds an appropriation for aid to districts screening kindergarten children and makes an appropriation for transition revenue for modifications to prekindergarten programs such as the High 5 program.

Tom Melcher, Dept. of Education, explained each section of the bill. Many of the provisions make technical and clarifying changes to current law. The bill was approved and laid over for inclusion in the division's omnibus bill.

The panel also heard a bill providing for an elementary and middle school international baccalaureate (IB) pilot program. S.F. 1052, sponsored by Sen. Sharon Marko (DFL-Cottage Grove), provides funding for a five-year pilot program in Special School District #6, South St. Paul, ISD #283, St. Louis Park, and a third district selected by the commissioner. The bill specifies the districts must have an established international baccalaureate program to assess the benefits of implementing IB primary-level and intermediate-level programs across an entire district and to measure its effective-

ness in improving student performance and academic achievement. The bill was laid over for possible inclusion in the division's omnibus bill.

Rocori aid bill heard

Members of the K-12 Budget Division met Wed., Mar. 29, to consider several measures. One bill, S.F. 3494, authored by Sen. Michelle Fischbach (R-Paynesville), authorizes an emergency appropriation for the Rocori School District. Fischbach said the funds would be used to continue district activities that were developed with the district's federal school emergency response to violence grant. Superintendent Scott Staska said no other district in the state, except for Red Lake, has experienced a shooting on school premises. He said the lingering effects of the trauma have led to the need for the appropriation in order to continue the district's recovery efforts. Staska said the recovery efforts include an assessment of educational adequacy, continued recovery support, a strategic planning overview, staff development initiatives and any other activities developed in response to the federal grant. Members laid the bill over for inclusion in the division's omnibus bill.

Fischbach also sponsored a bill, S.F. 3492, authorizing the Rocori School District to lease administrative space, if the district can demonstrate the leased space is less expensive than instructional space the district would otherwise lease. The measure was laid over for possible inclusion in the omnibus bill.

The division, chaired by Sen. LeRoy Stumpf (DFL-Plummer), considered two bills relating to the increased cost of energy this year. S.F. 2867, sponsored by Sen. Tarryl Clark (DFL-St. Cloud), appropriates funds for grants for increased school district heating and transportation fuel costs. S.F. 2567, carried by Sen. Charles "Chuck" Wiger (DFL-North St. Paul), increases the basic formula allowance and dedicates the increase to school district energy expenditures.

S.F. 3036, sponsored by Sen. Linda Scheid (DFL-Brooklyn Park), increases funding for school districts for technology purposes. Scheid said a recent study placed Minnesota schools in the bottom 20 percent in terms of technology. "That is unconscionable as far as I'm concerned," Scheid said. The bill specifies that at least \$25 times the adjusted

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marginal cost pupil units for the school year must be used only for school district technology purposes.

All of the measures were laid over for possible inclusion in the division's omnibus bill. The panel also engaged on a far reaching conversation on health and safety issues.

Public Safety Budget Division

Spending bills heard

Seven measures proposing supplemental spending were considered by members of the Public Safety Budget Division. The panel laid all the bills over for possible inclusion in an omnibus budget package.

S.F. 2631, carried by Sen. Dallas Sams (DFL-Staples), appropriates \$2 million for grants to youth intervention programs. S.F. 3341, authored by Sen. Richard Cohen (DFL-St. Paul), provides \$52,000 to reimburse municipalities whose bomb squads provide out-of-area assistance to other jurisdictions.

Division Chair Jane Ranum (DFL-Mpls.) sponsored the final five bills. S.F. 2911 creates enhanced penalties for the crimes of violating a domestic abuse no contact order, assault in the fifth degree, domestic assault, violating an harassment restraining order, and harassment and stalking. S.F. 3330 appropriates \$75,000 to the Board on Judicial Standards. S.F. 3466 modifies the distribution of fines collected by Hennepin County. The bill requires the court administrator to directly pay 80 percent of fines collected to the municipality where the crime was committed; the remaining 20 percent is to be paid into the state general fund. S.F. 3498 provides \$150,000 for the Victim Intervention Program. S.F. 3353 authorizes a grant to a program mentoring children of incarcerated parents.

State and Local Government Operations

Numerous bills approved

Members of the State and Local Government Operations Committee held two meetings Mon., Mar. 27, to consider a broad-ranging menu of legislation.

Ten bills were approved and sent to the full Senate. S.F. 2939, sponsored by

Sen. Dean Johnson (DFL-Willmar), allows the city of Pennock to acquire a closed convenience store and convey the store to a private entity to continue operating a convenience store. S.F. 3394, carried by Sen. Steve Dille (R-Dassel), requires notice of intent to conduct an adults-only business to be given to cities and counties. S.F. 2319, authored by Sen. Don Betzold (DFL-Fridley), enacts the Uniform Securities Act (2002) proposed by the National Conference of Commissioners on Uniform State Laws. The bill was in the committee because it includes rulemaking authority for the Dept. of Commerce. S.F. 3053, carried by Sen. Steve Murphy (DFL-Red Wing), requires the commissioner of natural resources to amend rules to allow all-terrain vehicles to be used on privately owned land during the legal shooting hours of the deer season. S.F. 3245, sponsored by Sen. Mike McGinn (R-Eagan), removes obsolete statutory language relating to the Metropolitan Radio Board.

Sen. Paul Koering (R-Fort Ripley) carried a bill, S.F. 3096, permitting the Veterans Homes Board to conduct meetings by telephone or other electronic means. S.F. 3410, authored by Sen. Jim Vickerman (DFL-Tracy), authorizes the placement of a plaque on the Capitol grounds honoring the nation's war dogs and their handlers. Committee Chair Linda Higgins (DFL-Mpls.) carried three bills. S.F. 3459 creates a task force to study the design of the state flag. S.F. 3482 creates a task force to develop strategies for the restoration of Victory Memorial Drive Historic District in Minneapolis. S.F. 2660 authorizes the Minneapolis Park and Recreation Board and the Minneapolis City Council to jointly exercise statutory authority to impose a dedication fee on new housing units for public parks, playgrounds, recreational facilities, wetlands or open space.

The remaining bills were forwarded to other Senate committees.

Sen. Sheila Kiscaden (DFL-Rochester) sponsored two bills, S.F. 3403 and S.F. 3404, providing for two annual legislative training forums to provide an overview of Minnesota issues, including background on key policy issues anticipated to be the focus of legislative action that year. S.F. 3404 also contains a schedule for the submission and consideration of legislation, limits the subject

matter of budget bills to language directly necessary to implement appropriations and makes a statutory appropriation for transition expenses incurred by a governor-elect. S.F. 3403 was approved and re-referred to the Finance Committee. S.F. 3404 was advanced to the Committee on Rules and Administration.

S.F. 2906, authored by Sen. Richard Cohen (DFL-St. Paul), compensates state employees who were prevented from working during the partial government shutdown. The bill only compensates employees who did not have enough vacation time to continue being paid during the shutdown. The measure was advanced to the Finance Committee. S.F. 3250, carried by Sen. Jane Ranum (DFL-Mpls.), modifies and updates the coroner and medical examiners law. The bill was re-referred to the Crime Prevention and Public Safety Committee. S.F. 3616, sponsored by Sen. Terri Bonoff (DFL-Minnetonka), requires the State Board of Investment to make an annual determination of which companies in the state's pension fund portfolios have equity ties to Sudan. The measure also requires the board to support shareholder resolutions encouraging corporations to divest equity ties to Sudan and to develop and implement a strategy to urge corporations to divest their Sudanese equity ties. The measure was approved and advanced to the Finance Committee. S.F. 979, carried by Sen. Becky Lourey (DFL-Kerrick), establishes a healthy Minnesotans biomonitoring program and creates a panel to advise the commissioner of health on the program. The bill was re-referred to the Finance Committee without recommendation.

Olympics task force okayed

A proposal to study the feasibility of Minnesota submitting a bid to host the 32nd Olympiad in 2020 was approved by members of the State and Local Government Operations Committee, Wed., Mar. 29.

S.F. 3562, carried by Sen. David Tomassoni (DFL-Chisholm), creates a task force of 17 members, including 4 Legislators and 13 representatives of the amateur sports community and corporate, nonprofit and public sectors appointed by the governor. Under the bill, the task force is required to examine the roles of the public and private sector in preparing



Rolls of several hundred signed petitions extend from the second floor of the Capitol Rotunda as high school students participate in a rally sponsored by the Light for Life Foundation of Minnesota and the Yellow Ribbon Suicide Prevention Program.

Photo by Shelley Hawes

a bid and preparing to host the games, the cost of submitting a bid and the costs and benefits of hosting the games.

Bidding for the 2020 Summer Olympics will showcase this state and the good lifestyle venues we have here, Tomassoni said. He said Minnesota has experience submitting bids, since the state came in second to Atlanta for the U.S. bid for the 1996 games. This proposal will allow to us to make use of the resources of our entire state, he said, because there is no requirement that all venues be compactly located. Manny Lagos, a former Olympic soccer player, noted that the most recent winter games in Italy had venues that were three hours apart. "If you dream big," Lagos said, you can do it. Minnesota could put on an amazing Olympics, he said. Rep. Melissa Hortman (DFL-Brooklyn Park) said Atlanta saw a \$4 billion economic impact and Sydney saw a \$7 billion impact from hosting the summer games. Additionally, she said,

hosting the Olympics requires the local community to accelerate transportation projects that are on the drawing board for future years. Government is deadline driven, she said, and the Olympics create a hard deadline and shift the discussion to how the state will meet the deadline. S.F. 3562 was advanced to the Rules and Administration Committee.

Committee members, chaired by Sen. Linda Higgins (DFL-Mpls.), acted on six additional bills. S.F. 2974, carried by Sen. Tom Saxhaug (DFL-Grand Rapids), is the omnibus game and fish bill. It was before the committee because it includes changes to Dept. of Natural Resources rulemaking authority. S.F. 3183, sponsored by Sen. Don Betzold (DFL-Fridley), authorizes local units of government to create trusts to meet post-employment benefit liabilities in keeping with government accounting standards. The bill also sets the risk level of the trusts by requiring investments to be handled by the State

Board of Investment. The panel adopted an amendment, offered by Tomassoni, removing the SBI-investment requirement. Both S.F. 2974 and S.F. 3183 were advanced to the Finance Committee.

S.F. 3141, authored by Sen. Michael Jungbauer (R-East Bethel), permits the Ramsey City Council to exercise the powers of a port authority. The bill was re-referred to the Tax Committee. S.F. 3359, carried by Sen. David Senjem (R-Rochester), renames the public employees insurance plan (PEIP) as the public buyers group program (PBGp). The plan is a group insurance plan, administered by the Dept. of Employee Relations, made available to all local units of government statewide. The bill permits the department to modify the program and to include new plan designs, including one modeled on the state employee plan and one that also includes a health savings account component, said DOER Commissioner Cal Ludeman. The bill was ad-

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vanced to the Health and Family Security Committee.

Two bills were sent to the full Senate. S.F. 2622, carried by Sen. Gary Kubly (DFL-Granite Falls), adds two members to the Swift County Rural Development Finance Authority Board. S.F. 2602, sponsored by Sen. Claire Robling (R-Jordan), permits towns to enter into contracts for the construction or maintenance of town roads by piggybacking on county contracts that were let via competitive bidding.

State Government Budget Division

Bills heard

Six measures were considered by members of the State Government Budget Division, Wed., Mar. 29. Panel members,

chaired by Sen. Sheila Kiscaden (DFL-Rochester) are preparing to assemble an omnibus supplemental budget package. All six bills were laid over for possible inclusion in the omnibus measure.

S.F. 3429, carried by Sen. Ann Rest (DFL-New Hope), expands current lease authority granted to the Amateur Sports Commission to include two 30-year renewal periods. S.F. 3416, sponsored by Sen. Brian LeClair (R-Woodbury), appropriates \$65,000 to the state chief information officer for an independent assessment of Minnesota's computing and telecommunications infrastructure. S.F. 3303, authored by Sen. David Hann (R-Eden Prairie), designates the secretary of state to receive applications for absentee ballots from absent voters in the military or residing outside the United States. Currently, county auditors handle the absentee ballot applications. S.F. 3436,

carried by Sen. Tom Saxhaug (DFL-Grand Rapids), appropriates \$10,000 to support the Legislators' Forum, which is a gathering of lawmakers from Minnesota, South Dakota, North Dakota and Manitoba. Sen. Jim Vickerman (DFL-Tracy) sponsored two bills. S.F. 3408 provides a \$10,000 grant to assist disabled veterans at Southwest Minnesota State University. S.F. 2654 appropriates \$8.8 million annually for a variety of veterans projects, including the state soldiers' assistance fund, a centralized website for veterans services, grants to enhance county benefits programs and services, and veterans assistance offices on public college and university campuses.

Tax

Tax dedication amendment ok'd

A bill authorizing the placement of a constitutional amendment on the ballot increasing the sales tax rate by three-eighths of one percent and dedicating the receipts for natural and cultural resource purposes was advanced at the Mon., Mar. 27, meeting of the Tax Committee.

S.F. 2734, sponsored by Sen. Dallas Sams (DFL-Staples), creates several funds to disburse the dollars according to a formula set forth in the bill. The bill creates a heritage enhancement fund and specifies that 34 percent of the receipts be deposited in the fund for improvements and protection of the state's fish, wildlife, habitat and fish and wildlife tourism. Further, the bill specifies that 22 percent of the receipts be deposited in the parks and trails fund for parks, trails and zoos, 22 percent of the receipts be deposited in the clean water fund and be used for protection and restoration of the state's lakes, rivers, streams, wetlands and groundwa-



Senators John Marty (DFL-Roseville) and Ellen Anderson (DFL-St. Paul) closely examine proposed legislation during the Mon., Mar. 27, floor session.

Photo by David J. Oakes

ter, and 22 percent be deposited in an arts, humanities, museum and public broadcasting fund to be spent on arts, humanities, history, museums and public broadcasting. The measure also specifies that the dedicated money from the sales tax supplements, but does not replace, traditional sources of funding.

Jill Larson, representing the Minnesota Business Partnership, spoke in opposition to the bill. She said the partnership is opposed to a sales tax increase, not necessarily opposed to the distribution of the funds. Larson said the partnership is also opposed to placing a sales tax increase in the state's constitution. Glenn Dorfman, Minnesota Realtors, suggested an amendment to increase the income tax, rather than sales tax, in order to use a more progress tax. Sams responded that no one had come forward with an amendment to increase the income tax for the purposes outlined in the bill.

Sen. Lawrence Pogemiller (DFL-Mpls.), committee chair, said the bill was a well-crafted measure representing a compromise on all sides. The measure was approved and re-referred to the Rules and Administration Committee on a 7-4 roll call vote.

Local option sales tax bills heard

The Tax Committee, chaired by Sen. Lawrence Pogemiller (DFL-Mpls.), met Wed., Mar. 29, to consider two local sales tax bills, a measure excluding scholarships from income for property tax purposes and a bill repealing the expiration of the deed and mortgage taxes. The committee rates bills on a scale with A indicating a bill will definitely be included in the omnibus bill, B indicating the bill needs work, but will be in the omnibus bill, and so on.

Sen. Dick Day (R-Owatonna) sponsored a bill, S.F. 3426, authorizes the city of Medford to impose a sales and use tax of one-half of one percent to improve the city's wastewater system and wastewater treatment plant. The measure was placed on the A list. S.F. 3624, authored by Sen. Thomas Bakk (DFL-Cook), authorizes the city of Ely to impose a sales and use tax of up to one percent for redevelopment activities in the central business district Ely, a business park development, development of a small business incubator and improvements to the Ely Community Center and city hall. The bill was placed on the B list.

Sen. Scott Dibble (DFL-Mpls.) sponsored a bill, S.F. 2896, providing that nontaxable scholarship or fellowship grants, or the cash value of any tuition discount provided by a postsecondary institution are not counted as income for purposes of the property tax refund. Several graduate students said adding the value of their grants or scholarships to their income greatly reduced or eliminated their eligibility for a property tax refund. Pogemiller said the portion of the bill that provides for a retroactive rebate will be placed on the B list, but the bulk of the bill will be placed on the C list. The C list includes bills that are good ideas, but inclusion in the omnibus bill depends on the funds available.

S.F. 2481, authored by Sen. Ann Rest (DFL-New Hope), removes the expiration on the authority for Hennepin and Ramsey Counties to impose a mortgage registry and deed tax. Currently, the counties may impose a mortgage registry tax at the rate of .0001 of the principal and a deed tax of .0001 of the taxable amount. Under current law, the authority for the tax expires Jan. 1, 2008. Commissioners from both Ramsey and Hennepin Counties said the funds raised through the tax are deposited in an environmental response fund to be used for the cleanup of contaminated sites. Members adopted an amendment extending the sunset for four more years, rather than repealing the sunset. The bill was recommended for placement on the A list. Members also considered a proposal to extend the mortgage and deed tax to other counties. The proposal was placed on the C list.

Marriage penalty, alternative minimum tax reform discussed

A proposal to accelerate eliminating the marriage penalty in the state income tax and to reform the alternative minimum tax was the sole topic at the Thurs., Mar. 30, meeting of the Tax Committee.

S.F. 3550, sponsored by Committee Chair Lawrence Pogemiller (DFL-Mpls.), eliminates the marriage penalty in taxable year 2006. The bill sets the AMT exemption levels at \$67,250 for married individuals filing a joint return, \$33,625 for married individuals filing separate returns, and \$50,435 for single or head of household filers. The measure includes as taxable income deferred compensation that is earned while the taxpayer is a

Minnesota resident, even if the compensation is received when the taxpayer no longer lives in Minnesota. The proposal also includes a new fourth tax bracket at a rate of 8.15 percent. The bracket covers taxable income exceeding \$270,000 for married joint filers, \$180,000 for unmarried filers, and \$229,500 for unmarried head of household filers.

Sen. Debbie Johnson (R-Ham Lake) said the income levels for the new tax bracket seem very low. Pogemiller explained that the levels were set by backing into them—the amount of revenue needed to reform the AMT and eliminate the marriage penalty was determined and the bracket threshold was set accordingly. Fiscal Analyst M.J. Hedstrom said the tax bracket would apply to about 3 percent of all filers.

Johnson and Sen. John Marty (DFL-Roseville) also expressed concern about the use of \$33 million from the tax relief account to make the marriage penalty elimination retroactive to taxable year 2005. Both Marty and Johnson said they would rather see the tax relief account dollars used for property tax relief.

This proposal has no future with the governor and the other body, said Sen. William Belanger (R-Bloomington), the panel's ranking minority member. He said the proposal has already been labeled a tax increase. Further discussion of this plan will cause deadlock and the whole state will descend on us, he said. Sen. Thomas Bakk (DFL-Cook) said policymakers can always say they are for fixing the AMT, but only members of the Tax Committee have the responsibility to actually get it done. This bill does it and it does not take one extra dollar from Minnesotans' pockets, he said. Pogemiller said a deadlock is not predictable. We do not have to do any of this, he said, but it would be nice to resolve some problems in the tax code for middle income Minnesotans.

Though he had hoped to have the committee vote on the proposal at the meeting, Pogemiller agreed to delay action by one day to permit members to consider it further.

AMT reform approved

A measure reforming the alternative minimum tax and accelerating the elimination of the marriage penalty gained the approval of members of the Tax Committee, Fri., Mar. 31.

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By also creating a new fourth income tax bracket with a rate of 8.15 percent, S.F. 3550, carried by Sen. Lawrence Pogemiller (DFL-Mpls.), is revenue neutral within the income tax. Members adopted an amendment, offered by Sen. Julianne Ortman (R-Chanhassen), offering a one-year exemption from the higher bracket for taxpayers whose incomes unpredictably spike for only one year. Ortman said the amendment was meant to protect people who may have an unexpected windfall or who sell their business. If the taxpayer continues to earn in the fourth bracket range, the higher tax rate takes effect for subsequent years, under the amendment.

S.F. 3550 was advanced to the full Senate on a 7-3 roll call vote.

Transportation

MnDOT contracting bill heard

Members of the Transportation Committee met Tues., Mar. 28, to consider a variety of bills.

Sen. David Tomassoni (DFL-Chisholm) said his bill, S.F. 2657, is a taxpayers' transportation accountability bill. The bill requires the commissioner of transportation, before entering into privatization contracts of more than \$25,000, to compare the cost of state employee performance with the cost of privatization. Tomassoni said the bill also requires the commissioner to determine that the cost of using a consultant will be at least ten percent lower than the cost of comparable work provided by agency employees and that the proposed contract is in the public interest. The measure also requires the commissioner to provide the Legislature with an annual report listing all the privatization transportation contracts performed in the previous fiscal year.

Members of AFSCME spoke in support of the measure. Proponents said state workers are able to perform work more efficiently and more economically than outside contractors. Dick Stehr, Dept. of Transportation, said the use of state workers is not always feasible because of the need for specialized skills or the lack of workers in a particular portion of the state where very large projects are contemplated.

Tomassoni said state workers are concerned that their jobs are being done by others when they are willing and able to do the work.

The bill was approved and re-referred to the Finance Committee.

In other action, the committee advanced several other bills. S.F. 3473, sponsored by Committee Chair Steve Murphy (DFL-Red Wing), authorizes special license plates for all disabled veterans. Under the bill, any applicant who has been awarded a claim for disability from the U.S. Dept. of Veterans Affairs and pays a fee of \$10 may be issued plates bearing the inscription "Disabled Veteran." The measure was advanced to the Senate floor.

Members also approved a bill, S.F. 3327, allowing individuals to retrieve personal belongings from impounded vehicles, whether or not they are able to reclaim the vehicle. Sen. Scott Dibble (DFL-Mpls.), chief author, said very often there are items such as medications, tools or books left in vehicles that are subsequently towed. Sometimes, Dibble said, vehicle owners cannot afford to retrieve the vehicle or pay for vehicle repairs. In those cases, he said, the owners need to be able to retrieve their belongings. However, an owner of a towing company said she and her employees have no way of knowing who really owns the personal belongings and who really owns the vehicles.

The measure was approved and advanced to the full Senate. Dibble also carried a bill, S.F. 1672, modifying provisions relating to property transactions of the Dept. of Transportation. The bill was re-referred to the Finance Committee.

Sen. Don Betzold (DFL-Fridley) authored a bill, S.F. 3246, which authorizes the commissioner, or a public entity acting for the Dept. of Transportation, to contract with a Class I railroad to share use of railroad right-of-way, or to construct or utilize rail track, facilities, or services for commuter rail. Betzold said the bill is necessary for the Northstar Commuter Rail project to move forward. S.F. 3454, sponsored by Sen. Linda Higgins (DFL-Mpls.), permits a transit service provider, acting as a subcontractor, to receive financial assistance from the Metropolitan Council. S.F. 1811, carried by Sen. Paul Koering (R-Fort Ripley), authorizes local governments to permit low-speed neighborhood electric vehicles to be operated on residential roadways. All three measures were advanced to the Senate floor.

Silvera memorial highway okayed

Portions of I-35, I-35E and I-35W will be designated in honor of a Lino Lakes police officer who was killed in the line of duty, under a measure approved by members of the Transportation Committee, Thurs., Mar. 30.

Shawn Silvera was placing tire deflators, commonly called "stop sticks," on I-35W's road surface last September to stop a suspect who was driving a stolen vehicle and fleeing police. The suspect hit Silvera, who died on the scene. S.F. 3526, sponsored by Sen. Michelle Bachmann (R-Stillwater), designates portions of the interstates in and around Lino Lakes the "Shawn Silvera Memorial Highway" and provides for the placement of signs recognizing the designation in three locations along the interstates. Silvera's widow, Jennifer, spoke about her husband's dedication to policing and his positive approach to life. S.F. 3526 was approved and sent to the full Senate.

In other action, the committee considered a bill, S.F. 3597, urging Congress to repeal the railroad industry's exemption from antitrust laws. Chief Author Tom Saxhaug (DFL-Grand Rapids) said repealing the exemption will increase competition and lower prices to benefit Minnesota consumers. A motion to approve the bill and send it to the Senate floor was defeated on a voice vote.

The panel also acted on two additional bills in its capacity as the Transportation Budget Division. The two entities are separate under the Senate's committee structure, but have the same membership, meeting time and leadership. Because budget divisions are not independent entities, legislation approved by them can only be sent to the full Finance Committee, rather than being re-referred to other committees or to the full Senate. S.F. 3331, sponsored by Sen. Dan Sparks (DFL-Austin), appropriates \$477,500 annually in FY 07 and FY 08 from the petroleum tank release cleanup fund for reimbursable costs incurred before 2004. The measure was approved and sent to the full Finance Committee. S.F. 3450, carried by Chair Steve Murphy (DFL-Red Wing), requires the Metropolitan Council to ensure that the geographic service area of Metro Mobility is continuous within the transit district's boundaries, as they existed on Mar. 1. The measure was approved and laid over for further consideration.

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Sen. Carrie Ruud (R-Breezy Point) exits an electric car after taking it for a test drive in front of the Capitol, Thurs., Apr. 6, as part of a demonstration sponsored by e-ride Industries of Princeton.

Photo by David J. Oakes



April 7, 2006

Senate Highlights

Marriage amendment rejected

A proposal to amend the state constitution to define marriage failed to gain the approval of members of the Judiciary Committee, Tues., Apr. 4.

H.F. 6, carried by Sen. Michele Bachmann (R-Stillwater), places a constitutional amendment on the general election ballot. The proposed amendment provides that only the union of one man and one woman shall be valid or recognized as a marriage. Additionally, the proposed amendment denies other relationships recognition as marriage, or its legal equivalent, by the state or any political subdivision.

Marriage is important to our society and serves as society's "cultural DNA," Bachmann said. She said marriage is not a casual relationship, but one that carries many benefits and responsibilities. Marriage is not merely a private contract or a consensual relationship between two people, she said. It is a matter of public concern, making it an issue for state government to address, Bachmann said. She said traditional marriage lowers poverty rates and improves child wellbeing.

This is largely a religious dispute, said Sen. John Marty (DFL-Roseville), that the state should not take up. It is about which relationships we cherish and want to promote, he said, but people are entitled to different beliefs on the issue. It is not government's role to pick which belief to let trump another, Marty said.

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Same-sex families, with children, exist, he said. They are good neighbors who deserve to be protected as other families are, Marty said. The amendment cannot stop those families from existing, but it will take away some of their civil rights, he said. He said civil rights have never been put up to a public vote.

Sen. Thomas Neuville (R-Northfield) said the amendment is not about a religious imposition of values. If one religion chooses to bless a same-sex relationship, it should be permitted to do so, he said. Government has a different interest from faith communities, he said. The protection of children is the major public interest, Neuville said. He said it was significant that none of the opponents denied that planning or discussions have occurred on potential challenges to the current statutory definition of marriage. I would bet discussions and planning have taken place, he said. We will be in litigation over this question, Neuville said, and we must decide if we want to be on the offense or on defense. The debate over marriage is appropriate for public discussion and decision, it is not appropriate for the courts to settle it, he said. If the amendment is harmful, the existing statutory ban on same-sex marriage is equally harmful and the amendment opponents will marshal the same arguments to overturn it, he said.

Neuville offered an amendment to the bill replacing the marriage definition constitutional amendment with a constitutional amendment restricting the jurisdiction of the courts. Under the proposal, the courts may not overturn a legislative definition of marriage. If marriage is going to be redefined in Minnesota, Neuville said, it should be the Legislature that does it, not the courts. Even if a future Legislature disagrees with me about the proper definition of marriage, I want society's elected representatives to make the choice, not the courts, Neuville said. He said cultural upheaval occurred over abortion because courts decided the issue, cutting short public discussion. If the courts decide marriage for us, then politics will be defined by one's position on marriage, Neuville said. We ought to do what we can to keep the debate in the civil forum of legislative deliberation, he said.

The Neuville amendment to the bill was adopted on a 5-4 roll call vote. A motion to re-refer the bill to the Commit-

tee on Rules and Administration, without recommendation, was defeated on a 4-5 roll call vote.

[*Ed. note:* Extended coverage of the testimony on the amendment can be found in the "Committee update" section of this issue of Senate Briefly.]

Twins stadium approved

A measure providing for the construction of a new stadium for professional baseball in Minnesota was approved at an evening meeting of the State and Local Government Operations Committee.

S.F. 2297, carried by Sen. Steve Kelley (DFL-Hopkins), creates a ballpark authority to oversee construction and operation of the Minneapolis stadium. The measure also establishes criteria for the building process and authorizes Hennepin County to impose a 0.15 percent sales tax to finance the county share of the proposal.

Committee Chair Linda Higgins (DFL-Mpls.) divided one hour of testimony equally between proponents and opponents of the plan. Jerry Bell, president of Twins Sports, said the team and county have negotiated an agreement requiring no state money for constructing the ballpark. The site is well located for public infrastructure, he said, including nearby mixed-use development, rail and other transit connections and existing parking. There is no site in the country that is better for a professional baseball stadium, Bell said. The proposal includes an ironclad 30-year lease, keeping the team in Minnesota for generations to come, he said. Both Bell and Hennepin County Commissioner Mike Opat said construction will require an additional \$30 million because of inflation since the deal was reached a year ago. However, Bell and Opat also said the gap will not be filled with state money or an increase in the proposed tax. Opat said a solution needed to be found to keep the team in the state and Hennepin County wanted to take a leadership role.

Representatives of the business community, organized labor and charitable organizations also spoke in support of the proposal. This will be a huge boost to hotels and restaurants in downtown, said Bill McCarthy of the Minneapolis Central Labor Union Council. Union members will see a direct benefit, he said, but a new stadium will benefit the whole

Metro Area. Continued investments in a diverse selection of amenities make our region attractive, meaning more development and jobs, McCarthy said. Brad Lehto, on behalf of the Building and Construction Trades Council, said union workers stand ready to build a new stadium on time and on budget. Deborah Hopp of the Downtown Council and John Stanoch of the Greater Minneapolis Regional Chamber of Commerce said the business community considers it vital to have a new ballpark, to keep our assets and to continue attracting talent to the Twin Cities. Charities have benefited from celebrity golf tournaments, free tickets and connections to generous players, said Susan Leckey, Camp Heartland. She said former Twin Paul Molitor, for example, donated his signing bonus to the camp and convinced team owner Carl Pohlad to match his contribution.

I don't oppose a new stadium, but I oppose the way this proposal is structured, said James Hafner, a financial analyst from Coon Rapids. "I think it is a good beginning," he said. Hafner noted that both St. Louis and San Francisco built ballparks with mostly private financing. He objected to the use of naming rights revenue to contribute to the team share, not the public share. Nonetheless, he said, I think this proposal could pass on a referendum, but the team and county insist on avoiding a vote. I hope the Twins stay, Hafner said, but I think we can get a better deal. The plan will cost almost \$500 million when infrastructure is added to the stadium's \$360 million sticker price, said Ken Zapp, a professor of finance at Metropolitan State University. He noted that the team has pledged to cover cost overruns on the stadium, but not on the infrastructure. Zapp also said that the Twin Cities market is almost identical socio-economically to St. Louis, but the deals are nearly reversed in their private-public split.

This proposal sets a precedent for a Vikings deal, said Fridley resident Bruce Pomerantz. He said there is no constitutional mandate to take care of professional sports, but there are obligations for other priorities. Daniel Dobson, No Stadium Tax Coalition, said the proposal is neither fair nor honest to taxpayers. No exemptions have been granted to the referendum requirement for local option sales taxes since the law was codified in 1997, said Tom Casey, Citizens Protecting

Referendums. Starting with the Twins is a bad precedent, he said.

Kelley said the two examples cited by opponents are the rarities in stadium construction. Many recently constructed ballparks have been built with the public picking up at least half and often close to 70 or 80 percent, he said. What the Twins will be paying, Kelley said, is well within the mainstream of stadium financing. Kelley said Minnesota has confronted the question of public contribution to professional sports facilities and decided there is a limited public role, with the Metrodome, the Target Center and the Xcel Energy Center as examples. It is time for us to step up to the plate, said Sen. Dick Day (R-Owatonna). The Twins are trying to do this the right way, he said.

Committee members adopted four amendments to the bill.

Higgins offered an amendment requiring the ballpark to seek certification from Leadership in Energy and Environmental Design, which evaluates facilities for their sustainability. She said the stadium is located in a prime spot for collaboration with the Hennepin Energy Recovery Center. Sen. Sharon Marko (DFL-Cottage Grove) offered an amendment requiring the public infrastructure designs to optimize connections to planned transit facilities, including many proposed commuter and light-rail lines connecting residents across the Metro Area to downtown Minneapolis. Sen. David Tomassoni (DFL-Chisholm) offered an amendment requiring American-made steel to be used if it is cost-effective. Sen. Scott Dibble (DFL-Mpls.) offered an amendment modifying the community ownership provisions of the bill. Under the amendment, if the team is put up for sale, a public corporation is authorized to bid on the team. A private manager, who owns 35 percent of the stock, has operational control of the team, while the general public can buy shares in varying increments, under the amendment.

The panel also considered three additional amendments. Higgins offered an amendment naming the playing field in honor of Kirby Puckett. Bell said the team does not oppose the amendment, but that many players—including Harmon Killebrew, Tony Oliva, Rod Carew and Kent Hrbek—are in the same category as Puckett. Sen. Charles "Chuck" Wiger (DFL-North St. Paul) offered an

amendment dedicating the press box in the ballpark to Sid Hartman. Kelley said the team has already decided to name the press box in honor of long-time radio announcer Herb Carneal. Dibble offered an amendment replacing the 0.15 percent Hennepin County sales tax with a half-cent sales tax in the Metro Area. Beyond the stadium contribution, he said, the tax would be used for regional parks and trails and for transit operating capital. Kelley said he was not opposed to the concept, but that it is not right for the stadium bill. The amendments were each withdrawn by their sponsors.

Sen. Michelle Fischbach (R-Paynesville) said that she opposes the bill because it exempts the stadium tax from a referendum requirement. The exemption was not for this committee to address, she said, but it is an issue for the Tax Committee. However, Hennepin County and the Twins should play by the same rules as communities in my district do for libraries and other projects, she said.

S.F. 2297 was approved and advanced to the Tax Committee on a voice vote.

Tax dedication amendment ok'd

A proposal to amend the state constitution to raise the sales tax and dedicate the revenue to environmental and cultural resources was approved by Senators during the Mon., Apr. 3, floor session.

S.F. 2734, sponsored by Sen. Dallas Sams (DFL-Staples), proposes the constitutional amendment and provides the implementing language. If approved, the sales tax will increase by three-eighths of one percent for 25 years. The additional revenue will be allocated 34 percent to improvement, enhancement, and protection of the state's fish, wildlife, habitat, and fish and wildlife tourism; 22 percent to parks, trails, and zoos; 22 percent to protection and restoration of lakes, rivers, streams, wetlands, and groundwater; and 22 percent to the arts, humanities, museums and public broadcasting. The proposed amendment prohibits the Legislature from using the new revenue to supplant existing funding for the recipients, the new dollars are to supplement current general fund spending.

Fish, wildlife, waters, parks, arts and cultural amenities, Sams said, "are basic, core values, that people treasure." They

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are qualities that define our state and make it great, he said. Unfortunately, they are also the first to be cut in tough budget times, he said. Sen. Pat Pariseau (R-Farmington) said most Minnesotans support a sales tax dedication for natural resources purposes, even with a tax increase. However, she said, adding the arts and other cultural programs to the mix cuts support for the proposal in half. Sen. Richard Cohen (DFL-St. Paul) said a detailed examination of the survey Pariseau cited shows that adding cultural resources enhances support for the proposal.

Senators considered, and rejected, two amendments to the measure.

The first, offered by Pariseau, changes the dedication to a quarter percent and dedicates the money from existing revenue without increasing the sales tax. The funding is also allocated only to natural resources, with 61 percent for fish, wildlife, habitat, and fish and wildlife tourism and 39 percent for lakes, rivers, streams, wetlands and groundwater. This proposal is what the conservation community, which initiated the process, wanted, Pariseau said. She said the idea has blossomed out of proportion and gathered new beneficiaries that have established funding streams from the general fund. We need to protect water and habitat for future generations, she said.

Sen. Steve Kelley (DFL-Hopkins) said the amendment reduces education funding. If habitat and water are priorities, then we should raise the funding to take care of them, he said, not take money away from another priority, education. If the Legislature decides, after the revenue is dedicated, that we need more money for other areas, we can raise taxes, said Sen. Sean Nienow (R-Cambridge). The amendment was defeated, 25-40.

The second amendment, offered by Sen. Claire Robling (R-Jordan), retained the substance of the underlying bill, but split the constitutional amendment in two, with the arts, humanities, museums and public broadcasting dedication posed as a separate question to voters. If we are going to ask voters to raise their own taxes, we should let them help set the priorities for how the money is spent, Robling said. Combining the proposals in not a real choice, she said, but makes it an all-or-nothing proposition. Cohen said putting multiple questions about financial issues on the general election ballot

creates confusion and will ensure that at least one will be defeated. This is going to make it much harder to pass anything, he said. If most Minnesotans support dedicated arts funding, and most Minnesotans support dedicated natural resources funding, then there is no harm in having multiple questions on the ballot, said Sen. Betsy Wergin (R-Princeton). She said Minnesotans understand that these are separate issues. The amendment was defeated, 23-42.

We have a strong tradition of hunting and fishing in Minnesota, and of providing a quality wildlife habitat, Sams said. We should not be relegating the protection of our waters to the back burner, he said. Leaders and visionaries must make choices, Sams said, and we must step forward and invest in our future. Sen. John Hottinger (DFL-St. Peter) said the bill represents a significant commitment to our natural resources. But we cannot forget about our human resources, he said. Hottinger said the state needs to commit to appropriate funding for programs for children and their families.

Sen. Thomas Neville (R-Northfield) said he supports dedicated funding for clean water, habitats and the environment. We have a fiduciary duty, even in bad financial times, to maintain our natural resources, he said. Neville said he has supported regular funding for the arts in the biennial budget process, but that funding for the arts does not rise to the same level as natural resources funding. The arts improve our culture and standard of living, he said, but they do not rise the constitutional level that our natural resources do.

We are going down a dangerous road by constitutionally carving out pieces of general revenue streams, said Sen. Sharon Marko (DFL-Cottage Grove). We need flexibility in our budget, and we need to be able to work things out here, not lob tough issues back to the voters, she said. Constitutionally dedicating sales tax revenue is a double-edged sword, Marko said.

S.F. 2734 was granted final passage, 42-22.

Voter reg docs bill approved

Senators used their Wed., Apr. 5, floor session to grant final passage to a measure clarifying the documents that may be used to prove a person's identity

and residence when registering to vote on Election Day.

S.F. 2976, carried by Sen. John Hottinger (DFL-St. Peter), provides that a same-day registrant may present a photo ID along with a current utility bill showing the registrant's name and an address in the precinct. The bill specifies that a photo ID must show the person's name and photo and may be issued anywhere in the United States by a federal, state, or local government, a tribal government of a tribe recognized by the Bureau of Indian Affairs, a college or university, or a high school. Under the bill, a utility bill includes a bill for gas, electricity, telephone, wireless telephone, cable television, satellite television, solid waste, water, or sewer services.

The bill makes it easier for election officials to administer same day registration, Hottinger said. He said the state has already acted to deter people from fraudulently registering and voting by making voter fraud a felony. The bill does not invite voter fraud, he said. Sen. Pat Pariseau (R-Farmington) said the voter ID definition is too broad to be efficiently administered by election judges. They are going to have to have thousands of samples available to cover every possible ID included by the bill, she said.

We could have 16 year olds with high school ID cards and cell phone bills that come in their names to their homes trying to register to vote, using the provisions in this bill, said Sen. Gen Olson (R-Minnetrista). The felony penalty will not deter them, she said, because many teens lack the judgment necessary to realize the consequences of their acts. This is an invitation to underage voter fraud, Olson said. An 18 year old, who is eligible to vote, will almost certainly have a driver's license and will not need to rely on a high school ID card, she said. Hottinger said that one in four people between the ages of 18 and 24 lack a driver's license. Young people are not voting in the numbers I wish they were, he said, and it is absurd to think that a young person who has the civic commitment to vote is willing to commit a felony to do it.

S.F. 2976 was granted final passage, 39-26.

Senators also approved three bills on the Consent Calendar and a concurrent resolution relating to a long-weekend adjournment. S.F. 3465, sponsored by Sen. Thomas Bakk (DFL-Cook), adopts



Senators Bob Kierlin (R-Winona), left, and John Hottinger (DFL-St. Peter) converse during the Senate's, Thurs., Apr. 6, floor session.

Photo by David J. Oakes

the recommendations of the workers' compensation advisory council. S.F. 2728, authored by Sen. Sheila Kiscaden (DFL-Rochester), urges Congress to name the Rochester Veterans Outpatient Clinic the Corporal Chuck Lindberg Clinic. Lindberg is the last remaining member of the Marine team that raised the original U.S. flag over Iwo Jima. S.F. 2832, carried by Sen. David Tomassoni (DFL-Chisholm), creates a task force to study recruitment and retention of volunteer emergency personnel. Senate Concurrent Resolution 10, authored by Majority Leader Dean Johnson (DFL-Willmar) and Minority Leader Dick Day (R-Owatonna), permits both bodies of the Legislature to adjourn Wed., Apr. 12, and return Tues., Apr. 18, in observance of the Easter and Passover holidays.

State contracts ratified

The Thurs., Apr. 6, floor session was devoted to action on three bills on Special Orders. Special Orders is a list of bills, designated by the majority leader, or designate, that are eligible for second and third reading and final passage.

The first measure, S.F. 2634, sponsored by Sen. Linda Scheid (DFL-Brooklyn Park), ratifies state employee contracts and compensation plans. Scheid said, "It is important that we ratify these contracts because if we don't, the contracts revert to the last contract." She said the bill ratifies nine of the union contracts with the state. The contracts provide for about a 2.5 percent increase across the board, Scheid said. She also said there were no increases in the health insurance plans, but that a 10 percent increase is anticipated next year. The bill was granted final passage on a 65-0 roll call vote.

Members also granted final passage to S.F. 1039 on a 65-0 roll call vote. The bill, sponsored by Sen. Gary Kubly (DFL-Granite Falls), prohibits tampering with clock-hour meters on farm tractors and prescribes a civil penalty.

The third measure, S.F. 2239, also received final passage on a 63-2 roll call vote. The bill, authored by Sen. Lawrence Pogemiller (DFL-Mpls.), is an omnibus pension bill. Pogemiller said the bill contained numerous sections approved by

the Legislative Commission on Pensions and Retirement. Pogemiller offered, and members adopted, an amendment adding several retirement related provisions that have been approved by the commission since the bill was drafted. The bill makes changes in the state retirement plans and includes a number of provisions applicable to just one person.



Site wins digital gov't award

The Center for Digital Government announced in October 2005 that the Minnesota Legislature's website won a Digital Government Achievement Awards (DGAA). The national program recognizes outstanding agency and department web sites and applications that enhance information interactions, transactions or services. The DGAA is produced in conjunction with the Center's annual Best of the Web (BOW) awards program. BOW recognizes the most innovative, user-friendly state and local government portals, while the DGAA showcases some of the nation's most creative, advanced government Web sites and applications. The Center received more than 250 entries for the program this year.

"Public agencies of all sizes and from all levels of governments are using digital tools to serve citizens in the digital age," said Cathilea Robinett, executive director of the Center for Digital Government. "The quality and quantity of interactions between citizens, business and their government has reached new levels of service."

The Legislature's site won in the government-to-government category. Five other sites were recognized in the category, representing government agencies and offices at the federal, state and local levels across the country.

Committee update

Commerce

Dept. technical bill okayed

The Commerce Committee, chaired by Sen. Linda Scheid (DFL-Brooklyn Park), met Mon., Apr. 3, to consider two bills.

S.F. 3480, carried by Scheid, is the Commerce Department technical bill. The measure makes changes to form approvals, coverages, filings, utilizations and claims. Sections of the bill make changes in the Minnesota Comprehensive Health Association (MCHA), clarify the qualification of dependents under COBRA coverage, allow health carriers to offer the deductible coverage in Medicare Part K and L as a basic plan rider, include any plan established or maintained by a state, the U.S. government, a foreign country, or any political subdivision in the definition of qualifying coverage for small employers and add MCHA to the list of carriers subject to the requirements of the Utilization Review Act. The bill also makes a number of other technical changes.

Committee members adopted a series of amendments to the bill. One amendment, offered by Scheid, deleted language relating to home warranties, deleted language including warranties and service contracts in the Insurance Guarantee Association and deleted language providing that the election for continuation of coverage upon termination will include additional coverage if the policy contains the benefits. Members also adopted an amendment deleting notice requirements to employees from employers about coverage options.

Several additional amendments offered by Scheid were adopted. The first amendment modifies requirements for the appearance of the Minnesota uniform health care identification card. The second amendment specifies that an employee who is voluntarily or involuntarily terminated or laid off from employment and unable to exercise the option to continue coverage, and who is a resident of the state and who is otherwise eligible may enroll in MCHA. A third amendment requires a writing carrier of health insurance to perform all administrative and claims payment functions for a period of five years, rather than three years. A fourth amendment requires sponsors of license education courses to be approved by the commissioner of commerce and

requires the commissioner to monitor and have jurisdiction over all reserves maintained for assigned risk plan losses. Another amendment provides that all rates, supplementary rate information, and forms furnished to the commissioner must be open to public inspection within 10 days of their effective date. A sixth amendment clarifies wording in the standards for automobile insurance claims handling. A seventh amendment modifies language relating to reporting to licensed data service organizations. The final amendment specifies coverages for Medicare supplement plans with 50 percent and 75 percent coverage.

Sen. Dan Sparks (DFL-Austin) offered, and the committee adopted, an amendment clarifying language relating to insurance of private passenger vehicles and rental vehicle coverage.

The bill was approved and advanced to the Senate floor.

Members also considered a bill, S.F. 3573, authored by Sparks, permitting reductions in premiums on small employer health insurance in Greater Minnesota. The measure provides that a health carrier may request approval by the commissioner of commerce to establish separate geographic areas determined by the health carrier. The bill was re-referred to the Health and Family Security Committee without recommendation.

Crime Prevention and Public Safety

Omnibus crime bill approved

The Crime Prevention and Public Safety Committee devoted the Tues., Apr. 4, meeting to processing the panel's omnibus bill. S.F. 2919, carried by Chair Leo Foley (DFL-Coon Rapids), contains all or part of 27 bills heard by the committee. Sections of the bill provide for background checks for employees of the governor's residence, provide for inmate health screening requirements, provide for the collection and testing procedures on blood borne pathogens, modify the crime of possessing drug paraphernalia, modify Dept. of Corrections substance abuse treatment provisions, provide for department contracts with jail facilities with access to chemical dependency treatment, modify career offender sentencing provisions, provide for a toll-free hotline for human trafficking victims and provide

for death scene investigations handling and regulation of human remains identification. The bill also contains sections that modify DWI provisions, modify the destruction of DNA data and specimens upon acquittal of a felony provisions, expand the authority of comprehensive incident based reporting system data access, provide for reduction of the backlog of Bureau of Criminal Apprehension data entry regarding missing persons and unidentified bodies, modify uniform fire code appeal procedures, modify regulated animal ownership and possession restrictions and penalties, create a crime of unlawful conduct relating to telephone records, modify criminal sexual conduct victim notification requirements, provide for appeals of fireworks displays operator certificate suspensions and modify child pornography offenders conditional release terms.

The panel adopted a variety of amendments to the bill. Sen. Jane Ranum (DFL-Mpls.) offered an amendment to remove all the provisions relating to DWI. Sen. Wesley Skoglund (DFL-Mpls.) sponsored an amendment making a technical change to the telephone records provisions in order to clarify that telephone companies that have merged are able to continue billing for services. Ranum authored an amendment to make provisions relating to the conditional release of an offender convicted of child pornography consistent with other conditional release provisions. Sen. Mike McGinn (R-Eagan) sponsored an amendment providing confidentiality for public safety peer counseling or public safety peer debriefing. Ranum offered a third amendment specifying that sex offenders required to register for life in another state must be required to register for life if they move to Minnesota. A fourth Ranum amendment outlines the qualifications and responsibilities of medical examiners and coroners. Skoglund offered an amendment making it a gross misdemeanor to assault animal control officers.

Sen. Thomas Neuville (R-Northfield) authored an amendment providing for inmate health care decisions. The amendment specifies that the medical director of the Dept. of Corrections may make a health care decision for an inmate if the inmate's physician determines that the inmate lacks decision-making capacity and there is no documented health care agent designated by the inmate, the

decision is consistent with the inmate's health care directive and the medical director has made a good-faith effort to locate the inmate's next of kin. If the inmate's next of kin and the medical director disagree, the amendment provides that the commissioner may bring a petition for appointment of a guardian with authority to make health care decisions for the inmate. Neuville also sponsored an amendment to establish a collateral consequences committee to study the collateral consequences of adult drug convictions and juvenile drug adjudications.

Sen. Julianne Ortman (R-Chanhassen) sponsored two amendments. One amendment expands the authority for charging for aiding in commission of a crime in jurisdictions other than where the crime was committed. The second amendment provides for the establishment of a Forensic Laboratory Advisory Board.

The bill was approved and re-referred to the Finance Committee.

Early Childhood Policy and Budget Division

Omnibus bill assembled

The Early Childhood Policy and Budget Division met Tues., Apr. 4, to put together the division's omnibus supplemental appropriations bill. S.F. 2819, carried by Division Chair John Hottinger (DFL-St. Peter), was amended to include a number of provisions heard by the division over the course of the session. The bill modifies the distribution of the Head Start appropriation, provides new Head Start application requirements, modifies the child care assistance eligibility formula to allow households that have an income less than 250 percent of poverty to be eligible and modifies child care assistance rates paid to providers. In

addition, the measure allows a child care provider or child care center to be paid a 15 percent differential above the maximum rate if the provider is accredited or holds a current childhood development credential. The bill also creates the education parents partnership to provide parent education information to parents of newborns, expands early childhood and family education (ECFE) to include other relatives and increases ECFE revenue from \$104 to \$120.

The measure also establishes a kindergarten entrance assessment initiative to assess kindergarten readiness and provide additional instruction to children who are not yet ready for kindergarten. The bill modifies the Minnesota Early Learning Foundation (MELF) by requiring the evaluation of the effectiveness of the voluntary NorthStar Quality Improvement and Rating System. In addition, the bill requires family and group family child care license holders and primary



Members of Neighbors for Peace, Bill Habedank of Red Wing and Beth Smith of Bloomington, hold a banner containing the names of Iraqi war casualties as part a peace vigil in the Capitol Rotunda, Mon. Apr. 3.

Photo by Shelley Hawes

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caregivers to complete 12 hours of training each year and requires child care providers to complete at least two hours of childhood development training. The measure also provides a new fee schedule for co-payments paid by parents who are using the child care assistance program.

In the area of adult basic education, the bill modifies the program requirements by requiring state-approved adult basic education programs that offer high school credit toward an adult high school diploma to meet the adult basic education standards and increases the aid for adult basic education. The bill also establishes an adult literacy grant program for recent immigrants in order to meet the English language needs of refugees and immigrants.

Members also adopted several amendments. One amendment requires MELF to convene a workgroup to analyze barriers to Head Start/child care partner-

ships and to develop recommendations for cost-effective strategies to help Head Start and child care providers develop partnerships to offer full-day, full-year services to at-risk children. Another amendment provides for developmental screening aid of \$50 for a child screened at age three, \$40 for a child screened at age four, \$30 for a child screened at age five or six prior to kindergarten and \$30 for a student screened within 30 days of first enrolling in a public school kindergarten if the student had not been previously screened. A third amendment provides for integrating early childhood education and care with early elementary grades. Another amendment provides for interagency child find systems to actively seek out, identify, and refer infants and young children with, or at risk of, disabilities, and their families, including children under the age of three who are involved in substantiated cases of abuse or neglect or identified as affected

by illegal substance abuse, or withdrawal symptoms resulting from prenatal exposure to drugs.

Education

Omnibus bill approved

Members of the Education Committee used the bulk of their Tues., Apr. 4, meeting to complete work on an omnibus education policy bill. The measure includes provisions from numerous bills heard by the committee throughout the session.

The panel adopted four amendments offered by Sen. Rod Skoe (DFL-Clearbrook). The amendments update school bus equipment standards, clarify school bus discipline policies for charter school and nonpublic pupils transported on school district buses, modify school bus license standards, create an advisory task



Senator Gen Olson (R-Minnetrista), left, chats with Caylin Crawford, a junior at the Agriculture and Food Sciences Academy charter school located in Vadnais Heights, prior to a joint meeting of the Education Committee and the Youth Advisory Council, Thurs., Apr. 6.

Photo by David J. Oakes

force on American Indian tribes and K-12 standards-based reform, and permit school districts to conduct an additional operating referendum each calendar year.

Committee members also adopted five amendments offered by Committee Chair Steve Kelley (DFL-Hopkins). The amendments create a school safety advisory council and a center for school safety, adjust the revision schedule for the state's academic standards, direct the Department of Education to report to the Legislature on the condition of buildings that cannot be repaired or renovated, clarify the lines of reporting and investigating allegations of child abuse, and adopt changes in special education provisions agreed to by the department and interested parties.

Sen. Tom Saxhaug (DFL-Grand Rapids) offered an amendment, which was adopted, extending from 30 days to 45 days the advance notice period required for a student seeking to enroll in online learning. Sen. David Tomassoni (DFL-Chisholm) offered, and the committee adopted, an amendment reinstating a statutorily reserved amount for teacher training for Advanced Placement or International Baccalaureate instruction.

The panel also adopted two amendments incorporating provisions from bills heard earlier in the meeting. Sen. Tarryl Clark (DFL-St. Cloud) offered an amendment incorporating provisions from S.F. 2741. Sponsored by Sen. Becky Lourey (DFL-Kerrick), the bill creates a grant program for organizations providing opportunities for youth during out-of-school time. Sen. Geoff Michel (R-Edina) offered an amendment incorporating provisions from an earlier version of a bill authored by Tomassoni. The amendment creates a task force to recommend options for accelerated K-12 science and mathematics programs throughout the state.

Three amendments were offered, but rejected by the committee. Sen. David Hann (R-Eden Prairie) offered an amendment reinstating the structural balance reporting requirement. The requirement is designed to give school boards an opportunity to examine the effects of contracts and help districts stay out of statutory operating debt, Hann said. Hann also offered an amendment providing that comprehensive sexuality education provisions in the bill are not to be construed to mean the state condones homosexuality or bisexuality or to

authorize the promotion of homosexuality or bisexuality in education programs. He said the amendment adopts language used in the Human Rights Act. Kelley offered an amendment permitting two charitable organizations to sponsor up to two new charter schools each. The amendment was defeated on a divided voice vote.

After completing consideration of amendments, committee members advanced the omnibus bill—S.F. 2994, carried by Kelley—to the Finance Committee.

In other action, committee members advanced three additional bills. S.F. 2894, carried by Sen. Warren Limmer (R-Maple Grove), requires the superintendent of ISD #128, Elk River, to convene a task force to examine the district's governance, facilities and programming. Limmer said the district has undergone growing pains, leading to suggestions that the district be split in two. The task force is an attempt to find middle ground and open community dialogue, he said. S.F. 3645, sponsored by Tomassoni, encourages school districts to offer instruction in accelerated K-12 science and mathematics programs. Clark carried S.F. 2826, which creates a comprehensive character development education pilot program. All three bills were sent to the full Senate.

Longer school year considered

A proposal to add five weeks to the school year was heard by members of the Education Committee, Thurs., Apr. 6. The panel, chaired by Sen. Steve Kelley (DFL-Hopkins), was joined by members of its Youth Advisory Council. No action was taken on the measure.

This bill would fail in my house, said Sen. Geoff Michel (R-Edina), sponsor of S.F. 3203. He said lengthening the school year is not a popular idea among his four daughters. "I think they're a little embarrassed by their dad," Michel said. However, he said, policymakers are not elected to be popular, but to discuss and consider ideas to make the state better. We should lengthen the school year, he said. At the very least, it is time for us to talk about it, Michel said. He said his preference would be to find most, if not all, of the additional days between Labor Day and Memorial Day. Parents have contacted me, showed me their school calendars and said we could find a few days here and a few there, Michel said. We should be able

to keep our precious summers while also adding instructional days, he said. Michel said that education is now about global, not national, competition. We are competing against students from countries with school years as long as 190 days in England, 210 days in Japan or 230 days in China, he said. Michel said government at all levels has asked more of our schools in recent years and maybe teachers and students should be given more time to meet the goals we set.

The proposal has three elements, said Charlie Kyte of the Minnesota Association of School Administrators. It adds instructional days for students, adds non-instructional days for teachers and suggests a "balanced year" calendar with a shorter summer break but more, short breaks placed throughout the year, he said. Minnesota has been an education leader for years, Kyte said, but other countries are starting to catch up to us and we are afraid they might pass us. The current education model—with an average of 172 days to the year—is designed to bring 30 percent of our students to a highly educated, college prepared status, 40 percent to a level of technological literacy and 30 percent to the end of high school, he said. The model for the future, Kyte said, demands increasing the first category to 40 percent, the second category to 50 percent and the third category to 10 percent. There will not be many "back-breaking" jobs for Minnesotans in a generation, he said, but there will be job opportunities for them in high-skilled, creative, knowledge-based industries and professions. The proposal is being offered statewide because it is hard for one district to extend its year alone, he said.

Kathy Leedom, superintendent of schools in Willmar, said the Chinese are very focused on education. Not only do they have a longer year, but they are driven by accomplishment, she said. A generation ago, children were told to clean their plates, because there were starving children in China, but the new mantra is that children should work hard in school, because there are children in China starving for jobs, Leedom said, quoting New York Times columnist Thomas Friedman. Leedom said the additional non-instructional days are for teachers to develop new strategies for teaching and to share their experiences with each other. Fergus Falls Superinten-

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dent Mark Bezek said the proposal should not be considered a panacea. We cannot just extend the school year and use the time for more of the same, he said. Bezek outlined a sample school year under the 200-day minimum proposed: a seven-week summer vacation with five terms separated by short breaks. The largest obstacle to adopting the longer year, he said, is the \$700 million annual price tag, most of which is attributed to staff compensation. Most student teachers I have asked about the proposal are excited about it, Leedom said. Young people look at teaching like any other knowledge career, she said, and want to keep a year-round focus on teaching, rather than take on a summer job.

The resort and tourism industries recognize that quality education is our highest priority in Minnesota, said Joel Carlson, representing the Congress of Minnesota Resorts. The proposal is advanced with a laudable goal, preparing our students better for the marketplace, he said. Increasing classroom time does not have to compete with tourism, Carlson said. The bill, however, includes a repeal of the mandatory post-Labor Day start, he said. Starting the year one or two days before Labor Day does not have a measurable, direct effect on education outcomes, but it does affect the tourism industry substantially, Carlson said. Legislators should look at costs and benefits and whether learning outcomes will be improved under a number of proposals, he said, including lengthening the school year and reducing class sizes.

Tom Day of Hospitality Minnesota said the state should focus on reducing class sizes and increasing funding to meet our current needs. It is unfathomable that we cannot find enough days between Labor Day and Memorial Day for school, he said. The Education Minnesota conference and teacher-training workshops do not need to cut into the school year, he said, while schools could dispense with spring break, holidays that are not recognized by private sector employers and closing schools for parent-teacher conferences. The Minneapolis and St. Paul districts take off about one day for every seven in the classroom, he said. Day suggested schools could add 30 minutes to the school day, yielding an additional 14 or 15 days a year and almost a full year over the course of a student's education.

Members of the advisory council said they were concerned about possible lost summer opportunities, such as working, volunteering, traveling and nontraditional learning options. Several students said they think the proposal focuses on quantity of education, instead of quality. Lower class sizes have been a key feature of my best educational experiences, said Dylan Kelly of St. Paul. We should not be measuring students' time in seats, but their one-on-one time with teachers, he said. If we don't make our schools better, spending more time in them won't do anything, said Kenzie Johnson, Eagan. She said we need to change how we learn, not how long we learn. We should be focusing on building a better foundation before students enter kindergarten, said Alvina Patel, Edina. While a lot of students oppose a longer year, and while I recognize the concerns of resort owners in my community, we need to think about the merits of the proposal, said Jon Staff of Bemidji. If we do not do something to make Northern Minnesota students competitive, there will not be a Northern Minnesota, he said.

Environment, Agriculture and Economic Development Budget Division

Film jobs program discussed

Members of the Environment, Agriculture and Economic Development Budget Division met Tues., Apr. 4, to discuss the state's film production jobs program and to hear three bills.

Under the film jobs programs, producers of long-form and narrative films may apply to the Film Board for payment from the program. To be eligible, the producer must document wages paid for work on new film production jobs in Minnesota by Minnesota residents. The statute specifies that technical crews, acting talent, set construction, soundstage or equipment rental and local postproduction film processing are among the covered jobs.

Division members, chaired by Sen. Dallas Sams (DFL-Staples), also considered two measures. S.F. 2705, carried by Sen. David Senjem (R-Rochester), is the Dept. of Employment and Economic Development housekeeping bill. S.F. 3511, authored by Sen. Scott Dibble

(DFL-Mpls.), adds \$150,000 to the base appropriation, from the workforce development fund, for employment programs for people who are deaf or hard-of-hearing. Both bills were laid over for possible inclusion in the panel's omnibus supplemental budget package.

Spreadsheet reviewed

The Environment, Agriculture and Economic Budget Division, chaired by Sen. Dallas Sams (DFL-Staples) met Thurs., Apr. 6, to review the division's preliminary spreadsheet for supplemental appropriations and to consider several measures. Sams said the spreadsheet provides supplemental appropriations for the Pollution Control Agency, the Dept. of Agriculture, the Board of Animal Health, the Agricultural Utilization Research Institution, the Dept. of Natural Resources, the Dept. of Employment and Economic Development, the Dept. of Labor and Industry, the Historical Society and the Boxing Board. He said the total amount of appropriations is \$89,000 more than the governor's recommendations. He said an appropriation of \$20 million is designated for the clean water legacy program.

Members also heard several bills, which were laid over for possible inclusion in the omnibus bill. S.F. 3011, authored by Sen. James Metzen (DFL-South St. Paul), provides \$298,500 from the telecommunications access fund to the Commission Serving Deaf and Hard-of-Hearing People to fund operational expenses. Metzen said the commission has not received an increase in some time and the additional funds are needed to provide captioning for television, to help coordinate job placement and provide information about emergency situations. The bill was laid over for possible inclusion in the omnibus bill.

S.F. 2852, carried by Sen. Tom Saxhaug (DFL-Grand Rapids), provides for land donor appraisal reimbursement, provides for the acquisition of land for facilities outside of state parks that are needed for the management of the parks, modifies forest services provided to private owners, grants authority to establish state forest user fees and eliminates the requirement for a comprehensive forest resource management plan. The bill also modifies the State Timber Act. Members approved the bill and

advanced it to the full Finance Committee.

S.F. 2677, carried by Sen. Sandra Pappas (DFL-St. Paul), establishes a climate neutral policy for state building projects funded with state bonds. The measure was laid over for possible inclusion in the omnibus bill. S.F. 3283, authored by Sen. Steve Dille (R-Dassel), establishes a Minnesota Agricultural Fertilizer Research and Education Council. Both measures were laid over for possible inclusion in the omnibus bill.

S.F. 2656, sponsored by Sen. Ellen Anderson (DFL-St. Paul), creates a prepurchase delivered fuel program to purchase fuel oil or propane in the summer when prices are lower and supplies more plentiful. Under the bill, the prepurchase delivered fuel program must be available statewide through each local agency that administers the energy assistance program. The measure was laid over for possible inclusion in the omnibus bill.

S.F. 2872, authored by Sen. Dennis Frederickson (R-New Ulm), provides for temporary state park permits for towed vehicles and modifies state park permit requirements and fees. The bill was also laid over for possible inclusion in the omnibus bill.

Finance

Statewide insurance pools for school districts gains

Members of the Finance Committee met Tues., Apr. 4, to consider several bills relating to children. The panel, chaired by Sen. Richard Cohen (DFL-St. Paul), also heard bills dealing with gambling, labor agreements and economic development.

One bill, S.F. 1459, providing statewide health insurance pools for school district employees generated considerable discussion. The bill, sponsored by Sen. Don Betzold (DFL-Fridley), was amended to specify that up to six health care pools be offered to school district employees with various levels of benefits and premium rates. Representatives from Education Minnesota spoke in support of the measure. Proponents said some districts have been priced out of the health care insurance market. Opponents said each district should be free to negotiate health care as part of the overall contract negotiations. In addition,

opponents said the bill removes the opportunity to be creative in coming to solutions to the problems of rising health care costs. Sen. Satveer Chaudhary (DFL-Fridley) said districts were being forced to cut into classroom funding in order to keep pace with health care costs. The bill was approved and sent to the full Senate on a divided voice vote.

In other action, the committee advanced several additional bills to the Senate floor. S.F. 2883, sponsored by Sen. Dan Sparks (DFL-Austin), modifies child care licensing provisions. The bill allows a child care license holder to be granted a capacity variance to exceed the licensed capacity of 14 children by no more than five children during transition periods related to the work schedules of parents, if the license holder meets specific conditions. The bill was amended to allow specific child care license holders to receive cardiopulmonary resuscitation training via video instruction. S.F. 3087, carried by Sen. John Hottinger (DFL-St. Peter), modifies a provision requiring training related to proper use and installation of child passenger restraints by exempting programs and individuals using only buses or school buses from the training. S.F. 3615, also sponsored by Hottinger, modifies child care assistance parent fees by specifying that payment of part or all of a family's parent fee directly to the family's child care provider by a source other than the family does not affect the family's eligibility for child care assistance.

S.F. 2634, authored by Sen. Linda Scheid (DFL-Brooklyn Park), ratifies most of the state labor contracts. Scheid said each of the contracts and plans was reviewed by the Legislative Coordinating Commission Subcommittee on Employee Relations and given interim approval and now the measure needs legislative approval. S.F. 930, carried by Sen. Gary Kubly (DFL-Granite Falls), appropriates \$50,000 for compulsive gambling prevention and education. S.F. 3450, sponsored by Sen. Steve Murphy (DFL-Red Wing), requires the Metropolitan Council to ensure that the geographic service area of the Metro Mobility special transportation service is continuous within the transit taxing district's boundaries.

Two measures were forwarded to the Tax Committee. S.F. 2697, sponsored by Sen. LeRoy Stumpf (DFL-Plummer),

provides a grant to the city of Hallock for economic development. S.F. 2670, carried by Sen. Rod Skoe (DFL-Clearbrook), increases the equalizing factor for the debt service equalization aid program and indexes the equalizing factor.

Health and Family Security

Final bills heard

The Health and Family Security Committee met twice Tues., Apr. 4, in order to complete work on bills in advance of the second committee deadline.

Members, chaired by Sen. Becky Lourey (DFL-Kerrick), devoted the lion's share of the afternoon portion of the hearing to debate on a bill prohibiting pharmacists from refusing to dispense a prescription or device except under specific circumstances. Sen. Sheila Kiscaden (DFL-Rochester) said the bill, S.F. 2647, is designed to ensure that patients are able to get their medications in a timely manner and yet provide some exceptions.

The bill specifies that a pharmacist may refuse based on the pharmacist's professional training and judgment that dispensing the drug would adversely affect the patient's condition or if the drug or device is not in stock. In addition, the bill specifies that a pharmacist may refuse on a sincerely held religious belief. In such an instance, the bill specifies that the pharmacist may only refuse if the pharmacist's objection can be reasonably accommodated without imposing undue hardship on the patient or the employer and the pharmacy has established protocols ensuring timely access to the prescribed drug or device. The bill goes on to specify the factors to be considered when determining whether reasonable accommodations can be made. Under the bill, the factors include whether the proposed accommodation ensures timely access to the drug or device, the employer's financial costs in implementing the accommodation and the potential impact on the pharmacy's reputation due to failure to timely prescription services. The measure also allows a pharmacy to require employees or potential employees to notify the pharmacy in writing of the categories or types of prescriptions the pharmacist refuses to dispense.

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From left, Senators Sandra Pappas (DFL-St. Paul), Sharon Marko (DFL-Cottage Grove) and Gary Kubly (DFL-Granite Falls) congregate in the Senate Chamber prior to a recent floor session.

Photo by David J. Oakes

Opponents argued that pharmacists should be able to refuse to fill prescriptions that violate their sense of morality or religious belief. Proponents argued that patients need to be able to have prescriptions filled without undue hardship or delay. In addition, proponents said the drugs various individuals object to on moral or religious grounds may vary randomly and lead to even more difficulty in getting legal prescriptions filled.

Members approved the measure and advanced it to the Senate floor.

A number of other measures were also heard. S.F. 3169, authored by Sen. David Tomassoni (DFL-Chisholm), specifies that annual mass flu vaccination clinics for individuals who are not in a high-risk priority group must be delayed

until November 1 of each year, unless the commissioner of health determines there will be a sufficient supply of the vaccine. S.F. 3146, sponsored by Sen. Linda Berglin (DFL-Mpls.), removes the limit on nursing facility planned closure rate adjustments. Both bills were approved and sent to the full Senate.

S.F. 3292, carried by Sen. Dallas Sams (DFL-Staples), authorizes a nursing home moratorium exception to build a nursing home of up to 80 beds on the Ah-Gwah-Ching campus using bed licenses transferred from a state owned facility in Cass County. S.F. 3318, also carried by Sams, requires quarterly resident assessments and modifies case mix indices for nursing facility reimbursement. S.F. 2890, sponsored by Berglin, allows nursing

facilities to receive reimbursement for building projects related to sprinkler systems or compliance with Life Safety Code Standards. All three measures were approved and re-referred to the Committee on Finance.

The committee reconvened later in the day and completed work on the bills before the committee for this session. S.F. 2827, sponsored by Lourey, clarifies rate adjustments for intermediate care facilities for persons with mental retardation and related conditions and community services provider rate payments. S.F. 637, carried by Sen. Yvonne Prettner Solon (DFL-Duluth), eliminates the prohibition against providing physical therapy after 30 days without a physician's order or without practicing for one year. Both measures were advanced to the Senate floor. S.F. 2828, authored by Lourey, requires the Dept. of Human Services to develop a plan for future services for persons served in intermediate care facilities for persons with mental retardation. The measure was re-referred to the Finance Committee.

Health and Human Services Budget Division

Lead poisoning bill gains

Members of the Health and Human Services Budget Division met Wed., Apr. 5, to consider several measures, some of which were laid over for inclusion in the division's omnibus bill and some of which were advanced to the full Finance Committee.

One of the measures advancing to the Finance Committee, S.F. 3221, is a combination of several bills authored by Sen. Linda Higgins (DFL-Mpls.) aimed at preventing lead poisoning. The bill requires screening children at age 12 months and again at 24 months for elevated blood lead levels. Higgins said the bill also contains a provision prohibiting the sale or distribution of lead jewelry or trinkets. She said the provision is in response to a tragic accident in South Minneapolis in which a small child swallowed a lead charm that was included in a box of athletic shoes. The bill also makes changes in the lead abatement program.

Three other bills were advanced to the Finance Committee. S.F. 2521, sponsored by Sen. Cal Larson (R-Fergus

Falls), provides an exception to restricted hospital construction or modification. The bill authorizes a project for an acute care hospital in Fergus Falls that will increase the bed capacity from 108 to 110 beds by increasing the rehabilitation bed capacity from 14 to 16 and closing a separately licensed 13-bed facility. S.F. 2898, carried by Division Chair Linda Berglin (DFL-Mpls.), conforms regulation of qualified long-term care insurance to requirements for state participation in the federal long-term care partnership program and modifies state long-term care partnership program requirements. Berglin said the bill enables persons who exhaust the benefits of qualifying long-term care insurance, when applying for Medical Assistance (MA), to protect assets equal to the amount of policy benefits from MA recovery.

S.F. 3155, sponsored by Sen. Sharon Marko (DFL-Cottage Grove), provides an appropriation to replace federal funding which Minnesota counties had received for case management and targeted case management services, and which were reduced by federal spending cuts. Testimony from social workers and representatives of county social services said the federal cuts were unexpected and that counties did not have time to respond in their budgeting process. As a result some of the most vulnerable individuals were cut off from needed services, they said. The measure was laid over until decisions about the correct committee referral could be worked out.

Two additional bills authored by Berglin were laid over for possible inclusion in the omnibus supplemental appropriations bill. S.F. 3064 provides limited Medical Assistance coverage for individuals eligible for Medicare Part D and directs the commissioner of human services to seek reimbursement from the federal government. S.F. 3085 establishes a mental health pilot project for individuals who have been homeless for at least a year.

Meth coordinator bill gains

The Health and Human Services Budget Division met Thurs., Apr. 6, to consider a variety of bills for possible inclusion in the division's omnibus supplemental bill.

One of the bills heard, S.F. 3265, authored by Sen. Julie Rosen (R-

Fairmont), creates a state-level position of methamphetamine coordinator. Rosen said the coordinator is to assist Minnesota's efforts to reduce the incidence of methamphetamine addiction and the related consequences by working with various state agencies, local units of government, law enforcement, the courts, the treatment community, the federal government and other interested parties in order to coordinate the state's resources to provide education, research and training related to methamphetamine. Rosen said the bill specifies that the coordinator be appointed by the governor. Rosen said, "The meth scene in Minnesota has shifted, because meth is being imported rather than made in the state, and we need to shift our focus to education, information and resources for treatment." She said the legislation passed last year was very comprehensive, but we must keep the momentum. Ramsey County Attorney Susan Gaertner spoke in support of the bill and said meth is a unique drug, with a unique pattern of addiction that is susceptible to information and education.

In other action, the division, chaired by Sen. Linda Berglin (DFL-Mpls.), heard several additional bills. S.F. 2630, sponsored by Sen. Dallas Sams (DFL-Staples), provides an exception to the hospital construction moratorium for a facility in Cass County to allow construction of a 25-bed hospital within 20 miles of the state Ah-Gwah-Ching facility. S.F. 3307, carried by Sen. Jane Ranum (DFL-Mpls.), modifies provisions relating to chemical use assessments. The bill clarifies payment responsibilities for assessments on persons arrested outside their home county, requires probation officers to be notified when a chemical use assessment is required for a person on probation and specifies the duties of the commissioner of human services related to chemical health. S.F. 2675, authored by Sen. Steve Dille (R-Dassel), increases the daily reimbursement rate of a day training and habilitation provider in Meeker County by an additional 8 percent.

Sen. Ann Rest (DFL-New Hope) sponsored a bill, S.F. 3208, relating to post adoption search services. The bill requires the development of training requirements for post adoption search services and directs the commissioner of human services to promulgate rules relating to post adoption search services.

The training is directed at department, county agency and social service agency staff. Rest said the training is to be included as a component of the mandatory child welfare training. Sen. Paul Koering (R-Fort Ripley) authored a bill establishing a pharmacy payment reform advisory committee. Koering said the bill, S.F. 3240, requires the committee to advise the commissioner and make recommendations to the Legislature on implementation of pharmacy reforms in federal law. In addition, the bill requires the Dept. of Human Services to conduct a prescription drug cost of dispensing study to determine the average cost of dispensing Medicaid prescription in Minnesota.

Berglin authored two measures. S.F. 3322 establishes a reverse mortgage incentive program and establishes eligibility standards, benefits and other requirements. She said that by using reverse mortgages, elderly persons could use the proceeds to pay for long-term care services in their own homes, rather than having to go to a nursing home. S.F. 2899 establishes a controlled substances reporting program. Berglin said the bill requires dispensers of controlled drugs to electronically report the name of the prescriber, the national provider identifier of the prescriber, the name of the dispenser, the names of the patient for whom the prescription was written, date of the prescription, name and strength of the controlled substance, the quantity of the controlled substance prescribed and dispensed. She said the reporting program could alert the Board of Pharmacy of irregularities in controlled substance usage. Berglin said the presence of controlled drugs, such as oxycontin, on the street indicate some individuals are obtaining the drugs under false pretenses.

Sen. Becky Lourey (DFL-Kerrick) sponsored four measures. S.F. 979 establishes a healthy biomonitoring program to provide community-based biomonitoring on a strictly voluntary and confidential basis by utilizing biospecimens to identify toxic chemicals that may be present in the environment. The bill specifies that when a toxic chemical is detected the commissioner in consultation with other relevant agencies is directed to examine the possible presence of the toxic chemical in the surrounding environment and possible routes of exposure and disease outcomes. S.F. 2080 implements long-term care service options. The bill requires the

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commissioner of human services outlines factors to ensure the long-term care system provides high quality care. S.F. 2535 directs the commissioner of human services to develop a comprehensive plan for services for homeless, run-away and at-risk youth. The measure requires the plan to coordinate services available for homeless, run-away and at-risk youth and sets forth elements to be included in the plan. S.F. 3399 allows the commissioner of human services to contract with Medicare-approved special needs plans to provide medial assistance services to persons with disabilities and creates a stakeholder group to provide information and advice on the development of any proposals for changes in Medical Assistance authorized by the Deficit Reduction Act of 2005.

All of the measures were laid over for possible inclusion in the division's omnibus supplemental appropriations bill.

Higher Education Budget Division

Omnibus bill assembled

Members of the Higher Education Budget Division devoted their Tues., Apr. 4, hearing to assembling the division's omnibus supplemental appropriations bill.

S.F. 3058, carried by Division Chair Sandra Pappas (DFL-St. Paul), was amended with language from all the provisions adopted thus far in the division. The amendment contains a provision removing language providing that it is the intent of the Legislature to appropriate at least 67 percent of the total cost of instruction after adjusting for inflation and enrollment changes. Russ Stanton, Inter Faculty Organization, spoke against the language. He said that although the Legislature has not met the goal of 67 percent, it is a worthy goal to strive for. In addition, Stanton said, inflation and enrollment changes are the major drivers in higher education costs.

Another provision of the amendment allows a student to qualify for resident tuition rate if the student attended high school in the state for three or more years, graduated from a state high school, and registered as an entering student at a public institution of higher education. The amendment also clarifies the definition of resident student to include a member, spouse, or dependent of a

member of the armed forces of the United States on active duty, a person who relocated to Minnesota from an area that is declared a disaster area if the disaster interrupted the person's postsecondary education or a person defined as a refugee under federal law who has moved to Minnesota. Another provision provides language for interest rate swaps and other agreements connected with the issuance of bonds. Terms and conditions of loans and the repayment of loans are also modified under the amendment. The amendment also contains provisions relating to loan rehabilitation, cosigner requirements, work-study payments, and authorization of construction at the Minnesota State University Mankato. Finally, the amendment contains language establishing a branch of the University of Minnesota in Rochester.

Members adopted a series of amendments to fine tune the bill. One amendment reduces the student's responsibility from 46 to 45 percent of the cost of attending the institution. The amendment's sponsor, Sen. Rod Skoe (DFL-Clearbrook), said the aim of the amendment is to reduce the amount of debt a student incurs during their higher education career. Sen. Bob Kierlin (R-Winona) offered an amendment, which the panel adopted, clarifying the definition of eligible institution. Pappas said the amendment makes it a little harder for new institutions to enter the market, but provides more safety for students by protecting them from "fly-by-night" institutions. Sen. David Tomassoni (DFL-Chisholm) offered an amendment specifying a temporary provision for approval of certain higher education degrees. The amendment was adopted. Tomassoni also offered an amendment requiring the membership of the Minnesota State Colleges and Universities Board to have at least one member be a representative of labor. The amendment failed, but Tomassoni re-offered the amendment specifying that one member be a representative of labor and one member be a representative of business. The amendment was then adopted.

Sen. Lawrence Pogemiller (DFL-Mpls.) offered an amendment modifying a provision specifying that if an amount appropriated to the Office of Higher Education is determined to be more than sufficient to fund projected grant demand in the second year, the office may increase

the living and miscellaneous expense allowance by up to an amount that retains sufficient appropriations for the grant demand. The original language sunset the provision June 30, 2007, but the amendment removed the sunset. Members adopted language that designates June 30, 2009, as the sunset date. Pogemiller also offered an amendment modifying language relating to co-signers. Both amendments were adopted.

Sen. Claire Robling (R-Jordan) offered an amendment requiring the Office of Higher Education to convene an advisory task force to study the costs of required textbooks for students attending public and nonpublic postsecondary institutions. The amendment was adopted. Tomassoni also offered an amendment reinstating the language setting forth the intent of the Legislature to appropriate at least 67 percent of the total cost of instruction after adjusting for inflation and enrollment changes. The amendment was also adopted.

Finally, members adopted funding provisions. Pappas said the total of \$37.260 million in the bill represents 9.2 percent of available funds. The appropriations include \$6.9 million for the Office of Higher Education, \$16.560 million for the MNSCU system and \$13.8 million for the University of Minnesota. The bill was approved and advanced to the full Finance Committee.

Jobs, Energy and Community Development

Variety of bills passed

The Jobs, Energy and Community Development Committee held its last regularly scheduled meeting of the Session, Mon., Apr. 3, to clear the remaining bills assigned to the panel. The committee, chaired by Sen. Ellen Anderson (DFL-St. Paul), heard a total of 13 bills during the hearing.

S.F. 3011, sponsored by Sen. James Metzen (DFL-South St. Paul), awards a grant of \$240,000 to the Commission Serving Deaf and Hard-of-Hearing People from the telecommunications access fund for operational expenses. The bill was approved and re-referred to the Finance Committee. S.F. 3488, carried by Anderson, modifies the purpose of the Minnesota investment fund to include promoting businesses that convert to manufactur-



With the use of sign language, Hector Brual with the Minnesota Association of Deaf Citizens, left, tells Jobs, Energy and Community Development Committee members, Mon., Apr. 3, how the Minnesota Commission Serving Deaf and Hard of Hearing People addresses “our constant communication barriers and our civil rights.” Sen. James Metzen (DFL-South St. Paul), right, presented a bill to reallocate funding for the commission.

Photo by David J. Oakes

ing environmentally safe products. The measure also adds the new condition of encouraging environmentally safe production and products to the list of conditions for the evaluation of Minnesota investment fund projects. The bill was also approved and re-referred to the Finance Committee.

Sen. Terri Bonoff (DFL-Minnetonka) carried a bill, S.F. 3609, extending eligibility to receive renewable energy production incentives for hydropower facilities. The bill was approved and re-referred to the Finance Committee. S.F. 1217, authored by Sen. David Senjem (R-Rochester), clarifies residential buildings utility metering and billing provisions.

The measure was approved and recommended for placement on the Consent Calendar. S.F. 3619, sponsored by Sen. David Tomassoni (DFL-Chisholm), dissolves the Hibbing Area Redevelopment Agency and transfers the assets and obligations of the agency to the Hibbing Economic Development Authority. The measure was approved and advanced to the full Senate. S.F. 3667, also carried by Tomassoni, extends the eligibility period for the commencement of construction of biomass electric generation facilities that qualify for property tax exemptions. The measure was okayed and re-referred to the Tax Committee.

Anderson carried two additional bills. S.F. 3706 requires a study to investigate building codes and standards for various hydrogen-related technologies. S.F. 3109 makes various policy, housekeeping and style changes to the Minnesota Unemployment Insurance Law, incorporates specific administrative rules and modifies fraud penalties. Both measures were approved and sent to the Senate floor.

S.F. 3409, carried by Sen. Dan Sparks (DFL-Austin), establishes the Office of Entrepreneurship in the Dept. of Employment and Economic Development. Under the bill, the Office of Entrepreneurship is to develop and implement strategies to foster entrepreneurial activity. The measure was approved and re-referred to the Finance Committee.

Sen. Scott Dibble (DFL-Mpls.) carried two bills. S.F. 2847 modifies the definition of “supported employment” to include work for individuals with disabilities who are working in an integrated setting and receiving competitive wages at a provider organization that receives extended employment funding, but not center-based funding. S.F. 3166 makes permanent an appropriation for extended employment services for persons with severe disabilities. Both measures were approved and re-referred to the Finance Committee.

Sen. LeRoy Stumpf (DFL-Plummer) also carried two bills. S.F. 2706 extends a pilot project for an industrial model for employment for individuals with severe disabilities in Thief River Falls until 2007. The measure was approved and sent to the full Senate. S.F. 2696 provides eligibility for inclusion in a JOBZ zone for a food service business begun in January 2004 and employing between 15 and 20 part-time and full-time employees. The measure was approved and re-referred to the Tax Committee.

Judiciary

Same-sex marriage discussed

Before voting on a proposal to amend the state constitution to define marriage, members of the Judiciary Committee heard lengthy statements from interested parties on both sides, Tues., Apr. 4.

The institution is under assault across the nation, said Sen. Michele Bachmann (R-Stillwater), with marriage laws overturned by judges in eight states. She

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said the Lambda Legal Defense and Education Fund has challenged marriage laws in several states, including Iowa. Bachmann said the situation in Minnesota is similar to the situation in Iowa. Iowa has a Defense of Marriage Act (DOMA) in statute, but a constitutional amendment has not advanced out of a legislative committee, she said. Bachmann said that if a constitutional amendment is not voted on and adopted in Minnesota this year, then a challenge similar to the one being pursued in Iowa can be expected here. The effort to create a right to same-sex marriage did not begin recently, she said, but began in Minnesota 35 years ago, with the state Supreme Court case of *Baker v. Nelson*.

Committee Chair Don Betzold (DFL-Fridley) said that time would be divided equally between proponents of the measure, invited by Bachmann, and opponents, invited by Sen. Scott Dibble (DFL-Mpls.).

We have over 30 years of data demonstrating that children raised by their biological mother and father are in the most beneficial arrangement, said Mick Meyhew, a professor of marriage and family therapy at St. Cloud State University. He said the lack of definition in society is dangerous for children and their development and leads to higher suicide rates.

Two attorneys outlined the legal lines of attack they anticipate will be used by advocates of same-sex marriage to overturn the state's DOMA law and the Baker decision. Chris Stoebel of the Alliance Defense Fund, an Arizona-based religious liberty legal alliance, said suits are being filed based on states' guarantees of due process and equal protection. The Baker decision was premised solely on the federal constitution and has no definitive value in interpreting the state constitution, he said. The question may not even be settled by the state's highest court, said Teresa Collett, a professor at the University of St. Thomas School of Law. She said the state's sodomy statute was struck down by a Hennepin County trial judge in 2001 and the attorney general declined to appeal the decision. A sitting judge in the same county, Bruce Peterson, wrote a letter to the editor saying he believes same-sex couples ought to be allowed to marry, Collett said.

I have spent 30 years on each side of the homosexual-heterosexual fence, said



With the help of her mother, Jennifer Truman of Afton, four-year-old Elise blows bubbles, as her sister Frannie looks on. In an event sponsored by Rainbow Families, same-sex parents and their children gathered on the front steps of the Capitol, Mon., Apr. 3, to voice their opposition to a proposed constitutional amendment to ban gay marriage.

Photo by Shelley Hawes

Robert Johnson. He said he lived as a straight man who was married for decades and raised children and then came out

and has lived a gay man ever since. Same-sex marriage would contribute to the disintegration of marriage and family life,



Supporters of a constitutional amendment to define marriage as between a man and a woman listen to testimony on the proposed amendment during a Judiciary Committee hearing, Tues., Apr. 4. Photo by David J. Oakes

he said. The state should encourage relationships where children are raised by both a mother and a father, he said, but same-sex marriage, by definition, denies children either a mother or a father. He said gay relationships have an unfortunate tendency to be fragile, with harmful instability for children. A few activists advocating same-sex marriage do not speak for the entire homosexual community, he said.

Father Joseph Johnson, assistant chancellor of the Archdiocese of St. Paul and Minneapolis, said the state's Catholic leaders are united in their support of the proposal. We do not seek to impose our religious views on others, he said, but we must share our concerns about the

possibility of legalized same-sex marriage. He said the religious freedom of Catholics is at risk, citing the recent decision of Catholic Charities of Boston to stop offering adoption services because it was prohibited from refusing to place children with same-sex couples. Children are not better off and Massachusetts is not a better place because of this confrontation, he said.

Same-sex marriage and interracial marriage have nothing in common, said Barbara White, a pastor with Light Foundational Ministries. There is a tremendous difference between a man and a woman, but no difference between the races, she said. Allowing a black man and a white woman to marry, for example,

does not alter the definition of marriage, she said. She said phrasing the debate over same-sex marriage as a civil rights struggle is an affront to the civil rights movement and those who faced physical persecution—including rape, shootings and lynchings. White said having two loving people, who are not the mother and father, raise children has been tried in the African-American community. It does not work, she said.

This amendment will do nothing to help any family, said Ann DeGroot of OutFront Minnesota. It will not reduce divorce, child abuse or domestic violence, she said. Nor will it improve access to health care, educate more children or educate them better, or improve the

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state's economic vitality, she said. DeGroot said the proposals directly harm same-sex couples, their children and their extended families. It also hurts unmarried heterosexual couples and single parent families, she said. DeGroot said the proposal creates a caste system for families, where some are better than others.

The amendment will negatively affect nonprofits' ability to serve people, said Marcia Avner of the Minnesota Council of Nonprofits. The amendment will abolish frameworks created to make families stronger, safer and healthier, she said. She said courts in states that have adopted similar amendments have dismissed domestic violence charges against unmarried partners, regardless of sexual orientation and have negated legal contracts between unmarried persons, such as medical powers of attorney. Avner said the focus on same-sex relationships prevents the necessary public dialogue on other issues, including health care, transportation and education. The amendment is generally antithetical to our state's constitution, she said, which protects the rights of minorities.

I am among the 10 million Americans who have at least one homosexual parent, said Abigail Garner. She said the proposal creates new worries, including how emergency and end-of-life situations will be handled. If the amendment is approved, she said, hostile families may override the wishes of one partner in a same-sex relationship to have the other partner handle medical, financial and legal matters. Stripping my family of its rights will not help any traditional family, Garner said. Dr. Tom Scott said the American Academy of Pediatrics, Minnesota Chapter, believes the amendment will have a negative impact on maintaining healthy families and will harm children. Children raised by a same-sex couple fare just as well as children raised by heterosexual parents, he said. Nationwide, 34 percent of lesbian couples and 22 percent of gay male couples are raising children, he said.

Being homosexual is not a choice, said Wally Peck of Bemidji. He said the amendment will permanently deny a category of people the chance to share their lives with the person they love. Peck, who spoke alongside his wife, Cathy, said their daughter, who is lesbian,

does not deserve to be treated as a second-class citizen. The amendment makes us more fearful for her, he said, because of the physical and spiritual violence directed at the homosexual community. Former Vikings nose tackle Esera Tuaolo spoke in opposition to the proposal, saying that he loves his partner and children completely. We are all children of God, he said.

As a religious minority, Jews understand the importance of the protections contained in the federal and state constitutions, said Elaine Aron of the Jewish Community Relations Council. The amendment denies rights and goes against the grain of the state constitution, she said. If it is adopted, Aron said, Minnesota will sully its reputation as tolerant and progressive. Father Tom Garvey, a retired Catholic priest, said the debate is about who gets to sit at the table of American life. Same-sex couples should not be denied a seat, he said.

There are no cases seeking to create same-sex marriage pending in Minnesota courts, said Dan Libenson, a professor at the University of St. Thomas School of Law. Minnesotans are deliberating the issue, engaging in dialogue and still making up their minds, he said. Libenson said there is no crisis requiring immediate action, but Minnesotans are getting high-pressure sales tactics from the amendment's proponents.

Housing defects bill gains

The evening portion of the Judiciary Committee's Tues., Apr. 4, hearing concentrated on the relevant provisions of bills referred to the committee from other policy committees. Members, chaired by Sen. Don Betzold (DFL-Fridley), began with consideration of a bill relating to residential housing construction defects. S.F. 1287, authored by Sen. Linda Scheid (DFL-Brooklyn Park), provides that builders and remodelers must be notified of construction defects, must respond within 30 days and must have an opportunity to repair the defect. Scheid said that if the homeowner is not satisfied with the repair, or if the builder or remodeler refuses to repair, the homeowner still has the right to bring suit against the builder or remodeler. Scheid said the version of the bill adopted by the committee had undergone careful reworking by all concerned parties. She

said the bill outlines the responsibilities of all parties in disputes involving construction defects. Sen. Thomas Neuville (R-Northfield) offered an amendment providing that if the builders company dissolves prior to discovery of the defect, liability rests with the insurance company. The amendment was adopted and the bill advanced to the Senate floor.

The committee also processed five additional bills. S.F. 2787, authored by Scheid, modifies mutual holding company laws, enacts the Interstate Insurance Product Regulation Compact and makes miscellaneous insurance law changes. The measure was approved and advanced to the Senate floor. S.F. 2648, authored by Sen. Ann Rest (DFL-New Hope), limits liability on claims brought against a municipality participating in a joint venture or enterprise. The bill was also advanced to the full Senate.

S.F. 3132, sponsored by Sen. Wesley Skoglund (DFL-Mpls.), is this year's omnibus data practices bill. The bill includes provisions dealing with the classification of data as private or nonpublic in a number of contexts. Members adopted a series of amendments relating to tribal identification cards, the use of driver's license information, and business screening services removal of data on expunged records and corrections to data.

Skoglund authored two additional bills that were amended into the omnibus data practices bill. S.F. 3414 provides for parole and probation authorities to have access to records or data concerning any applicant for a gun permit or gun permit holder who is a defendant, parolee or probationer of a District Court. S.F. 3008 authorizes access to the comprehensive incident-based reporting system by the Dept. of Corrections' Fugitive Apprehension Unit. The bill was approved and referred to the Finance Committee.

K-12 Education Budget Division

School transportation contract modifications gain approval

The K-12 Education Budget Division met twice Mon., Apr. 3, to consider a variety of bills. One measure, S.F. 3383, was advanced to the full Finance Committee. The bill, authored by Sen. Scott Dibble (DFL-Mpls.), modifies the report-

ing requirements for school transportation services contracts and modifies the taxation of school buses of contract carriers that do not comply with the requirements.

The division, chaired by Sen. LeRoy Stumpf (DFL-Plummer), laid over all the other bills for possible inclusion in the panel's omnibus supplemental appropriations bill. S.F. 3601, authored by Sen. Thomas Neuville (R-Northfield), authorizes ISD #716, Belle Plaine, to use health and safety revenue raised through the sale of bonds for other necessary health and safety building projects. S.F. 3267, carried by Sen. Julie Rosen (R-Fairmont), expands the eligibility for the cooperative secondary facilities program and authorizes the issuance of \$10 million in state bonds for the program.

S.F. 3421, carried by Sen. Dan Sparks (DFL-Austin), authorizes a fund transfer for ISD #242, Alden-Conger, to its unrestricted general fund account without making a levy reduction. S.F. 3073, authored by Sen. Tarryl Clark (DFL-St. Cloud), establishes a grant program to promote professional teaching standards. S.F. 3294, sponsored by Sen. John Marty (DFL-Roseville), authorizes a fund transfer for ISD #623, Roseville, of \$1.5 million from its debt redemption fund to its general fund without making a levy reduction.

Fund transfer bills heard

The K-12 Education Budget Division, chaired by Sen. LeRoy Stumpf (DFL-Plummer), began the second portion of its Mon., Apr. 3, meeting by hearing two bills authored by Sen. Steve Dille (R-Dassel). Both measures were laid over for possible inclusion in the division's omnibus supplemental appropriations bill. S.F. 3622 authorizes ISD #463, Eden Valley-Watkins, to make a fund transfer of up to \$50,000 from its debt redemption fund to the capital account in its general fund. S.F. 3536 increases funding for basic library system support grants.

S.F. 3447, sponsored by Sen. Linda Scheid (DFL-Brooklyn Park), authorizes a levy for school districts in statutory operating debt. The bill authorizes districts in statutory operating debt as of June 30, 2005, to levy for up to three years to eliminate a deficit in the net undesignated balance in the general fund. Under the bill, the annual levy may not exceed the lesser of \$400,000 or the

amount raised by a levy of four percent times the district's adjusted net tax capacity for the next taxable year.

Members also heard a variety of other bills, which were all laid over for possible inclusion in the division's omnibus bill. S.F. 3534, authored by Sen. David Hann (R-Eden Prairie), provides for an approved special education study and report. The bill requires the commissioner of education to contract with an independent consultant to evaluate Minnesota's special education funding structure and make recommendations to improve its effectiveness. S.F. 3636, sponsored by Sen. Thomas Neuville (R-Northfield), requires ISD #721, New Prague; ISD #394, Montgomery-Lonsdale; and ISD #659, Northfield, to contract with Holy Cross School to provide transportation for Holy Cross students.

S.F. 3420, carried by Sen. Rod Skoe (DFL-Clearbrook), authorizes ISD #601, Fosston, to make a fund transfer of up to \$80,000. S.F. 3133, authored by Sen. Wesley Skoglund (DFL-Mpls.), delays for one year the implementation of the state determined tuition rates for special education services provided by intermediate school districts and other cooperative providers of special education services. S.F. 3686, sponsored by Sen. Dennis Frederickson (R-New Ulm), authorizes ISD #635, Milroy, to make a permanent fund transfer of up to \$26,000.

Sen. Becky Lourey (DFL-Kerrick) sponsored two bills. S.F. 3299 specifies that if ISD #577, Willow River, successfully approves an operating referendum in Sept. 2006, the district may recognize up to 50 percent of the operating referendum levy approved at that election as revenue for the fiscal year in which it is certified. S.F. 3243 includes special education fiscal agents in the list of cooperative special education service providers eligible for a waiver.

Cost of education report heard

Members of the K-12 Education Budget Division, chaired by Sen. LeRoy Stumpf (DFL-Plummer), devoted the entire Tues., Apr. 4, hearing to a presentation and discussion of a report prepared by John Myers, vice president, Augenblick, Palaich and Associates. Myers said the report continues the work of the Governor's Education Funding Reform Task Force.

Myers said the task force's recommendations include rationally determined, learning-linked, student-oriented and cost based reform. The reform should link education funding to schools and student performance, allow for local discretion in spending, equalize local option referendums, promote innovation to maximize resources and be structured in a five-tier system. He said the five tier structure is comprised of instructions services, local district revenue, innovative programs, categorical programs and facilities and debt service. He said phase two of the work examines the cost of delivering state standards using additional research tools beyond the scope of the governor's effort and will build the base upon which a new system of funding Minnesota's schools can be created.

Policy bill gains

The omnibus education policy bill was approved by members of the K-12 Education Budget Division, Thurs., Apr. 6. The panel, chaired by Sen. LeRoy Stumpf (DFL-Plummer), sent the measure to the full Finance Committee.

Sen. Steve Kelley (DFL-Hopkins), chief author, offered an amendment to S.F. 2994, removing controversial or substantive policy provisions and non-technical finance provisions. Kelley explained that the intention was to move the bill forward with primarily technical and nearly universally agreed-upon policy language, with only a few technical finance provisions. The language will also appear in the omnibus K-12 budget bill, he said, along with the substantive and controversial provisions. Members adopted the amendment. Kelley reviewed the remaining provisions of the bill. The measure provides a process for school districts to resolve student residency disputes, adjusts the revision cycle for the state's academic standards, requires the completion of Algebra I by the end of the eighth grade and of Algebra II by graduation, requires students to take either chemistry or physics before graduation, and allows the Dept. of Education to apply to student fees any unused dollars from a \$500,000 statutory reservation for Advanced Placement and International Baccalaureate teacher training. Fiscal Analyst Eric Nauman summarized the finance provisions in the bill, which he said adjust appropriations to reflect the most recent economic forecast.

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Public Safety Budget Division

Camera system heard

A proposal to expand a security camera network from downtown Minneapolis to the entire city was considered by members of the Public Safety Budget Division, Mon., Apr. 3.

S.F. 3568, carried by Sen. Linda Berglin (DFL-Mpls.), provides a grant to the state's largest city to expand the program, beginning with the neighborhoods with the highest crime rates. A program linking cameras in downtown has been successful, Berglin said, and now we need to expand the system into neighborhoods across the city. The grant, she said, is for the infrastructure to connect the cameras; the cameras are being purchased separately by community groups. Minneapolis does not have enough police, Berglin said. She said the proposal extends the effectiveness of the police with a smaller investment than would be required to hire more police. Linking the

cameras also provides the police with more evidence of what has happened, she said.

Residents of the Phillips community discussed the need to address the crime plaguing their neighborhoods. The residents said the camera system will allow them to reclaim their community and to extend police presence. Terrence McManus of NorthWrite, which designed the downtown system, discussed the impact the camera network has had on crime prevention and crime fighting. He said estimates indicate the infrastructure covered by S.F. 3568 will cost about \$300,000 for the entire city.

There are privacy and autonomy issues with this system, said Rich Neumeister, a privacy advocate. He said the downtown initiative has worked within appropriate guidelines. Neumeister said similar guidelines should be adopted for the citywide system. There are different issues in generally residential neighborhoods, he said, and the city should engage in open dialogue with residents about those issues.

S.F. 3568 was laid over for possible inclusion in the panel's supplemental budget proposal.

Division members, chaired by Sen. Jane Ranum (DFL-Mpls.), considered four other proposals. All four were also laid over for possible inclusion in the supplemental budget package.

S.F. 2607, sponsored by Sen. Mady Reiter (R-Shoreview), creates an Internet Crimes Against Children task force. S.F. 3643, authored by Berglin, provides that federal money received under the Personal Responsibility and Work Opportunity Reconciliation Act is appropriated to the commissioner of corrections for discharge planning for inmates with mental illness. S.F. 3544, carried by Sen. Don Betzold (DFL-Fridley), appropriates funds for programs helping offenders reenter Minneapolis communities upon release from prison. S.F. 3490, sponsored by Sen. Ann Rest (DFL-New Hope), requires the Peace Officers Standards and Training Board to develop training materials and to offer a course on best practices in policing immigrant communities.



Senators Mike McGinn (R-Eagan) and Julianne Ortman (R-Chanhassen) closely examine proposed legislation during a Public Safety Budget Division hearing, Mon. Apr. 3.

Photo by David J. Oakes

Supplemental appropriations ok'd

The Public Safety Budget Division met for the last time this session Wed., Apr. 5, to complete work on the panel's omnibus supplemental appropriations bill. The measure, S.F. 2738, carried by Division Chair Jane Ranum (DFL-Mpls.), appropriates a total of \$20.281 million for law enforcement and corrections functions.

Ranum said the bill incorporates many of the measures heard by the division over the course of the session. The bill contains an appropriation of \$750,000 for a Supreme Court initiative to more effectively address the increasing numbers of alcohol and other drug offenders coming into Minnesota courts, including the increase in methamphetamine offenders. In addition, the bill appropriates \$172,000 this year to the Board of Judicial Standards to cover the costs of special hearings and an investigation regarding complaints of judicial misconduct and \$75,000 is appropriated to the board in the second year for investigation services. Under the bill, the Board of Public Defense receives \$200,000 for additional costs associated with appellate transcripts.

Dept. of Public Safety appropriations include \$284,000 the first year to provide matching funds for FEMA funds received for natural disaster assistance payments, and \$62,000 the second year to implement changes made relating to extraordinarily hazardous substances release prevention. Bureau of Criminal Apprehension appropriations include \$620,000 for an Internet Child Pornography Team, \$200,000 for a non-compliant predatory offender data base and \$100,000 to reduce the backlog of missing and unidentified persons. Ranum said the bill does not include a governor's recommendation of \$1 million for an Illegal Immigration Enforcement Team, nor does it include a recommendation of \$100,000 for alcohol vendor training.

Ranum said the bill includes several appropriations relating to human trafficking in the appropriations to the Office of Justice programs. Under the bill, \$98,000 is appropriated for human tracking protocol training by funding a pilot project to offer safe harbor for sexually exploited youth. The bill also appropriates \$75,000 for a Human Trafficking Task Force and plan, \$60,000 for legal advo-

cacy for trafficking victims and \$35,000 to implement a toll-free hotline for trafficking victims. In addition, she said an appropriation of \$1.08 million to the Gang Strike Force almost brings the strike force funding up to the 1998 level. The bill also provides \$52,000 to municipalities whose bomb squads provide out-of-area assistance to other jurisdictions. The measure appropriates \$350,000 for youth intervention programs, \$74,000 for grants to develop a creative marketing and media campaign to fight juvenile crime related to methamphetamine and other drug abuse throughout the state, \$150,000 for a grant to provide immediate and long-term emotional support and practical help for the families and friends of individuals who have died by homicide, suicide or accident, and \$180,000 for downtown Minneapolis security.

The bill also provides an appropriation of \$1.380 million to the Peace Officers Standards and Training Board for training reimbursements.

The measure makes several appropriations to the Dept. of Corrections. A total of \$26.143 million is appropriated for a salary supplement and new beds required by new sentencing guidelines. Ranum said the appropriation is offset by \$14.687 million reduction caused by a revised budget forecast indicating the beds are not being used at the rate expected.

The bill also provides a salary supplement of \$1.857 million for community corrections and appropriates \$300,000 for a grant to provide one-to-one mentoring for the children of inmates. In addition, the bill appropriates \$196,000 for an increase in the Community Corrections Act subsidy for the addition of Scott County, \$200,000 for discharge planning for inmates with mental illness and \$75,000 for an immigration specialist.

Members considered several amendments. Sen. Thomas Neville (R-Northfield) offered an amendment to provide \$50,000 for background checks on volunteers for mentoring services such as the Boys and Girls Clubs. Members discussed the amendment and agreed that while it is important that children in mentoring programs be protected the appropriation would allow for a great many background checks. In addition, Ranum and others suggested the concept of background checks for volunteers needed to be placed in a wider context of

the use of background checks and who should be subjected to them. Neville withdrew the amendment. Sen. Julianne Ortman (R-Chanhassen) offered, and members adopted, an amendment requiring a report from a Forensic Laboratory Advisory Board established in the omnibus crime prevention policy bill. An amendment clarifying the scope of duties of the immigration specialists funded in the bill was also adopted.

Members adopted the spreadsheet detailing the appropriations and then approved the bill and advanced it to the full Finance Committee.

State and Local Government Operations

Plug-in hybrid bills gain

Two measures promoting the use of plug-in hybrid electric vehicles were approved by members of the State and Local Government Operations Committee at an afternoon meeting, Mon., Apr. 3.

S.F. 3440, sponsored by Sen. Scott Dibble (DFL-Mpls.), announces a state policy to begin buying plug-in hybrid electric vehicles (PHEVs) when they become commercially available, meet the state's performance standards and are priced no more than 10 percent above the price for comparable gasoline powered vehicles. S.F. 3513, also carried by Dibble, establishes a task force to identify the barriers to PHEV adoption in the private and public sectors and to develop strategies to overcome the barriers. The task force is also charged with considering financial incentives to encourage the Ford Motor Company to produce PHEVs at its St. Paul facility. The bill also requires the Public Utilities Commission to examine how PHEVs can be integrated into the electric grid and sets voluntary targets for the percentage of flexible-fuel vehicles offered for sale in Minnesota.

Plug-in hybrids overcome the limitations and drawbacks of the three main existing technologies—gasoline-only engines, flexible fuel engines that can accommodate varying levels of ethanol, and hybrids that use both an engine and an electric motor, Dibble said. Plug-in hybrids are an emerging technology that draws on an adopted existing technology, he said, and a technology that Minnesota should be at the forefront of

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supporting. Michael Noble of Minnesotans for an Energy Efficient Economy said the bills send the right signal to the marketplace: if you build it, we will come. S.F. 3440 was approved and re-referred to the Finance Committee. S.F. 3513 was advanced to the full Senate.

Committee members, chaired by Sen. Linda Higgins (DFL-Mpls.), heard several additional bills.

Eight of the measures were sent to the Senate floor. S.F. 2635, sponsored by Sen. Linda Scheid (DFL-Brooklyn Park), provides that land in Aitkin County dedicated for public use but not owned by the state or any political subdivision may be regulated by town ordinance. S.F. 3254, authored by Sen. David Senjem (R-Rochester), prohibits local governments from imposing fees on students of colleges or universities located in their communities. H.F. 3310, carried by Sen. Satveer Chaudhary (DFL-Fridley), allows state agencies to make advance deposits for boat slip rental. S.F. 3587, sponsored by Sen. Sheila Kiscaden (DFL-Rochester), makes numerous changes to the state procurement system. S.F. 3078, authored by Sen. Thomas Neuville (R-Northfield), creates a committee to study and recommend adjusting collateral consequences of adult criminal convictions and juvenile adjudications. S.F. 3400, sponsored by Sen. Charles "Chuck" Wiger (DFL-North St. Paul), provides for the placement of a plaque on the Capitol grounds to recognize Minnesotans who have been awarded the Congressional Medal of Honor. H.F. 2998, carried by Sen. Steve Kelley (DFL-Hopkins), removes an expiration date on a provision relating to firefighters' arbitrations. S.F. 3219, sponsored by Sen. Paul Koering (R-Fort Ripley), authorizes the sale or transfer of surplus state land at the Brainerd Regional Treatment Center to a local unit of government.

The remaining two bills were re-referred to the Finance Committee. S.F. 3209, authored by Sen. Ann Rest (DFL-New Hope), creates an adoption advisory task force to study and make recommendations on adoption-related statutes and rules. S.F. 3240, carried by Koering, creates a pharmacy payment reform advisory committee to study the average cost of dispensing Medicaid prescriptions.

Blaine gridiron gains

A \$675 million professional football stadium cleared its first legislative

obstacle, Wed., Apr. 5, as members of the State and Local Government Operations Committee approved the project.

The Metrodome is an aging facility built on the cheap that has outlived its usefulness, said Sen. Don Betzold (DFL-Fridley), chief author of the Vikings proposal. The new facility will, in one location, accommodate the team's training camp, practice facilities, headquarters and home field. He said the selected site, in the North Metro Area, is not a drawback. The pro football season has fewer games than baseball, he said, so fans are willing to travel farther to get to the stadium. If the selected site had been in St. Cloud, fans would go there, Betzold said.

The total plan includes a privately funded development around the stadium, said Lester Bagley, Vikings vice president for public affairs. Including the stadium and surrounding facilities, this is a \$1.5 billion project, with \$1 billion in private capital, he said. Bagley said the 740-acre area includes the publicly owned retractable-roof stadium with 68,000 to 72,000 seats and privately owned, taxable team headquarters and training facilities, a hotel and conference center, a medical facility and retail shops. Team owner Zygi Wilf said the proposal also includes preserving 260 acres of wetlands. In less than a year, we have made great strides for the team and the stadium proposal, he said. Wilf said owning the Vikings is a dream come true. Owning the team is a great responsibility, especially one I owe to the people of the state, he said. Wilf said, when traveling on business, he sometimes says he comes from Minnesota, because he is so proud of the team and the state's people and culture.

Bagley and Steve Novak, a former Senator now working for Anoka County, outlined the financing of the stadium and its economic impact. A site competition brought Anoka County into the mix, Novak said, after a study determined that professional and intercollegiate football could not effectively share a stadium. The financing package includes a \$280 million team contribution, a \$280 million county contribution and a state contribution of \$115 million, he said. Bagley said the team contribution will include funds from an NFL loan program. The county contribution will be funded through a 0.75-cent local option sales tax, he said. Bagley said the state contribution meets

the governor's challenge to avoid using any current state funds. The proposal includes a provision capturing the increments of sales and income tax growth from the new stadium, he said, and uses the revenue to pay bonds sold to finance the retractable roof and other infrastructure. Novak said he believes the increments will be high enough to permit the state to also use the revenue to accelerate planned transportation projects, including expanding I-35W and several interchanges. Keep in mind that all of this money the project itself generates, he said.

While all three athletic facilities under legislative consideration should be approved, Novak said, the Vikings proposal is the economic mother lode. It creates more jobs than the bonding bill the Senate passed two weeks ago, he said. Bagley said the stadium will include more club seats, suites and concession points of sale than the Metrodome, but will be less than the NFL average in many categories. Construction will mean 4,000 jobs, while the stadium will create 9,000 permanent jobs in the retail, medical, hotel and corporate sectors, he said. Estimates indicate retail sales of \$270 million annually in the development, translating to about \$14 million in sales tax collections, Bagley said.

Anoka County Commissioner Margaret Langfeld said the proposal is a once-in-a-lifetime opportunity to create a tremendous achievement. This is the premier sports entertainment location in the five-state area, she said, with the Vikings stadium, the National Sports Center and the TPC of the Twin Cities golf course all within two miles of each other. The Metro Area will be able to compete for major international events, with tens of millions of dollars of economic activity, Langfeld said. Bill McCarthy of the Minneapolis Central Labor Union Council said the project means more than just jobs for union members. Working families choose to live in Anoka County because of its schools, amenities and culture, he said. The stadium will make the North Metro truly a destination location, he said. Vikings fan Larry Spooner said a new stadium is not a problem for the state to solve; the county has brought a solution.

One opponent to the plan also addressed committee members. No public hearing has been held by the county on

any proposal to build a football stadium, said James Hafner, a Coon Rapids financial analyst. He said his largest objection is the exemption from a referendum requirement for the local sales tax. If the Legislature endorses the deal, there will be no point in having a public hearing, he said. Hafner said the bill does not prevent the county from providing tax breaks to retail tenants or others in the project. Companies routinely seek tax breaks for development and they will do so for this project, he said. Hafner said the public lacks information about team revenues that could be used to offset the public share, including personal seat licenses, naming rights, advertising, parking and club seats. The sales tax proposed by the county, like all sales taxes, is regressive and will hurt the lowest-income residents of the county, which has the lowest income in the seven-county Metro Area, he said.

Hafner also disputed the possibility of the stadium replacing the Metrodome. The Metrodome is a multipurpose facility that could be used for multiple Olympic events, he said, while the new stadium is only suitable for football and soccer. The Metrodome is far from unsatisfactory, Hafner said, citing news stories indicating the NCAA was thrilled with the facility during the recent men's basketball tournament. Hafner also said other cities have reduced their infrastructure costs by placing stadiums next to each other. The proposed Twins and Vikings stadiums are 20 miles apart, he said. He also noted that fans complained during the 2005 Super Bowl that the football stadium was a half hour drive outside Jacksonville. This hearing is the fifth opportunity the team has had to present, to the public, an economic study demonstrating a tangible return on investment, he said. Until the economics are clearly presented, the proposal should not move forward, he said.

Committee members adopted three amendments. Chair Linda Higgins (DFL-Mpls.) offered an amendment requiring the stadium to seek certification from Leadership in Energy and Environmental Design, which evaluates facilities for their sustainability. Sen. Dick Day (R-Owatonna) offered an amendment requiring American-made steel to be used if it is cost-effective. Sen. Sharon Marko (DFL-Cottage Grove) offered an amendment clarifying that members of the

stadium authority cannot concurrently hold local office. The bill already prohibited them from holding state or judicial office.

Sen. Debbie Johnson (R-Ham Lake) offered an amendment restoring the referendum requirement for the Anoka County sales tax. If county residents had an opportunity to vote, I think the team and county officials would be pleasantly surprised, Johnson said. After Higgins said the amendment would be more appropriate for the Tax Committee, Johnson withdrew the amendment.

S.F. 2061 was advanced to the Tax Committee.

State Government Budget Division

Health purchasing center okayed

A measure creating a center to assist the state in developing strategies for health care performance measurement and purchasing was approved by members of the State Government Budget Division, Wed., Apr. 5.

S.F. 3395, carried by Division Chair Sheila Kiscaden (DFL-Rochester), establishes the Center for Health Care Purchasing Improvement in the Department of Employee Relations. The bill charges the center with selecting strategies that promote greater transparency of health care costs and quality and greater accountability for health care results and improvement. The center is also to identify barriers to more efficient, effective health care, under the bill. Kiscaden said the center will be a resource to work across agencies to help the state get the best value for its money. Employee Relations Commissioner Cal Ludeman said the state spends over \$4 billion on health care annually. Even one percent in savings in our back-office operations, he said, would be significant savings. S.F. 3395 was laid over for possible inclusion in the division's supplemental budget proposal.

The panel also heard two additional bills. S.F. 3403 provides for two legislative training forums each year to provide an overview of issues facing the state, including changing demographics, the environment and the economy. S.F. 2489 requires state agency budget requests to include the number of full-time equivalent positions in each agency program.

The bills, both sponsored by Kiscaden, were also laid over for possible inclusion in the supplemental budget package.

Tax

Electric facility bills heard

The Tax Committee, chaired by Sen. Lawrence Pogemiller (DFL-Mpls.), met Mon., Apr. 3, to hear a variety of bills.

Two measures, authored by Sen. Steve Murphy (DFL-Red Wing), dealt with taxation of electric utilities. S.F. 2507 delays the implementation of rules, adopted by the commissioner of revenue, that prescribe the method of valuing the property of electric and transmission pipeline utilities until the end of the legislative session in the calendar year following the adoption of the rules. S.F. 3089 modifies the property tax abatement process as it applies to certain electric generating facilities.

S.F. 3309, authored by Sen. Dennis Frederickson (R-New Ulm), expands the exemption from property tax for native prairie lands to include pasture land covered by a grazing plan. S.F. 3497, carried by Pogemiller, requires an annual registration for relative homestead properties if the owner, or the owner's relative, receives compensation for allowing occupancy of the property for more than 31 days. S.F. 3625, sponsored by Pogemiller, provides that property tax statements must contain information telling consumers that if their property tax increase over the previous year is more than the threshold percentage set forth in statute, they may be eligible for a special property tax refund. S.F. 3578, authored by Sen. Mee Moua (DFL-St. Paul), but carried by Pogemiller, extends the application of the 4d property tax classification for units subject to rent and income restrictions set by a local unit of government, as well as restrictions set by the state and federal governments.

All of the bills were placed on the A list for inclusion in an omnibus bill the committee will assemble.

Retiree subtractions heard

Two measures providing subtractions from taxable income for retirees were heard by members of the Tax Committee, Tues., Apr. 4. The panel, chaired by Sen. Lawrence Pogemiller (DFL-Mpls.), heard three other measures and placed all five

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bills on a ranking list used to assist members in compiling an omnibus bill.

S.F. 2280, sponsored by Sen. Paul Koering (DFL-Fort Ripley), provides a subtraction for Social Security benefits, federal annuities and pension income of up to \$40,000 for married joint filers with at least one eligible spouse or \$20,000 for all other filers. To be eligible, under the bill, the taxpayer must be a Social Security recipient or have a pension from a public employer, be retired, be at least age 65, and have no employment income. This is an economic development initiative, said Frank Blake, vice president of the Minnesota Chapter of the National Association of Retired Federal Employees. Employees approaching retirement are presented with information about how to maximize their retirement income, he said, and one of the factors is state taxation of pension income. Other states treat pension income much better than Minnesota, Blake said. He said retirees create jobs and bring with them accumulated wealth—\$250,000 on average—to spend during their remaining years. When people leave the state, they take their income and assets with them, said Al Shaw, a federal retiree.

S.F. 2689, authored by Sen. Jim Vickerman (DFL-Tracy), provides a subtraction for retirement pay for service in the armed forces. Military retirement pay is not enough to live on after retirement, even for someone who has served on active duty for 20 years, said Jerry Kyser, chair of the United Veterans Legislative Council. If we want to honor our veterans and their service, this is a meaningful way to do it, he said. Thomas Nesbitt, president of the Military Officers Association, discussed the many benefits the state's communities gain from keeping military retirees, both economic and non-economic. Sen. Mike McGinn (R-Eagan) said military retirees re-enter the workforce with significant technological expertise that can benefit Minnesota employers.

The committee placed S.F. 2280 on the C list and S.F. 2689 on the C list.

Committee members also considered a measure providing a subtraction from taxable income for compensation for service outside the United States to Minnesota residents who are members of the U.S. Foreign Service. S.F. 3340, carried by Sen. Richard Cohen (DFL-St. Paul), was placed on the C list. The panel

also heard two bills relating to homestead property owned by veterans or active duty members of the military. S.F. 3187, sponsored by Sen. Steve Murphy (DFL-Red Wing), provides an exclusion from taxable value for a homestead owned by a veteran with a service-connected disability of at least 50 percent. The measure was placed on the C list. Sen. Thomas Bakk (DFL-Cook) carried a bill, S.F. 3061, permitting a homestead classification to be granted to property acquired by a person absent from the state solely because of active duty military service. The bill was placed on the B list.

TIF bills heard

The Tax Committee met Wed., Apr. 5, to consider a variety of bills, including three bills relating to tax increment financing (TIF).

S.F. 2748, carried by Sen. William Belanger (R-Bloomington), provides special rules to be applied to two tax increment financing districts in Burnsville. For one district, a soil deficiency district, the five year rule for completion of a project is extended to 10 years, the increments may be collected for 20 years and increments spent for any infrastructure costs are deemed to satisfy the requirements of the law. For the other district, the bill provides that the five year rule would be extended to 10 years for tax increment derived from a particular parcel. Finally, the measure cancels a tax increment district that was established for an amphitheater, because the amphitheater was never built. The bill was placed on the panel's A list

S.F. 2518, authored by Sen. Bob Kierlin (R-Winona), allows tax increment financing districts in the cities of Chatfield and Preston to capture the state general tax. S.F. 3186, carried by Sen. Rod Skoe (DFL-Clearbrook), changes the definition of small city for tax increment financing purposes. Under the bill, small city means any home rule charter or statutory city that has a population of 5,000 whose border does not abut another home rule charter or statutory city with a population of 10,000 or more. S.F. 3729, sponsored by Sen. Michael Jungbauer (R-East Bethel), authorizes the city of Ramsey to establish a tax increment financing district. Both measures were placed on the B list.

In other action, the committee, chaired by Sen. Lawrence Pogemiller

(DFL-Mpls.), sorted a number of other bills according to priority. S.F. 2377, sponsored by Carrie Ruud (R-Breezy Point), authorizes the town of Sylvan in Cass County to impose a gravel tax under certain circumstances. The measure was placed on the A list. S.F. 2851, carried by Sen. Tom Saxhaug (DFL-Grand Rapids), adds to and deletes from state parks, state forests and recreation areas, provides for public and private sale or exchanges of state lands and provides for disposition of proceeds from tax-forfeited land sales. The bill was approved and advanced to the Senate floor.

Pogemiller sponsored four measures. S.F. 3633 is the annual public finance bill that provides the terms and conditions related to the issuance of bonds and provides for the authorization of interfund loans. S.F. 3320 provides for the additional financing of Metropolitan Area transit and paratransit capital expenditures. The bill also authorizes up to \$32.8 million in bonding for capital expenditures in the council's regional transit master plan and transit capital improvement program. The contents of the bill were amended onto S.F. 3633. S.F. 3320 was approved and sent to the full Senate, but also designated for the A list. S.F. 3131 is the tax compliance initiative. The bill provides for income tax return processing, requires certain withholding returns be filed by electronic means, provides for a study of audit positions within the Dept. of Revenue, and provides for a study of sales and use tax compliance assistance for taxpayers of limited English proficiency. The measure was placed on the A list. S.F. 3690 exempts milk and water sold in vending machines from sales tax. The bill was placed on the C list.

S.F. 2796, presented by Sen. Scott Dibble (DFL-Mpls.) on behalf of Sen. Mee Moua (DFL-St. Paul), converts the transit pass credit to a refund and extends it to additional employers. The measure was placed on the B list. Jungbauer also sponsored a measure, S.F. 3141, granting port authority powers to the city of Ramsey. The bill was placed on the B list. S.F. 3062, sponsored by Sen. Sharon Marko (DFL-Cottage Grove), changes the city aid base for the city of Newport. The bill was placed on the C list.

Sen. Thomas Bakk (DFL-Cook) authored two measures. S.F. 3456 provides for distributing the proceeds of the

occupational taxes to the Minnesota minerals 21st century fund. The measure was placed on the A list. S.F. 3455 increases the percentage of the amount of gasoline that is attributable to all-terrain vehicle use from 0.15 percent to 0.27 percent. The bill was approved and re-referred to the Finance Committee.

Housing assistance bill heard

The Tax Committee, chaired by Sen. Lawrence Pogemiller (DFL-Mpls.), held a marathon hearing Thurs., Apr. 6, to consider a wide variety of bills.

One measure generating considerable discussion, S.F. 3516, increases the deed tax from .0033 percent to .005 percent of the net consideration for the designated transfer and provides for an appropriation equal to the proceeds of the deed tax on .00709 percent of the net consideration for rental assistance. The bill, sponsored by Sen. Richard Cohen (DFL-St. Paul), also provides for an amount equal to the proceeds of the deed tax on .000566 percent of the net consideration to be appropriated to the housing development agency for the economic development and housing challenge program. In addition, the measure creates a housing account for leverage opportunity to provide matching grants to eligible recipients for preservation, renovation or development of affordable home ownership or rental housing.

S.F. 2804, sponsored by Sen. Gary Kubly (DFL-Granite Falls), provides that the tier structure in the classification of agricultural homestead property is based on acreage rather than market value. Sen. Jim Vickerman (DFL-Tracy) also sponsored a bill, S.F. 2592, relating to agricultural homestead land. Under the bill, the value of agricultural homestead land that is subject to a reduced class rate is increased.

S.F. 3646, sponsored by Sen. Sheila Kiscaden (DFL-Rochester), extends the date by which ISD #535, Rochester, must certify the proposed property tax levy to the county auditor. S.F. 2670, sponsored by Sen. Rod Skoe (DFL-Clearbrook), regulates a district's debt service net tax capacity and indexes the equalizing factor.

Sen. Tom Saxhaug (DFL-Grand Rapids) sponsored two bills. S.F. 2570 modifies the personal property exemption for an electric utility generation facility designated as an innovative energy

project. The second proposal, S.F. 3754, exempts public safety radio communication products and services from sales tax.

Skoe also sponsored a bill, S.F. 2475, modifying the local government aid formula for cities. S.F. 3632, sponsored by Sen. William Belanger (R-Bloomington), eliminates the growth factor in the state general levy. S.F. 3698, carried by Sen. Charles "Chuck" Wiger (DFL-North St. Paul), restores the 2006 market value credit reimbursement cuts.

S.F. 3332, authored by Sen. Ann Rest (DFL-New Hope), delays the final designation of the international economic development zone until June 30, 2008, and the beginning of zone duration until January 1, 2010. S.F. 3716, sponsored by Pogemiller, modifies the treatment of income from foreign operations.

Transportation Budget Division

Mankato HQ considered

A proposal appropriating \$18.228 million in trunk highway bond proceeds to design, construct, furnish, and equip a new district headquarters facility in Mankato for the Dept. of Transportation was heard by members of the Transportation Budget Division, Tues., Apr. 4. The panel laid over S.F. 2703, sponsored by Sen. John Hottinger (DFL-St. Peter), for possible inclusion in an omnibus trunk highway bonding bill.

Division members also heard S.F. 2930. Carried by Sen. Dick Day (R-Owatonna), the measure is the governor's transportation proposal. The bill authorizes trunk highway bonds to be sold to fund \$50 million in highway design and engineering and \$2.45 billion in highway construction. The entire highway construction authorization and \$35 million of the design and engineering authorization are contingent on adoption of the proposed constitutional amendment dedicating all motor vehicle sales tax (MVST) revenues to transportation. The measure also creates an MVST collection account to cover debt service on the bonds and provides for the constitutional phase-in of MVST revenues allocated to transportation. A motion to advance the bill to the full Finance Committee was defeated.

The panel, chaired by Sen. Steve Murphy (DFL-Red Wing), also acted on

additional bills in its capacity as the Transportation Committee. The two entities are separate under the Senate's committee structure, but have the same membership, meeting time and leadership. Because budget divisions are not independent entities, legislation approved by them can only be sent to the full Finance Committee; legislation approved by full committees can be re-referred to other committees or to the full Senate. S.F. 3455, authored by Sen. Thomas Bakk (DFL-Cook), increases the amount of gasoline fuel tax attributable to the use of all-terrain vehicles from 0.15 percent to 0.27 percent. The measure was re-referred to the Tax Committee without recommendation.

Schedule available online

Next week's schedule is available at <http://www.senate.mn/schedule/2006/0410.htm>

Civic education DVD created

Senate Media Services has produced a DVD consisting of several short videos informing the public about the Minnesota Senate and the legislative process. The DVD provides an excellent tool to support presentations about the legislative process to help citizens become involved in their government. These short videos, which are televised during legislative coverage and often incorporated into Capitol Report, focus on various topics, including the branches of government, political party differences, how to read a bill, how to testify before a committee, effective ways to communicate with legislators, where to obtain information, the Senate Chamber, and the role of the professional and citizen lobbyist. For more information about the DVD, contact Senate Media Services at (651) 296-0264.

MyBills system available

The MyBills personalized bill tracking system is now available. Users can add House and Senate bills to their lists by bill number, subject, or author, and view the legislative status of their bills, with items with significant current floor action highlighted. Users can modify their lists at any time. The MyBills system is available from the Legislative website at: <http://www.house.mn/leg/billsblog.asp>

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With temperatures soaring, birch trees on the Capitol grounds exhibit signs of spring. Photo by Shelley Hawes



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Senate Highlights

NWA mechanics benefits okayed

Striking Northwest Airlines mechanics will be eligible for unemployment and dislocated worker benefits under a measure approved by Senators at their Mon., Apr. 10, floor session.

The airline has gone through significant retrenchment, said Sen. Ellen Anderson, chief sponsor of S.F. 2702. The strike was triggered by a contract offer from the company that includes a reduction of staffing by 53 percent and salary reductions of 26 percent for remaining employees, she said. A judge determined that custodians and cleaners, who were part of the same strike, were eligible for the benefits under a lockout exception in the law, but striking mechanics were not, she said. Anderson said the judge distinguished between the mechanics and the cleaners based on the mechanics' higher salaries. None of the employees have jobs to go back to, she said, and the situation is unfair to the mechanics. They need assistance to get retrained and move on with their lives, which is what they want, she said. The company did make a new offer in December, which included unemployment and dislocated worker benefits for the striking mechanics, she said. However, Anderson said, the Minnesota mechanics, a majority of whom voted to end the strike, were outvoted by non-Minnesota members of the national union. These mechanics are between a rock and a hard place, and they need our help, she said. Anderson said the

bill does not create a change in law for other situations, but provides a narrow exception for this specific circumstance. The bill also does not interfere with the collective bargaining process, she said.

Sen. Chris Gerlach (R-Apple Valley) said another solution exists. Late last week, an administrative law judge laid out a roadmap for the mechanics to get benefits without an end to the strike, he said. Gerlach said the judge indicated that if the union stopped picketing the airline, without necessarily ending the strike, the union members would be eligible for benefits. The Dept. of Employment and Economic Development has committed to providing the benefits immediately upon receiving a letter or e-mail indicating the picketing has ceased, he said. I know stopping picketing would be a bitter pill for the union to swallow, but the union members need to get on with their lives, he said. Gerlach said he supported S.F. 2702 when it appeared to be the last resort. I believe we should only intervene in a labor dispute when there are no other options, he said. We have an option that we should at least explore, he said. Gerlach moved to table the bill; his motion failed, 28-36.

S.F. 2702 was granted final passage, 37-28.

In other action, Senators also approved a bill helping consumers protect themselves against identity theft by monitoring their credit reports monthly and placing freezes on their credit reports. The bill also establishes a court procedure for identity theft victims to get a court declaration of their victimhood. S.F. 2002, carried by Sen. Dan Sparks (DFL-Austin), was granted final passage, 65-0.

Eminent domain conferees named

The Senate met for a very brief floor session Tues., Apr. 11, to process committee reports and to appoint conferees for the eminent domain bill. The bill, S.F. 2750, authored by Sen. Thomas Bakk (DFL-Cook), gained final passage in the Senate several days ago and another version gained final passage in the other body. In order to resolve the differences in the two bills, a conference committee is appointed. The conferees for the Senate include Bakk, Sen. Steve Murphy (DFL-Red Wing), Sen. Don Betzold (DFL-Fridley), Sen. Linda Higgins (DFL-Mpls.) and Sen. Julianne Ortman (R-Chanhassen).

In other action, members granted concurrence and repassage to S.F. 2832. Chief Author David Tomassoni (DFL-Chisholm) said the change made by the other body was minor and he asked members to accept the amendments and repass the bill. The measure authorizes the formation of a task force to study recruitment and retention of volunteer emergency personnel. The bill was repassed on a 61-0 roll call vote.

Schools' statewide pool okayed

A proposal to establish a statewide health insurance pool for school district employees gained approval from Senators at their Wed., Apr. 12, floor session.

S.F. 1459, authored by Sen. Don Betzold (DFL-Fridley), creates the risk sharing pool, establishes a board to oversee the pool and authorizes the board to offer six health plans of differing designs. Under the bill, the board is composed of seven members representing employee bargaining units and seven members representing school boards. Betzold said the bill does not impose a one-size-fits-all health plan for school districts, but it does share the risks of large claims across a very large, mandatory pool. An actuarial study commissioned by the Legislature determined that the statewide pool is feasible and could save as much as \$223 million over the next six years, he said. Betzold said a statewide pool would save districts on administrative costs and reduce year-to-year swings in health coverage costs. Some districts do not like the concept because they will not immediately benefit, he said, but today's winners can be tomorrow's losers in health care costs.

Sen. Betsy Wergin (R-Princeton) offered an amendment replacing the mandatory statewide pool with an option for school districts to join the existing public employee insurance plan, administered by the Dept. of Employee Relations. The amendment also renames the plan as the public buyers group program and permits the department to modify the program and to include new plan designs, including one modeled on the state employee plan and one that also includes a health savings account component. Wergin said the amendment offers a solution for school districts that are facing dramatic cost increases without forcing other districts into a higher cost plan. Sen. Charles "Chuck" Wiger (DFL-North

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Standing in the West Gallery of the Senate Chamber, Winona State University basketball player Joe Ingvolson, center, shows off the NCAA Division II National Basketball Championship trophy his team won in March, as he and his teammates David Johnson, left, and John Arens acknowledge applause from Senators, Wed., Apr. 12.

Photo by David J. Oakes

St. Paul) spoke in favor of the amendment, saying it preserves local control.

Betzold spoke against the amendment, saying the public employees insurance plan is designed to be a program of last resort. Only high cost districts will want to enter this plan, he said, but that will not even out the costs or spread them fairly. Neither the amendment nor the bill address the underlying costs of health care, said Sen. Rod Skoe (DFL-Clearbrook). Pooling only aggravates problems and shifts costs around, he said, without taking care of the factors that drive costs ever higher.

The amendment was defeated on a 29-35 roll call vote.

This bill chooses winners and losers, said Sen. Carrie Ruud (R-Breezy Point). We need to address the real problems in health care, she said, not shift costs around more. Sen. Sean Nienow (R-Cambridge) also spoke against the bill, saying it is an unfunded mandate on school districts that have worked hard to get their costs under control. They are being penalized, he said, and the bill does nothing to make them whole.

S.F. 1459 was granted final passage, 38-27.

Senators also granted final passage to eight additional bills. S.F. 3216, carried by Sen. Scott Dibble (DFL-Mpls.), provides that local ordinances regulating condominium conversions do not expire after 18 months, unless the ordinance is a moratorium on conversions. The bill was approved, 64-0. S.F. 2646, sponsored by Wiger, requires at least 30 minutes of driver education on organ and tissue donation and permanently suspends the vehicle insurance sampling program. The measure was granted final passage, 60-2. H.F. 2645, carried by Sen. Gary Kubly (DFL-Granite Falls), adding two members to the Swift County Rural Development Finance Authority Board of Directors, was approved, 62-0. S.F. 3246, sponsored by Betzold, authorizes the commissioner of transportation to proceed with contract negotiations for the use of railroad right-of-way for the Northstar Commuter Railway. Under the bill, the contract may allocate liabilities between the state and railroad. The measure was granted final passage, 57-5.

H.F. 3169, carried by Sen. David Senjem (R-Rochester), prohibits local units of government from imposing, directly or indirectly, fees on students who attend higher education institutions within their boundaries. The measure was approved, 57-5. H.F. 2994, sponsored by Sen. Thomas Bakk (DFL-Cook), allows boat houses on public waters to be replaced or repaired. The bill was granted final passage, 63-0. H.F. 3310, carried by Sen. Satveer Chaudhary (DFL-Fridley), permits the Dept. of Natural Resources to make advance deposits or payments for boat slips it rents. The measure was ap-

proved, 64-0. H.F. 680, carried by Senjem, provides a clarification relating to utility metering and billing. The measure was approved, 63-0.

In other action, a motion to take S.F. 1687 from the table failed on a 32-32 roll call vote. The bill, sponsored by Sen. Ellen Anderson (DFL-St. Paul), requires public utilities to meet renewable energy standards.

Senators used a brief recess to recognize the Winona State University men's basketball team. The team is the 2006 NCAA Division II national champion. Sen. Bob Kierlin (R-Winona) said the team began with a good season, going 10-4, but then remarkably played 22 straight games without a loss. They conquered many great teams, he said, including the defending national champion. Kierlin said the team members are young men of character on and off the court and are role models for youths in the Winona area. "I salute the team and the coaching staff for this great accomplishment," he said, before Senators gave the team and coaches a standing ovation.

Committee update

Early Childhood Policy and Budget Division

Anti-poverty commission gains

The Early Childhood Policy and Budget Division met Tues., Apr. 11, to consider a bill, S.F. 3760, providing for a legislative commission to draft a plan to end poverty by 2020.

Division Chair John Hottinger (DFL-St. Peter), chief author of the bill, said, "We all have a role in eliminating poverty in Minnesota." He said the rate of poverty in the state averages 8 percent of the population, but that some Northern Minnesota counties have higher levels of poverty. Hottinger said, "The bill is very simple. It sets up a commission of nine House members and nine Senate members to prepare recommendations for ending poverty in the state." He said the bill

spells out a number of guiding principles to guide the commission in developing the recommendations. Hottinger said the faith community has taken a leadership role in attacking poverty and it is time for government to step up to help eliminate poverty.

Members heard extensive testimony from members of the faith community, the Minnesota Coalition for the Homeless, the Children's Defense Fund and the Minnesota Council of Non-Profits.

Members approved the measure and advanced it to the full Finance Committee for incorporation in the division's omnibus supplemental proposal.

The division also approved two additional proposals. One measure, offered by Hottinger, alters the composition of the Minnesota Early Learning Foundation by requiring members to be economically diverse as well as geographi-

cally and ethnically diverse parents of young children. In addition, the proposal requires the governor to appoint representatives from all four caucuses of the Legislature as non-voting members. The second proposal, S.F. 2679, authored by Sen. Sandra Pappas (DFL-St. Paul), authorizes a pilot project in Ramsey County to coordinate services for teen parents.

Environment, Agriculture and Economic Development Budget Division

Supplemental appropriations gain

The Environment, Agriculture and Economic Development Budget Division met Mon., Apr. 10, to consider the articles the division will forward for the



Senators Thomas Newville (R-Northfield), left, and Don Betzold (DFL-Fridley) consult during floor debate in the Senate Chamber, Mon., Apr. 10.

Photo by David J. Oakes



Senators LeRoy Stumpf (DFL-Plummer), left, and Steve Dille (R-Dassel) converse during the Senate's floor session, Wed., Apr. 12.

Photo by David J. Oakes

omnibus supplemental appropriations bill. The panel, chaired by Sen. Dallas Sams (DFL-Staples), reviewed three articles, considered amendments and approved the advancement of the articles to the full Finance Committee.

The first article dealt with environment, natural resources and agriculture. The measure includes general fund appropriations of \$22.786 million, which is \$150,000 more than recommended by the governor. In addition, the article includes appropriations from the natural resources fund, the special revenue fund, the game and fish fund, the agriculture fund, the environmental and natural resources trust fund and the great lakes protection account. The measure also reinstates some of the governor's vetoes of LCMR projects at a cost of \$3.476

million, and provides \$550,000 for LCMR administration.

The measure also features an appropriation of \$220,000 for bovine tuberculosis surveillance and diagnosis. Other appropriations include \$550,000 for invasive species control, \$100,000 for a Shooting Sports Education Center, \$45,000 for land appraisal reimbursement, \$600,000 for the all-terrain vehicle gas tax change, \$200,000 for changes in the horse trails pass fee structure, \$65,000 for canoe routes, \$400,000 for bovine tuberculosis disease control, and \$35,000 for forest management services to landowners. The bill also provides for \$2.089 million in revenues and transfers in various funds. Additional appropriations include \$93,000 for an increase in livestock and crop compensation,

\$200,000 for the Second Harvest milk program, \$500,000 for an increase in the ethanol pumps grant program and \$45,000 for an Agricultural Research and Education Council.

A second article of the bill dealt with the clean water legacy program. Under the proposal, a total of \$20 million is appropriated for a variety of programs to reduce pollution and clean up Minnesota's lakes, rivers, and streams. Included in the appropriation are \$1 million for small community wastewater treatment loans and grants, \$2 million for phosphorus reduction grants and \$1.310 million for wastewater, storm water and total maximum daily load grants. The proposal also includes \$1.860 million for grants or contracts to support citizen monitoring of surface waters.

Committee update



Senators Julie Rosen (R-Fairmont), left, and Linda Higgins (DFL-Mpls.) closely examine a spreadsheet as the Health and Human Services Budget Division completes its work on an omnibus supplemental budget proposal, Mon., Apr. 10.

Photo by David J. Oakes

The third article contained economic development provisions. A total of \$4.150 million general fund appropriations are included in the measure and the total from all funds is about \$9.680 million. The proposal includes \$300,000 to the Historical Society for a Minnesota Agricultural Interpretive Center, and \$240,000 in additional funding for the Minnesota Commission for the Deaf and Hard-of-Hearing. The measure also includes appropriations of \$500,000 for a grant to the BioBusiness Alliance of Minnesota for bioscience business development, \$3 million for the collaborative research partnership between the University of Minnesota and the Mayo Foundation for research in biotechnology

and medical genomics, \$150,000 for a grant to Advocating Change Together for training and resource materials for persons with developmental and mental health disabilities, \$100,000 for a grant to the city of Cedar Mills for costs it incurred in construction of a wastewater treatment system for 28 properties, \$250,000 for a pilot workforce program, \$1.920 million for grants to fund summer youth employment in North Minneapolis, \$50,000 for a grant to the city of Worthington for a veterans' memorial and \$300,000 to the Housing Finance Agency for mortgage foreclosure prevention. The measure also proposes reestablishing the Minnesota Boxing Commission and provides \$50,000 to do so.

Members adopted several amendments. Sen. Scott Dibble (DFL-Mpls.) sponsored an amendment to specify that the grants for summer youth employment could be used throughout Minneapolis, rather than just North Minneapolis. Sen. Thomas Bakk (DFL-Cook) offered two amendments. The first, relating to apprentices, reinstates current law concerning apprentice compensation. The second adds the Minnesota Street Rod Association event each July to the exception granted the State Fair for camping rules. Both Sen. Jim Vickerman (DFL-Tracy) and Sen. Ellen Anderson (DFL-St. Paul) sponsored amendments providing for an extension for alternative projects eligibility. Sen. Pat Pariseau (R-

Farmington) authored an amendment requiring carbon monoxide detectors in all dwellings. The three articles were then approved and advanced to the full Finance Committee.

Health and Human Services Budget Division

Supplemental appropriations ok'd

Two articles containing language and appropriations for the areas of health and human services were approved and advanced to the full Finance Committee at the Mon., Apr. 10, meeting of the Health and Human Services Budget Division.

Division Chair Linda Berglin (DFL-Mpls.) said, "We couldn't fund all of the governor's recommendations, but we tried to keep members' priorities in mind." She said, "We had to make hard choices given the limited amount of funds we were given."

The proposal provides a total of \$138.468 million in general fund appropriations for the current biennium, with \$148.468 million in appropriations from other funds. Under the proposal, \$2.866 million is appropriated for a variety of programs in the area of mental health, \$31.003 million is appropriated for the Minnesota Security Hospital shortfall related to the growth in commitments of mentally ill and dangerous persons, \$33.674 million is appropriated to the Minnesota sex offender program operating shortfall related to the growth in commitments, and \$1.538 million is appropriated for growth in Minnesota extended treatment options. The proposal also contains appropriations for the next biennium to fund the elimination of the add-back of depreciation for farm self-employed income for purposes of MinnesotaCare, to eliminate the MinnesotaCare limited benefit set, to eliminate MinnesotaCare premiums for military members and their families, to increase from \$10,000 to \$20,000 the MinnesotaCare inpatient hospitalization cap, to eliminate dental copays for adults without children and parents at under 175 percent of the federal poverty level, to permit MinnesotaCare for undocumented immigrant children and to eliminate insurance barriers for children above 150 percent of the federal poverty level.

A total of \$577,000 is appropriated for the MinnesotaCare option for small

employers, \$52,000 is appropriated for user support for the prescription drug discount program and the small employer program, \$1.198 million is appropriated to eliminate the 8 percent premium increase for MinnesotaCare, \$929,000 is appropriated for other provisions related to MinnesotaCare, \$11.467 million is appropriated to cover Medicare copayments for dual eligible persons and \$846,000 is appropriated to reinstate MinnesotaCare outreach grants. The measure also provides \$3.610 million to restore critical access dental payments, \$300,000 for critical access dental grants for federally qualified health centers and safety net clinics, \$1.5 million for healthcare grants for federally qualified health centers and safety net clinics, \$7.320 million for a provider rate increase through MinnesotaCare, \$280,000 for pay-for-performance for healthcare providers, \$218,000 for the prescription drug discount program, and \$45,000 for a pharmacy payment reform advisory group.

The proposal also contains appropriations of \$2.563 million for the alternative care program funding shortfall, \$129,000 for the reverse mortgage incentive program, \$29,000 for a Meeker County day training and habilitation provider rate increase, \$84,000 for Medicare approved special plan needs contracting, \$168,000 to establish a group residential pilot project, \$13.934 million to eliminate the childcare provider rate freeze under the Minnesota family investment program (MFIP), \$609,000 for the MFIP childcare accreditation differential, \$510,000 to reduce MFIP childcare co-payments, \$298,000 to allow MFIP payment for child care half-day rates, and \$661,000 to repeal the childcare absent day limits. In addition, \$48,000 is appropriated for a Dept. of Human Services study relating to chemical use assessments, \$5,000 is appropriated for post-adoption search services training, \$51,000 is appropriated for a domestic violence information brochure, \$140,000 is appropriated for the new chance program, \$463,000 is appropriated for the MFIP work participation rate enhancement program and \$2.459 million is appropriated to repeal the \$50 MFIP subsidized housing penalty.

The bill also provides funding for a Minnesota e-health initiative and for the use and distribution of vaccines and antiviral drugs for pandemic influenza preparedness. The bill also follows the

governor's recommendations for the Veterans Nursing Homes Board, the health-related boards and the Emergency Medical Services Boards.

Members adopted several amendments to the proposal. Sen. Becky Lourey (DFL-Kerrick) sponsored an amendment to include oxycontin among the drugs pregnant women are prohibited from using. Sen. Linda Higgins (DFL-Mpls.) sponsored an amendment making changes to the process for making exceptions to the hospital moratorium. Lourey also sponsored three additional amendments relating to the ombudsman for mental health, a Dept. of Human Services status report and the definition of a governmental unit for purposes of drug purchases. Sen. Julie Rosen (R-Fairmont) sponsored an amendment providing that the requirement other states pay for mental health services provided their residents in Minnesota be expanded to include payment for chemical dependency treatment.

Berglin said several items in the bill, such as the reinstatement of an AIDS hotline and a state methamphetamine coordinator, were paid for with federal funds and did not appear in the appropriations spreadsheet adopted by the division.

The articles were advanced to the full Finance Committee on a 7 – 1 roll call vote.

In other action, the division forwarded two additional bills to the full Finance Committee. S.F. 3342, authored by Sen. John Hottinger (DFL-St. Peter), establishes the Patient Safety and Drug Review Transparency Act. The measure requires disclosure of clinical trials of prescription drugs and the information disclosed to be posted on a publicly accessible Internet web site. S.F. 1640, authored by Sen. Sheila Kiscaden (DFL-Rochester), modifies provider, hospital and outpatient surgical center reporting requirements and provides for a price disclosure reminder.

K-12 Education Budget Division

Omnibus proposal approved

A package authorizing supplemental spending on schools was approved by members of the K-12 Education Budget Division, Mon., Apr. 10. The panel, chaired by Sen. LeRoy Stumpf (DFL-

Committee update

Plummer), advanced the proposal to the full Finance Committee.

Stumpf said the division was given a budget target of \$44 million in onetime supplemental aid to school districts and charter schools. He said he would like to provide the funds on an on-going basis, but that will have to be decided by the next Legislature. The proposal also includes property tax relief, he said, though without a specific amount. Stumpf said the chair of the Tax Committee would prefer to keep the amount blank until that committee can consider it. Tentatively, Stumpf said, the amount will be about \$130 million—\$12 million for debt service equalization and \$118 million to reduce the operating capital equalizing factor.

Fiscal Analyst Eric Nauman walked division members through the proposal and spreadsheets showing the aid and levy changes. The onetime aid, he said, is provided to districts at \$44 per adjusted marginal cost pupil unit (AMCPU) and to charter schools at \$17 per AMCPU. The aid is restricted in its use, under the bill, to reducing class sizes in grades K-6, providing all-day kindergarten, reducing statutory operating debt, paying heating and fuel costs, paying technology costs, providing limited English proficiency programs or providing pre-kindergarten programs to four year olds. The bill generally requires districts receiving pre-kindergarten transition revenue to use the onetime supplemental aid for the pre-kindergarten programs; however, school boards may reallocate their onetime supplemental funds to the broader list of allowed uses. The proposal also creates a new education property tax relief account in the general fund. Nauman said the new fund would receive a fund transfer from the existing tax relief account. The funds transferred are credited, under the bill, to debt service equalization and operating capital equalizing factor reductions.

Members of the panel adopted several amendments. Sen. Michelle Fischbach (R-Paynesville) offered an amendment permitting private schools to pay teachers on a 12-month basis. Fischbach said public schools have the authority and private schools thought they did, too, until they were informed otherwise by the Dept. of Labor and Industry. Sen. Steve Kelley (DFL-Hopkins) offered three amendments. One clarifies that the physical education and health require-

ments in the bill apply for students beginning the ninth grade this fall. Another amendment clarifies the membership of a special education task force. The third amendment provides \$25,000 to continue the scholars of distinction program operated by the department to recognize student achievements in theatre, leadership and sciences.

Sen. Betsy Wergin (R-Princeton) offered an amendment on behalf on Sen. Linda Scheid (DFL-Brooklyn Park). The amendment requires the department to contract with Boston College for Minnesota fourth and eighth grade students to participate in the TIMSS International assessment of student achievement in mathematics and science. The amendment also requires the department to contract with ACHIEVE for a benchmark study of the Minnesota Comprehensive Assessments, Second Edition, in 9th grade writing, 10th grade reading, and 11th grade mathematics. Kelley said he supports the TIMSS participation, but that benchmarking the MCAs again is not a worthwhile use of state dollars. Kelley divided the amendment. The MCA benchmarking proposal was defeated, while the TIMSS participation proposal was adopted.

A provision in the bill repealing a requirement for school districts to report on their financial situation before approving collective bargaining agreements was the focus of an amendment offered by Sen. David Hann (R-Eden Prairie). The structural balance reporting requirement emphasizes districts' duty to be accountable to the public for their financial status, he said. Hann said the current law is not perfect, but that it should be examined for modification, not summarily repealed. He said no committee has held a hearing this year on proposals to repeal or modify the proposal. At least we should have a hearing, he said. Sen. Terri Bonoff (DFL-Minnetonka) spoke in favor of the amendment, saying that compliance with the requirement could have provided earlier warnings to one of her school districts before it went into statutory operating debt. Scott Croonquist said the Association of Metropolitan School Districts supports repealing the report. The report essentially requires districts to assume no revenue growth while projecting spending growth on employment matters, he said. Croonquist said another

provision in the bill, providing for easier to comprehend consolidated financial statements, is more useful to the public than the structural balance report. However, Jim Bartholomew of the Minnesota Business Partnership said the consolidated financial statement is a status report on current spending and revenue, without any context for what is driving the numbers. The structural balance report, while not perfect, he said, is designed to show the public the implications of various spending decisions and to avoid unnecessary layoffs. The amendment was defeated on a divided voice vote.

State Government Budget Division

State gov bill advances

The State Government Budget Division wrapped up its work Mon., Apr. 10, with the approval of the panel's omnibus supplemental budget proposal. Chair Sheila Kiscaden (DFL-Rochester) said the Senate hopes to use most available funds for statewide issues such as property tax relief and for housing predatory sexual predators in state facilities. As a result, she said, the division had very little to work with. Kiscaden said the appropriations in the bill target veterans' services and technology security within state government.

Kiscaden said the measure, S.F. 2489, also contains proposals for modifying the state procurement process to increase efficiency and find cost savings. The bill also contains provisions creating a center for health care purchasing improvement within the Dept. of Employment Relations, Kiscaden said. She said the center is to consult with other agencies to initiate projects for the development of plan designs for state health purchasing.

The proposal also provides for assistance to veterans organizations to help returning veterans access services available to them, Kiscaden said. She said the proposal also requires the Dept. of Administration to prepare a plan for collocating the Council on Black Minnesotans, the Chicano/Latino Affairs Council and the Council on Asian-Pacific Minnesotans. In addition, the proposal requires the commissioner of administration to terminate current lease arrangements to relocate the councils to a

location recommended in the report. Kiscaden said the colocation could lead to both tangible savings, such as not needing three copying machines, and to intangible savings through the sharing of ideas and resources.

Members adopted two amendments to the policy provisions of the measure. Sen. James Metzen (DFL-South St. Paul) offered an amendment requiring the Legislative Coordination Commission to establish under its jurisdiction and control an Office of Human Resources to provide human resources services for the Senate and House of Representatives. He said joining the human resources function in the Legislature is a way to save money and increase efficiency. The amendment was adopted. Members also adopted an amendment, offered by Sen. Geoff Michel (R-Edina), lifting a prohibition on including pictures or other materials on a Web site that tend to attribute the site or publication to an individual or group of individuals instead of a public office, state agency or political subdivision in order to allow public libraries to include the information if the link is provided only for nonpartisan and educational purposes.

Members adopted the policy provisions before turning to the appropriations

proposal. The measure appropriates \$500,000 for veterans outreach and assistance budget shortfalls, \$80,000 for veterans service organizations budget shortfalls, \$1.9 million for state soldiers assistance program grants, \$200,000 for county veterans services offices grants, \$900,000 for veterans assistance offices on state higher education campuses and \$200,000 for a one-stop website and internet support services for veterans.

The bill also provides \$1.9 million to the Office of Enterprise Technology for information technology security enhancement, \$37,000 for two legislative forums and \$275,000 for bankruptcy counsel for the state for Northwest Airlines proceedings. Finally, the proposal appropriates \$100,000 to the Dept. of Employee Relations for the Center for Health Care Purchasing Improvement. In all, the measure appropriates \$5.992 million for functions under the division's jurisdiction. Two additional amendments were adopted. Metzen offered an amendment appropriating \$90,000 for the Amateur Sports Commission for lease-hold improvements. Sen. Richard Cohen (DFL-St. Paul) sponsored an amendment striking language requiring Minnesota Public Radio to provide a list of employ-

ees paid more than \$100,000 before receiving an appropriation. Cohen said the language was unnecessarily gratuitous because many other reporting avenues are available.

The bill was approved and advanced to the full Finance Committee.

Tax

Variety of tax bills heard

Members of the Tax Committee, chaired by Sen. Lawrence Pogemiller (DFL-Mpls.), met Fri., Apr. 7, to wrap up hearing bills for possible inclusion in the panel's omnibus tax bill. The committee ranked bills from A through E, with A indicating inclusion in the omnibus bill.

S.F. 2900, sponsored by Sen. John Marty (DFL-Roseville), provides that the tax and fee imposed on rental cars does not apply for a vehicle under a car sharing agreement where the lessee is registered as a member in a car sharing organization that allows leasing on an hourly basis. S.F. 3180, carried by Sen. Linda Higgins (DFL-Mpls.), provides a sales tax exemption for the purchase of voting machines by counties. S.F. 3437, carried by Sen. Gary Kubly (DFL-Granite Falls), provides an income tax credit for sales or rentals of



Senators David Tomassoni (DFL-Chisolm), left, and William Belanger (R-Bloomington) look over the details of the Senate's omnibus tax bill during a meeting of the Tax Committee, Tues., Apr. 11.

Photo by David J. Oakes

Committee update

agricultural assets to beginning farmers, provides an income tax credit for beginning farmer financial management programs and modifies the beginning farmer program administered by the Rural Finance Authority. All three measures were placed on the C list.

Members also heard two tax increment financing bills. S.F. 3745, carried by Pogemiller, authorizes the city of Minneapolis to establish a homeless assistance tax increment district and provides the terms for the creation and operation of the district. The bill was placed on the A list. S.F. 3758, sponsored by Sen. William Belanger (R-Bloomington), authorizes the city of Bloomington to extend the duration of two tax increment districts. The bill was placed on the B list.

S.F. 2862, authored by Sen. Dallas Sams (DFL-Staples), provides an income and corporation franchise tax credit for qualifying investments in dairy operations. S.F. 3723, authored by Sen. Mee Moua (DFL-St. Paul), provides a sales tax exemption for materials used for the construction of low income housing. S.F. 2941, sponsored by Sen. Ann Rest (DFL-New Hope), establishes the fire safety

account from revenues on fire insurance premiums and assessments and abolishes the fire insurance tax. All three bills were placed on the C list.

S.F. 3695, carried by Sen. Cal Larson (R-Fergus Falls), authorizes ISD #544, Fergus Falls, to impose a local sales and use tax and a motor vehicle excise tax for construction of a new high school and renovation of a middle school. The measure was placed on the E list.

Omnibus articles reviewed

Members of the Tax Committee, chaired by Sen. Lawrence Pogemiller (DFL-Mpls.), used their Mon., Apr. 10, meeting to review the provisions of proposed articles for the committee's omnibus bill. The articles contain provisions relating to income taxes, sales taxes, corporate taxes, public finance, minerals, property taxes and aids, and local development. Pogemiller also outlined the future of the proposal, indicating he hoped members and interested parties would examine the bill overnight before the panel considers

amendments and takes final action on the measure at its next meeting.

Omnibus bill approved

A tax package providing over \$200 million in tax relief in the current biennium and almost \$300 million in tax relief next biennium was approved by members of the Tax Committee, Tues., Apr. 11.

S.F. 3131, carried by Committee Chair Lawrence Pogemiller (DFL-Mpls.), provides onetime tax relief or tax spending of \$197.04 million in FY 06-07. It includes an accelerated elimination of the marriage penalty and retroactivity to 2005, conformity with federal changes enacted in 2005, \$60 million in aid to counties for targeted case management, and \$78.1 million of onetime adjustments to local government aid (LGA).

The measure also provides tax relief and aid to local governments on an on-going basis, totaling \$24.576 million in FY 06-07 and \$295.579 million in FY 08-09. The on-going tax changes include providing a film production tax credit, a dairy investment credit, a credit for



The Transportation Budget Division finishes work on its omnibus budget and policy bill, Tues., Apr. 11, in Room 15 of the Capitol. The unique circular shape of the hearing room is a result of being located directly beneath the Capitol Rotunda.

Photo by David J. Oakes

bovine testing, fully funding LGA at an additional \$118 million in FY 08-09, and \$129.439 million in property tax relief for education in FY 08-09.

The bill raises revenue in both biennia, totaling \$411.387 million in FY 06-07 and \$630.195 million in FY 08-09. The proposal modifies the treatment of foreign operating corporations and freezes the commercial-industrial state property tax rate at its 2004 level. Pogemiller said the balance in the tax relief account is transferred to the general fund. The onetime money is added to the \$88 million structural surplus in the general fund, he said, and then split equally between spending on the tax side and the finance side.

S.F. 3131 was advanced to the full Senate.

Transportation Budget Division

Transportation package okayed

A proposal providing supplemental funding for transportation projects was approved by members of the Transportation Budget Division, Tues., Apr. 11.

Division Chair Steve Murphy (DFL-Red Wing) outlined the proposal. It authorizes the sale of over \$35 million in trunk highway bonds to fund various projects, including the Mankato district headquarters building for the Dept. of Transportation, replacement of the exterior of the Dept. of Transportation building on the Capitol Complex, funds to match federal dollars for the TH-610 project, a study of the corridor along TH-61 and funds to match federal dollars for the French Rapids Bridge. The proposal includes numerous policy changes heard by the panel over the course of the session. Among the policy provisions are special motorcycle plates for combat wounded veterans, license plates for disabled veterans, authority for the highway patrol to immediately tow vehicles that pose a traffic hazard and a booster seat requirement for children under age 9 and weighing less than 80 pounds. The measure also requires driver's training courses to include instruction on organ donation, imposes a primary seat belt requirement for provisional driver's license holders, permits the Dept. of Public Safety to suspend the driver's license of a person who pays for the

license with a dishonored check, and requires the Metropolitan Council to continue providing Metro Mobility services as they are today in case of a budget shortfall.

The measure, S.F. 3764, also adjusts a question on the general election ballot relating to amending the constitution to dedicate motor vehicle sales tax (MVST) revenues to highways and public transit. Murphy said the bill only modifies the question and the enacting language, but it does not modify the amendment itself. He said opinions from the Attorney General's Office and House Research disagree on whether the Legislature can now modify the amendment itself after it was originally approved last year. However, Murphy said, both opinions agree that the Legislature may change the language of the question, as long as the modification does not misled the public on the substance of the amendment.

S.F. 3764 was advanced to the full Finance Committee.

Schedule available online

Next week's schedule is available at <http://www.senate.mn/schedule/2006/0417.htm>

Civic education DVD created

Senate Media Services has produced a DVD consisting of several short videos informing the public about the Minnesota Senate and the legislative process. The DVD provides an excellent tool to support presentations about the legislative process to help citizens become involved in their government. These short videos, which are televised during legislative coverage and often incorporated into Capitol Report, focus on various topics, including the branches of government, political party differences, how to read a bill, how to testify before a committee, effective ways to communicate with legislators, where to obtain information, the Senate Chamber, and the role of the professional and citizen lobbyist. For more information about the DVD, contact Senate Media Services at (651) 296-0264.

Educational Videos Available

Three videos, "Discover the Capitol," "Power in the Process: The Anti-Hazing Law," and "Rules, Laws and the Process,"

can be accessed at <http://www.leg.mn/leg/youth/video.htm>

These videos are excellent sources of information on the history of the State Capitol, how laws are made in Minnesota and how even the state's youngest citizens can get involved in the legislative process.

MyBills system available

The MyBills personalized bill tracking system is now available. Users can add House and Senate bills to their lists by bill number, subject, or author, and view the legislative status of their bills, with items with significant current floor action highlighted. Users can modify their lists at any time. The MyBills system is available from the Legislative website at: <http://www.house.mn/leg/billsbloggin.asp>

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House Committee Hotline

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Senate Sergeant at Arms

G-1 Capitol/Chamber (651) 296-1119

House Sergeant at Arms

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Revisor of Statutes

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1st Floor Capitol (651) 296-3962

Capitol Historic Site Tours

B-59 Capitol (651) 296-2881

Capitol Security

B-5 Capitol (651) 296-6741

Senate Briefly

*As a participant in the Minnesota Zoo's annual display of animals in the Capitol Rotunda, Tues., Apr., 18, a curious slow loris peers into the camera lens.
Photo by David J. Oakes*



April 21, 2006

Senate Highlights

Bonding bill passed

The first order of business for Senators upon returning from a five day break Tues., Apr. 18, was passage of the bonding bill, H.F. 2959. The measure, sponsored in the Senate by Sen. Keith Langseth (DFL-Glyndon), had been debated and approved at the Thurs., Mar. 23, floor session and then laid on the table. Bonding bills must originate in the House, thus the Senate took no further action until the House version of the bill was transmitted to the Senate. The \$989.9 million package of funding for capital improvements was granted final passage on a 53-7 roll call vote.

Majority Leader Dean Johnson (DFL-Willmar) introduced a resolution honoring and congratulating the Minnesota National Guard on its 150th anniversary of service to the state and the nation. Johnson said the Minnesota National Guard traces its origins to the formation of the Pioneer Guard in the Minnesota territory in 1856, two years before Minnesota became a state. "The Minnesota National Guard is the oldest continuously organized, citizen-soldier militia in our nation, formed before the United States Army itself," Johnson said. He said that today, over 9,700 men and women serve in the Guard. "We also want to honor the families of the men and women serving in Afghanistan, Pakistan, Kuwait, Qatar, Oman and Iraq," he said. He said the National Guard has a proud tradition and the support received from citizens around

the state has been second to none. "We are clearly a leader in the nation," Johnson said.

Upon adjournment, Senators remained at their desks while members of the Minnesota National Guard, representing the entire Guard, entered the Chamber to a standing ovation on their way to a reception in the Senate Retiring Room.

Tax bill stumbles

Senators devoted the Wed., Apr. 19, floor session to discussion of the omnibus tax bill. S.F. 3131, carried by Sen. Lawrence Pogemiller (DFL-Mpls.), failed to gain final passage, 32-35.

Today, we have the opportunity to vote for over \$350 million, almost \$400 million, in property tax relief, said Sen. Lawrence Pogemiller (DFL-Mpls.), chief author of S.F. 3131. "That's what this bill is about—property tax relief, property tax relief and property tax relief," he said. Pogemiller said that while local governments have directly raised property taxes, the state cannot escape responsibility for the tax increases. Cities, counties, school boards and other local units have to deal with the policies we enact, he said. Pogemiller said the bill freezes the state-wide commercial-industrial tax rate at its 2004 level. The tax was imposed to pay for schools, he said, but our schools are facing class size increases. Freezing the rate does not raise taxes, but merely allows the state to capture revenue from increasing property valuations, Pogemiller said.

After Pogemiller's introductory remarks, Senators began taking up amendments to the bill. Pogemiller offered an amendment making numerous technical and other changes to the bill. The amendment also removed deed tax provisions from the bill. Sen. Richard Cohen (DFL-St. Paul) said he understands why members are reluctant to use the deed tax to pay for affordable housing. We need to find some way to address the need for more affordable housing, he said, even if we decide today that the deed tax is not the right way. The amendment was adopted on a 58-7 roll call vote. Sen. LeRoy Stumpf (DFL-Plummer) offered an amendment including a Kittson County business in the JOBZ program. The amendment was adopted.

Sen. David Tomassoni (DFL-Chisholm) offered an amendment permitting St. Louis County to impose a deed and mortgage tax for the county environmental

response fund. Metro Area counties already have similar authority, Tomassoni said. The amendment was adopted.

Members adopted an amendment, offered by Sen. Steve Dille (R-Dassel), removing restrictions on the kinds of debts for which local units of government may capture tax refunds and lottery winnings. Under current law, local governments may only recover for hospital bills, library bills and ambulance service bills. Sen. Thomas Bakk (DFL-Cook) offered an amendment changing the tax rates for a mining company that also processes steel and is therefore subject to both the occupation and production taxes. The amendment is revenue neutral, Bakk said. The amendment was adopted.

An amendment providing for an exclusion from income for military pensions was offered by Sen. Jim Vickerman (DFL-Tracy). The benefit on income taxes is already offered by 34 other states, he said. Vickerman said the exclusion provides a strong economic incentive for military service members to retire in Minnesota. Sen. Steve Murphy (DFL-Red Wing) said he reluctantly opposes the amendment because it also removes a tax credit for combat veterans. Pogemiller offered an amendment to the Vickerman amendment providing that both the combat credit and the military pension exclusion would be offered. The Pogemiller amendment to the amendment was adopted on a voice vote; the Vickerman amendment was adopted on a 57-4 roll call vote.

Murphy offered an amendment, which was adopted, increasing the market value for a levy for emergency services. A second Murphy amendment, removing a provision reallocating gas tax funds for the ATV account, sparked considerable debate. Sen. Thomas Bakk (DFL-Cook) and Sen. Rod Skoe (DFL-Clearbrook) argued against the amendment. They said trails are needed for further economic development due to recreation opportunities provided by ATVs. However, Sen. John Hottinger (DFL-St. Peter) urged adoption because the need for gas tax dollars for other transportation purposes is so great. Murphy said the issue should wait until next year when a study being done by the Dept. of Transportation and the Dept. of Natural Resources is complete. The amendment was adopted on a 40-27 roll call vote.

Vickerman also offered an amendment deleting provisions allowing racing simulcasting and a card club at a proposed

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Senators William Belanger (R-Bloomington), left, and Lawrence Pogemiller (DFL-Mpls.) converse in the Senate Chamber during floor debate on the Senate's omnibus tax bill, Wed., Apr. 19.

Photo by David J. Oakes

track in Anoka County. He said the provisions did not go through the committee process. Betzold opposed the amendment. He said it is not an expansion of gambling, it is allowing Anoka County to have the same functions as at Canterbury Park. Sen. Ann Rest (DFL-New Hope) spoke in support of the amendment, "It is putting the cart before the horse to provide for a card club at another race track." Sen. Warren Limmer (R-Maple Grove) also spoke in support of the amendment and said the legislative process should be followed. The amendment was adopted on a 36-30 roll call vote.

Pogemiller sponsored an amendment appropriating \$2 million to the Dept. of Public Safety. He said the funds are to provide additional law enforcement officers for the city of Minneapolis. Hottinger offered an amendment providing for an aggregate resource preservation property tax. Sen. Michelle Fischbach (R-Paynesville) offered an amendment allowing lease levies for two school districts. All three amendments were adopted on a voice vote.

Sen. William Belanger (R-Bloomington) said it was hard to speak

against the bill because there are many good things in the measure, but the bill spends \$260 million. "I belong to a caucus that believes we must grow the economy rather than raise taxes," Belanger said, "so I must oppose the bill." Pogemiller said, "the issue is very simple...the Legislature had done a very good job in the last few years in holding down business property taxes, but what about homeowners?" He said, "It is a question of balance and fairness."

Primary seat belt offense okayed; omnibus tax bill revived, passed

Senators met Thurs., Apr. 20, to approve eleven pieces of legislation on numerous topics. A measure making failure to wear a seat belt a primary offense, S.F. 1070, engendered lengthy discussion.

The State Patrol has been instrumental in making the public aware that wearing seat belts saves lives, said Chief Author Steve Murphy (DFL-Red Wing). The costs to the state and families are enormous every time someone is injured or dies and was not wearing a seat belt, he said. Murphy said other states have seen a 10 percent increase in the number of

people who decide to buckle up rather than receive a ticket. We are at 83 percent compliance right now, he said, and 93 or 94 percent compliance would be a significant achievement. We will save 40 to 60 lives every year with this bill, Murphy said. Traffic is one of the most regulated activities that people engage in daily, he said. It is a tragedy that the police can pull you over for having fuzzy dice hanging from the rear view mirror, but they cannot pull you over for not wearing your seat belt. I would rather know that I did the right thing by voting for the bill than not vote for this to secure re-election, Murphy said.

This is good common sense, said Sen. Mike McGinn (R-Eagan). Without real enforcement, the law is just a good wish, he said. McGinn said Minnesota has done a good job by getting to over 80 percent compliance, but the remaining noncompliant people are important. Children learn best from their parents, he said, and if parents are not buckling up, children will not wear their seat belts. The bill saves lives and dollars, he said. Several of us have been trying to get this bill enacted for over 10 years, said Sen. Steve Dille (R-Dassel). If we had passed it in

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Senators Dean Johnson (DFL-Willmar), left, and Dallas Sams (DFL-Staples) fill their plates during the Senate's sixth annual potluck luncheon, Tues., Apr. 18.
Photo by Shelley Hawes

1993, when I first tried, we would have saved over 600 lives by now, he said.

Seat belts save lives and we should work for compliance, said Sen. David Tomassoni (DFL-Chisholm). He said the state already has a law requiring people to wear seat belts. There is no proof that a primary seat belt law would make a difference, he said. The law only lets police pull people over merely on the belief that maybe someone is not wearing a seat belt, he said, and we will be heading toward a police state. If people want to choose not to wear the seat belt, a primary offense is not going to make them do it, he said.

Murphy said that police officers will find a reason to pull someone over without having to rely on a primary seat belt. "Let's give them the best reason of all," he said,

to save lives. Murphy said there are four things that kill people on roads: inattentive driving, drunk driving, speeding and not wearing a seat belt. They are all personal choices, he said, but the seat belt law is the only non-primary offense. I am a convert to this position, Murphy said. I have learned about the dramatic consequences of people making the wrong personal choice—higher medical costs for both families and the public and the emotional toll on family and friends, he said. Sen. Claire Robling (R-Jordan) noted that a secondary benefit from the bill is access to a \$15 million grant from the federal government. The primary benefit is saved lives, she said. We would save essentially the population of the whole Senate every year, Robling said, by enacting a primary seat belt law.

When people have a traumatic brain injury from getting in a car accident without wearing a seat belt, the state does not have the choice of refusing them treatment and care for the rest of their lives, said Sen. Linda Berglin (DFL-Mpls.). The concept that wearing a seat belt is a personal choice is a false idea, she said. Enacting a primary seat belt offense will save lives, save money for the public health care budget and save money in private health care costs, she said.

We require no-fault automobile insurance and we only get 85 to 90 percent compliance, said Sen. Thomas Neuville (R-Northfield), so I am not sure that we will get more compliance with the seat belt law. However, he said, I have converted to supporting the bill because a primary seat belt offense does not go on a

driver's record and does not increase a driver's insurance rates.

The bill was granted final passage, 46-20.

S.F. 1287, carried by Sen. Linda Scheid (DFL-Brooklyn Park), regulates causes of action arising out of construction defects in residential housing and provides for notice and opportunity to repair defects. The measure also closes a loophole identified by the state Supreme Court last year. Under the loophole, a builder may dissolve its corporation and avoid liability; the bill provides that the dissolution of a builder's corporation does not relieve the corporation, its shareholders or its insurers of liability for defects. The measure was granted final passage, 65-0.

S.F. 3615, authored by Sen. John Hottinger (DFL-St. Peter), permits third parties to contribute to parent co-payments

for child care. The bill was granted final passage, 64-0.

Berglin sponsored S.F. 2532, which removes the expiration date for radiation therapy facility construction limitations. Berglin offered an amendment reinstating the expiration date and extending it from 2008 to 2013. The amendment was adopted. Sen. Brian LeClair (R-Woodbury) said the law does a disservice to Minnesotans by limiting cancer patients' choices. As a supporter of consumer choice, he said, I wish we would just repeal the law and let it expire as it would have in current law. Berglin said the law balances consumer choice against the fact that each new facility costs over \$5 million. S.F. 2532 was granted final passage, 59-7.

S.F. 3238, carried by Sen. Jane Ranum (DFL-Mpls.), makes technical changes to 911 service regulations. The bill was

granted final passage, 65-0. H.F. 2998, sponsored by Sen. Steve Kelley (DFL-Hopkins), removes a sunset date on a provision governing firefighter arbitrations. The measure was granted final passage, 64-0. S.F. 3256, authored by Ranum, prohibits the sale, attempted sale or possession of alcohol without liquid devices. The devices result in a faster, more intense high from inhaling alcohol vapors than from drinking liquid alcohol, Ranum said. The bill was granted final passage, 64-0. S.F. 3213, sponsored by Sen. Gary Kubly (DFL-Granite Falls), governs the transfer of various lands from the Dept. of Transportation to other government entities and turns back Legislative Routes 242 and 294 from the state highway system. Senators adopted an amendment, offered by Murphy, permitting the department to construct a connector highway of up to four miles for the



Former State Senator and current St. Cloud Mayor Dave Kleis visits with his successor Sen. Tarryl Clark (DFL-St. Cloud), far right, and Sen. Michelle Fischbach (R-Paynesville) during the Thurs., Apr. 20 floor session.

Photo by David J. Oakes

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construction of Trunk Highway 60. Sen. Paul Koering (R-Fort Ripley) offered, and the Senate adopted, an amendment permitting the Dept. of Human Services to convey surplus land at the Brainerd Regional Treatment Center to Crow Wing County. S.F. 3213 was granted final passage, 63-1.

Scheid sponsored a bill, S.F. 2840, requiring public employers to grant paid leave of up to 40 hours to an employee making an organ donation. The measure was granted final passage, 61-5. S.F. 3319, also carried by Scheid, requires the Dept. of Labor and Industry to adopt competency criteria for construction code inspectors. Members adopted two amendments offered by Scheid. The first applies the competency criteria only to inspectors newly employed in 2008. The second removes a building permit study requirement in the bill; Scheid said the department has agreed to perform the study

voluntarily. S.F. 3319 was granted final passage, 65-0.

S.F. 1040, authored by Sen. Don Betzold (DFL-Fridley), limits the liability of mental health professionals who treat prisoners or civilly committed persons who are about to be released. Under the bill, the professionals are not liable for released persons' conduct that is related to the use or nonuse of medicines prescribed before release. The limitation applies during the period from release until the released person is scheduled to receive new medication. The bill was granted final passage, 66-0.

In other action, Sen. David Hann (R-Eden Prairie) moved to take S.F. 631 from the table. The measure, which he authors, limits the civil liability of producers, growers, manufacturers, packers, distributors, carriers, holders, marketers, and sellers of food and nonalcoholic beverages for the weight gain or obesity of consumers.

Betzold said that procedurally both the bill and its companion, H.F. 118, should be taken from the table and referred to the Rules and Administration Committee for comparison. Hann withdrew his motion and offered separate motions to take each bill from the table and refer it for comparison. Both motions prevailed.

After Senators returned from a short recess, Sen. Lawrence Pogemiller (DFL-Mpls.) moved to take S.F. 3131, the omnibus tax bill, from the table. The motion prevailed. Sen. Keith Langseth (DFL-Glyndon) then moved to reconsider the previous day's vote by which the bill failed to pass. The motion to reconsider also prevailed, 37-26. Sen. Dallas Sams (DFL-Staples) offered an amendment deleting provisions of the bill freezing the statewide commercial-industrial property tax rate at its 2004 level. The provision was a major stumbling block, said Sen.



In recognition of the Minnesota National Guard's 150th anniversary, Sen. Mady Reiter (R-Shoreview) greets Maj. Gen. Larry W. Shellito, adjutant general of the Minnesota National Guard, as he and other National Guard members are escorted into the Senate Chamber following the Tues., Apr. 18, floor session.

Photo by David J. Oakes



Senators Dick Day (R-Owatonna), left, and Paul Koering (R-Fort Ripley) consult during the Thurs., Apr. 20, Senate floor session.

Photo by David J. Oakes

Ann Rest (DFL-New Hope). This is not the year to raise property taxes on our businesses, she said. Thank you for joining the minority caucus in our opposition to tax increases, said Sen. Warren Limmer (R-Maple Grove). The amendment was adopted on a 57-7 roll call vote.

Before the final vote, Senators discussed provisions in the bill affecting the use of foreign operating corporations to shelter domestic corporations' Minnesota tax liability. Pogemiller said that because tax returns are private, Legislators do not know which corporations have been shielding income from Minnesota taxes. However, an estimate from the Dept. of Revenue indicates that the provision will provide revenue of \$160 million in FY 07, \$123 million in FY 08 and \$122

million in FY 09, he said. It is a good thing for Minnesota businesses to actually transact business outside our state, Pogemiller said, but the current law allows them to engage in a series of transactions with no real business value solely to lower their taxes. I do not think that this provision will discourage businesses from engaging in legitimate foreign operations or will force companies to move out of Minnesota, he said. Pogemiller said most other states with similar revenue laws have tightened the provision in recent years. Sen. Ann Rest (DFL-New Hope) said newspaper stories have reported companies getting amnesty from the federal government if they will voluntarily repatriate this income. All the bill does is clarify the law, she said, because we never intended for

companies to be able to shelter income through these transactions.

If Minnesota businesses have to pay more into the state, said Sen. Betsy Wergin (R-Princeton), they will have to find a place to make up that money. The quickest way to do that is to lay off employees, which is what will happen if this bill becomes law, she said. Sen. Bob Kierlin (R-Winona) said the bill is based on shaky forecasts. When corporations see an increase in their profits, he said, the state sees more revenue about six months later from many sources beyond the corporate income tax, including individual income taxes and sales taxes. Similarly, tough times for corporations mean less revenue for the state from many sources, he said. All of our revenue is

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Senators Terri Bonoff (DFL-Minnetonka), left, and Mee Moua (DFL-St. Paul) exchange ideas during the Senate floor session, Thurs., Apr. 20. Photo by David J. Oakes

dependent on the economic health of the business community, Kierlin said. Businesses will change their plans, he said, and our economic forecasts will be upended. Sen. Julianne Ortman (R-Chanhassen) said the current law is used by about 1,100 businesses. Minnesota families depend on employment from those businesses, she said.

S.F. 3131 was granted final passage, 37-30. The bill was then laid on the table to await a companion file; tax measures must originate in the other body.

Senators also appointed members to a conference committee for the bonding bill, H.F. 2959. The conferees are Langseth, Sen. Sandra Pappas (DFL-St. Paul), Sen. Wesley Skoglund (DFL-Mpls.), Sen. James Metzen (DFL-South St. Paul) and Koering.

Game and fish bill advances

Members of the Environment, Agriculture and Economic Development Budget Division, chaired by Sen. Dallas Sams (DFL-Staples), met Thurs., Apr. 20, to complete work on one final bill. The measure, S.F. 2974, is the omnibus game

and fish bill. Chief Author Tom Saxhaug (DFL-Grand Rapids) outlined the many provisions, some of which include modifying critical habitat private sector matching account provisions, modifying restrictions on motorized watercraft and recreational vehicles in wildlife management areas and modifying procedures for confiscating property. The bill also provides for inspection of equipment used to take wild animals, modifies penalty and fee amounts, modifies game and fish license provisions, modifies firearms possession provisions for persons under 16, provides for collecting antler sheds, provides for arms use areas, modifies provisions for fishing contests and provides for a moratorium on the use of public waters for aquaculture, Saxhaug said.

Members adopted three amendments to the bill. Sen. Jim Vickerman (DFL-Tracy) sponsored two amendments. The first allows military personnel to participate in deer hunts administered by the Dept. of Veterans Affairs or the Dept. of Military Affairs. The second prohibits the use of private land from being designated a game refuge. Sen. Gary Kubly (DFL-Granite Falls) offered an amendment that

allows counties, at their discretion, to place a bounty on coyotes.

Sen. Dennis Frederickson (R-New Ulm) offered an amendment that makes it explicit that unless a person is an owner or employee of a cervidae farm, the person may not take deer from a cervidae farm. Several members opposed the amendment because the farms have become successful small businesses and the market place should be allowed to operate. Sen. Steve Dille (R-Dassel) and Vickerman also said it should be up to the consumer as to the manner in which the consumer chooses to hunt. Proponents argued that chronic wasting disease is associated with cervidae farms. In addition, Thomas Keliher, representing the Minnesota Deer Hunters Association, said the use of farms to hunt deer is against the "fair chase" concept of hunting. After considerable discussion, Frederickson withdrew the amendment.

The bill was approved and advanced to the full Finance Committee.

Omnibus budget package approved

Members of the Finance Committee held a marathon meeting, Tues., Apr. 18,

to approve a measure appropriating over \$200 million from the general fund and several million more from other funds to provide for new initiatives and other programs for the rest of the FY 06-07 biennium. The package also provides for \$337 million in spending in the next biennium.

The second year of the legislative session is not meant to be a budget and tax year, said Sen. Richard Cohen (DFL-St. Paul), but is available for the Legislature to make necessary changes to the budget. Cohen, committee chair and chief sponsor of the package, said having one supplemental spending bill reduces the “anarchy” of passing and negotiating a separate bill for each budget area. He said Senate leadership agreed to split the projected surpluses in the general fund and the tax relief account equally between the Finance and Tax Committees.

Cohen made brief introductory remarks about the package before having

chairs of each budget division review the articles within their purview. He said two areas in the measure involve significantly more spending than the governor’s proposal—debt service for a larger bonding bill and early childhood programs. Many Senators have said that child care and early childhood education are significant priorities for this year, he said, and the proposal reflects that commitment. In other areas, Cohen said, the package provides for less spending than the governor.

The committee began with the environment, agriculture and economic development portions of the measure. The package includes \$27.7 million in general fund spending for FY 06-07. The bulk of the spending is for the clean water legacy program, at \$20 million. Sen. Dallas Sams (DFL-Staples), assisted by Senate fiscal staff, walked the panel through the articles. Sams also offered two amendments. One increases from \$15,000 to \$75,000

funding for organizations that promote the installation of E-85 pumps at service stations. The other amendment deletes provisions creating an agricultural fertilizer research and education program. Sams said the program had broad support until it was determined that administering the program would be prohibitively expensive. Both amendments were adopted.

Sen. James Metzen (DFL-South St. Paul) offered an amendment providing that the board of the Iron Range Resources and Rehabilitation Agency may set a budget and direct the agency commissioner to operate within the budget. Metzen and Sen. David Tomassoni (DFL-Chisholm) explained that the amendment was recommended by the legislative auditor, who determined that the board did not have clear budget setting authority. The amendment was adopted.

Two amendments were offered addressing a section dealing with pollution output onto impaired waters. Under the



Sen. Amy Koch (R-Buffalo) carefully studies proposed legislation during a recent floor session.

Photo by David J. Oakes

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provision in the bill, the Pollution Control Agency may issue permits only to new or expanding facilities if they do not increase pollution loading for impaired waters or if any increased loading can be offset by reduced output from other sources. Sen. Dennis Frederickson (R-New Ulm) offered an amendment deleting the provision. He said the issue is currently on appeal to the state Supreme Court. Kristin Sigford, Minnesota Center for Environmental Advocacy, spoke in support of the amendment, saying that the provision in the bill would only cause delay in litigation over a matter that is generally federal in concern. Without the provision in the

bill, she said, we can move forward on cleaning up our water, instead of “treading dirty water.” Kari Thurlow, representing the Coalition of Greater Minnesota Cities, spoke against the amendment. She said the language in the bill provides clarity and would allow cities to move forward with needed wastewater treatment projects. The Frederickson amendment was defeated on a divided voice vote. Sen. John Hottinger (DFL-St. Peter) offered an amendment modifying the provision in the bill. The amendment was also defeated on a divided voice vote.

An amendment removing a provision increasing the amount of gas tax receipts

dedicated to ATV trails was offered by Sen. Steve Murphy (DFL-Red Wing). Murphy said the need for more trail funding is great, but the gas tax dollars are sorely needed for transportation. The trail money should be found elsewhere, he said. Sen. Thomas Bakk (DFL-Cook) argued that the figure was arrived at by a joint DNR-MnDOT study and is needed for trails for ATVs. Murphy said, “I don’t think using gas tax money for trails will pass constitutional muster or is an appropriate use of the funds.” The amendment was adopted.

Sen. Sandra Pappas (DFL-St. Paul) offered an amendment requiring new buildings to be climate neutral. The amendment was adopted. Cohen offered an amendment removing a gross receipts tax provision from sections re-establishing a state boxing commission. Cohen said he hoped to keep tax matters out of the package, so that it could move directly to the full Senate. The amendment was adopted. Sen. Sheila Kiscaden (DFL-Rochester) offered an amendment increasing, from \$2 million to \$18 million, funding for genomics research. The governor and the other body have settled on the larger figure, she said, and the program needs our support. Sen. Linda Berglin (DFL-Mpls.) spoke against the amendment, noting the appropriation is from the health care access fund. The fund was established to provide access to health care for the uninsured, she said, and the genomics project does not fit within the mission. However, Kiscaden said health care access dollars are used for numerous items, including administrative costs of the Dept. of Human Services. “The fund is about improving access, cost and quality,” Kiscaden said. She said the genomics research directly improves health care quality and will yield results in the other areas as well. The amendment was not adopted.

Hottinger presented the provisions relating to early childhood and family education. The total appropriations amount to \$23.4 million for FY 06-07, with the largest appropriation, \$6.334 million, designated for a child care reimbursement rate adjustment, he said. The measure also includes \$1.5 million for intensive English instruction for adult immigrants, \$5.2 million for an early childhood and family education formula increase to \$120 per child, \$2.672 million to reduce the child care basic sliding fee



Former Star Trek cast member George Takei speaks to Senate staff and members of the press during a stop at the Capitol, Mon., Apr. 17. Takei was visiting Minnesota as part of “Equality Trek.”

Photo by David J. Oakes



Mrs. Minnesota International Angela Haseman of Albertville, left, adjusts her tiara as Miss Teen Minnesota International Megan Ehlert of Maple Grove assists her by holding a hand mirror as they prepare to meet with Senators in the State Office Building, Tues., Apr. 18.

Photo by Shelley Hawes

waiting list and several appropriations for early childhood screening, Hottinger said.

The appropriations for K-12 education were presented by Sen. LeRoy Stumpf (DFL-Plummer). The appropriations total about \$34.437 million, he said, with \$32.229 million designated for one-time supplemental aid of \$45 per adjusted pupil unit. He said two provisions aimed

at holding down property taxes across the state are in the omnibus tax bill. Stumpf said many of the governor's recommendations were not adopted, but were replaced by the supplemental aid appropriation that applies across the state.

The higher education appropriations, presented by Pappas, total \$4.7 million. Pappas said the largest appropriation, \$5

million, is for academic programs supporting the University of Minnesota-Rochester. The appropriation is for faculty, staff, and program development in the areas of biomedical technologies, engineer and computer technologies, health care administration and allied health program. The article also includes \$100,000 to provide for resident tuition for noncitizens

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who meet specific criteria, Pappas said. Finally, the bill saves \$400,000 by tightening the definition of eligible school for purposes of the state grant program, she said. Pappas said other portions of the article contain some policy provisions that do not carry appropriations.

Murphy detailed the transportation article. He said the appropriations include \$500,000 for an I-394 light rail feasibility study, \$429,000 for defibrillators for State Patrol vehicles, \$1.5 million for town road sign replacement, \$380,000 for a grant to Roseau County for a radio tower and \$1.540 million for increased Metro Transit funding. The total appropriations amount to \$4.349 million, Murphy said.

The crime prevention and public safety provisions were explained by Sen. Jane Ranum (DFL-Mpls.). She said the largest appropriation is for funding increased numbers of beds in corrections facilities, \$6.473 million. In addition, funds are provided for initiatives against human trafficking and for additional gang strike force personnel.

Kiscaden said most of the appropriations in the state government portion of the bill relate to services for veterans. She said the article includes \$275,000 for bankruptcy counsel in the Northwest Airlines bankruptcy proceeding, \$1.9 million for a state soldiers assistance program grant, \$200,000 for service enhancement grants for county veterans' services offices, \$900,000 for veterans' assistance offices on state higher education campuses, \$250,000 for a deficit in a veterans outreach program, and \$100,000 for a one-stop web site for veterans. She said the article also provides an appropriation of \$1.9 million for the Office of Enterprise Technology for technology security, \$100,000 for the center for health care purchasing improvement and \$30,000 for an annual legislative forum. Kiscaden said the bill also includes an addition, made by Cohen, to provide \$4 million for state employee compensation from last year's partial state government shutdown.

The human services articles were presented by Berglin. She said the largest appropriations are for veterans' homes and for the increase in commitment of sex offenders and mentally ill and dangerous persons. She said many of the appropriations followed the governor's recommendation, but the items were not always fully funded. She said the mental health initiative was funded at \$2.996 million,

but the article does not include a state operated services salary supplement recommended by the governor. The measure does include a MinnesotaCare option for small employers, reimbursement for Medicare Part D payments and an alternative approval process for moratorium exceptions.

After the explanations of the various articles, members began considering amendments. Many of the division chairs offered amendments, all of which were adopted, clarifying or modifying the articles under their divisions' jurisdiction.

Murphy offered an amendment allowing the town road sign appropriation to continue until expended in order to accommodate federal matching funds. Kiscaden offered an amendment providing up to 4.5 percent of the appropriation for the governor and lieutenant governor to be used for a transition office upon the election of a new governor. Hottinger sponsored an amendment changing the make-up of the Minnesota Early Learning Foundation. Ranum offered an amendment providing a placeholder appropriation for additional law enforcement officers in downtown Minneapolis. She said the governor had made a supplemental request as a result of conversations with Minneapolis city officials. Pappas sponsored an amendment to preserve a previous appropriation.

Berglin offered a series of amendments. One amendment clarifies language relating to the Veterans Home Board appropriation. Another amendment clarifies language relating to transferring responsibility for lead abatement from the Dept. of Education to the Dept. of Health. In addition, Berglin said, the amendment contains language prohibiting the sale of lead jewelry or trinkets. Berglin offered a third amendment making changes in provisions relating to controlled substance reporting.

Hottinger offered a second amendment modifying a pilot project. He also offered two additional amendments. One amendment relates to the social and emotional component in the early childhood screening program and the other provides that the secretary of state need not go through rule making when implementing a specific court order. All of the amendments were adopted.

Sen. Thomas Neuville (R-Northfield) offered an amendment requesting the University of Minnesota to set up a task

force to consider policies when new agricultural products are developed. Cohen offered an amendment reallocating some of the appropriations in the bill to provide additional funds for the Financial Crimes Task Force. Both amendments were adopted.

Sen. Gen Olson (R-Minnetrista) offered an amendment appropriating money from the Help America Vote Act (HAVA) and funds from sales tax receipts to counties to help purchase equipment and develop programs for using driver's licenses in same day voter registration. Kiscaden said the amendment is contrary to the Senate position last year on the way funds are appropriated from HAVA and contrary to wishes expressed by representatives of county organizations. The amendment failed.

The committee also approved S.F. 3016, authored by Berglin. The bill makes changes to child care provider rates and parent fees, eliminates some health care co-payments, increases the Minnesota Family Investment Plan (MFIP) transitional standard, reinstates health care benefits for certain noncitizens, and modifies foreign operating corporation tax provisions. The measure was re-referred to the Tax Committee.

Eminent domain conference begins

Members of the Conference Committee on S.F. 2750, the eminent domain bill, began deliberations Fri., Apr. 21. The panel, chaired by Sen. Thomas Bakk (DFL-Cook) and Rep. Jeff Johnson (R-Plymouth), compared Senate and House versions of the bill and began negotiating differences between the versions.

Schedule available online

Next week's schedule is available at <http://www.senate.mn/schedule/2006/0424.htm>

MyBills system available

The MyBills personalized bill tracking system is now available. Users can add House and Senate bills to their lists by bill number, subject, or author, and view the legislative status of their bills, with items with significant current floor action highlighted. Users can modify their lists at any time. The MyBills system is available from the Legislative website at: <http://www.house.mn/leg/billsblog.asp>

Senate Briefly

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*The sun gleams off of the bright red finish of a 1948 Chevrolet Fleetline Aero in front of the Capitol as part of the Minnesota Street Rod Association's display of cars, Tues., Apr. 25.
Photo by David J. Oakes*



April 28, 2006

Senate Highlights

Hmong resolution approved

Senators met Mon., Apr. 24, to consider a resolution relating to the desecration of Hmong graves in Thailand and a variety of bills on Special Orders.

The resolution, S.R. 195, states that it is the sense of the Senate that the Minnesota Congressional delegation should, under its full authority and with all possible speed, pursue appropriate actions to work with the government of Thailand to put a stop to the desecration of Hmong graves at Wat Thamkrabok in Saraburi, Thailand. Sen. Mee Moua (DFL-St. Paul), chief author of the resolution, said the government of Thailand has allowed the desecration of at least 900 Hmong graves at Wat Thamkrabok during which bodies of deceased Hmong refugees were disinterred and defiled. She said there has been a long history of discrimination against the Hmong Lao refugees living in Thailand. The four other authors of the bill, Sen. Sandra Pappas (DFL-St. Paul), Sen. Sharon Marko (DFL-Cottage Grove), Sen. Jane Ranum (DFL-Mpls.) and Sen. Steve Dille (R-Dassel), took turns presenting the resolution to the body. Members approved the resolution overwhelmingly.

Sen. LeRoy Stumpf (DFL-Plummer) sponsored two bills. H.F. 1480 allows an outlet fee to be charged for use of an established drainage system in Red Lake County as an outlet for drainage originating in Pennington County. The measure was passed on a unanimous 63-0 roll call vote. S.F. 2706 extends the duration of a

pilot extends the duration of the extended employment pilot project for employment of individuals with severe disabilities in Thief River Falls. The bill was also passed on a 63-0 roll call vote.

Sen. Ann Rest (DFL-New Hope) authored three bills. S.F. 2735 modifies provisions relating to the membership, terms and meetings of the Legislative Audit Commission. H.F. 3142 replaces a reference to the Hennepin County Regional Park District with a reference to the Three Rivers Park District. S.F. 3023 establishes timelines for agency action on certain environmental permits. All three bills were granted final passage.

H.F. 1838, sponsored by Sen. Paul Koering (R-Fort Ripley), allows the use of neighborhood electric vehicles on local roadways. The measure was granted final passage on a 64-1 roll call vote.

Three measures approved

Senators used their Tues., Apr. 25, session to grant final passage to three bills.

S.F. 2953, sponsored by Sen. Ann Rest (DFL-New Hope), makes technical and housekeeping changes to lawful gambling regulations. Members adopted two amendments. One, offered by Rest, requires a study of consolidation and automation of reporting requirements for lawful gambling activities. The other amendment, offered by Sen. Betsy Wergin (R-Princeton), allows Minnesotans who raise Arabian horses that are raced at Canterbury Park to access the racetrack's existing breeders' fund.

Sen. David Hann (R-Eden Prairie) offered an amendment raising the legal age for gambling from 18 to 21. We should be concerned about the level of gambling among young people, he said, and should increase the age for this form of adult entertainment as we have with other adult activities. Hann offered an amendment to his amendment providing that the age increase would take effect only if all 11 tribes agreed to also raise the legal age on tribal lands. After the amendment to the amendment was defeated on a voice vote, Hann withdrew his amendment. Sen. Sean Nienow (R-Cambridge) offered an amendment requiring the Dept. of Public Safety to publish on its website the results of slot machine inspections. This is already public information, he said, and the amendment simply makes it more readily available to interested persons. However, Rest questioned the germaneness of the

amendment, noting the bill does not deal with casino gambling. The amendment was ruled not germane.

S.F. 2953 was granted final passage, 63-0.

H.F. 2745, carried by Sen. Steve Kelley (DFL-Hopkins), is the housekeeping measure of the Board of Medical Practice. The bill permits a person licensed to practice medicine in Canada to seek licensure in Minnesota. The measure also provides that for reciprocity applicants who passed their original licensure examination more than 10 years ago, the applicant must either pass the special purpose examination of the Federation of State Medical Boards or have a current certification by a specialty board. The bill was granted final passage, 59-0.

Sen. Thomas Neuville (R-Northfield) authored S.F. 3199, which makes mostly technical changes to child support legislation enacted last year. Neuville said most of the changes were proposed after practitioners, department staff and others reviewed last year's legislation and considered it further. He also highlighted some of the non-technical changes included in the bill, including provisions allowing a few hours with a very young child to be counted as a day of custody, making the transition from the previous child support system to the new one smoother, modifying contempt proceedings and adjusting guidelines to fall within national norms. Senators adopted an amendment, offered by Neuville, making technical changes to the bill. S.F. 3199 was granted final passage, 62-2.

Silvera memorial highway okayed

Senators met for a floor session Thurs., Apr. 27, to consider a variety of bills on Special Orders. Members began by honoring slain Lino Lakes police officer Shawn Silvera. Sen. Michele Bachmann (R-Stillwater) said her bill, S.F. 3526, pays tribute to Silvera by designating portions of I-35 the Shawn Silvera Memorial Highway. She said Silvera, who was killed a year ago, was a hero who lived and died according to his principles. Sen. Mady Reiter (R-Shoreview) and Sen. Ann Rest (DFL-New Hope) also paid tribute to Silvera. The bill was granted final passage on a unanimous roll call vote.

In other action, members granted final passage to an additional six bills. S.F. 3260, authored by Sen. Tarryl Clark (DFL-St. Cloud), authorizes the designation of

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With the governor, environmental leaders, utility officials and legislators also in attendance, Sen. Scott Dibble (DFL-Mpls.) addresses the media during a press conference in the Governor's Reception Room, Thurs., Apr. 27, to announce the details of a negotiated agreement and proposed legislation to drastically reduce mercury emissions from the state's three largest coal-fired power plants.

Photo by David J. Oakes

additional biotechnology and health sciences industry zones. Sen. Michelle Fischbach (R-Paynesville) said the bill will aid St. Cloud in developing biotechnology and health sciences businesses. S.F. 2983, carried by Sen. Steve Murphy (DFL-Red Wing), requires notice on vehicles to be dismantled or destroyed and modifies the definition of motorized foot scooter. S.F. 2883, sponsored by Sen. Dan Sparks (DFL-Austin), modifies child care licensing provisions and specifies that video first aid training reviewed and approved by the county licensing agency may be used to satisfy the family child care training requirement. H.F. 3670, carried by Sen. Betsy Wergin (R-Princeton), modifies commercial feeds provisions. S.F. 2437, authored by Sen. Michael Jungbauer (R-East Bethel), requires the replacement of discontinued operation of straight-pipe

systems for sewage disposal within ten months of notice.

S.F. 930, sponsored by Sen. Gary Kubly (DFL-Granite Falls), appropriates money for compulsive gambling prevention and education. Sen. David Hann (R-Eden Prairie) offered an amendment prohibiting the director of the lottery from using lottery revenues for advertising and promotional materials for the lottery. Sen. Don Betzold (DFL-Fridley) objected to the amendment on the grounds of germaneness. The amendment was ruled not germane and the bill gained final passage.

Civic education DVD created

Senate Media Services has produced a DVD consisting of several short videos informing the public about the Minnesota Senate and the legislative process. The

DVD provides an excellent tool to support presentations about the legislative process to help citizens become involved in their government. These short videos, which are televised during legislative coverage and often incorporated into Capitol Report, focus on various topics, including the branches of government, political party differences, how to read a bill, how to testify before a committee, effective ways to communicate with legislators, where to obtain information, the Senate Chamber, and the role of the professional and citizen lobbyist. For more information about the DVD, contact Senate Media Services at (651) 296-0264.

Schedule available online

Next week's schedule is available at <http://www.senate.mn/schedule/2006/0501.htm>

Committee update

Finance

Omnibus transportation bill gains

The Finance Committee, chaired by Sen. Richard Cohen (DFL-St. Paul), met Tues., Apr. 25, to consider a variety of bills, including an omnibus transportation bill.

Sen. Steve Murphy (DFL-Red Wing), chief author, said the bill contains \$35.189 million in projects funded through trunk highway bonds. The bond proceeds will be used for the Mankato district headquarters building, the Highway 610 project, the Highway 61 corridor predesign and the French Rapids Bridge predesign. He said other provisions include clarifying language for a proposed constitutional amendment, providing for a "Gold Star Family Plate," changing the wording of "Disabled American Veteran" license plates to "Disabled Veteran" plates, authorizing the retrieval of belongings from vehicles that have been impounded, changing the definition of motorized foot scooter, allowing motorized golf carts to be included in the definition of recreational vehicle combinations and prohibiting exhibition driving. Murphy said a provision requiring child passenger restraint systems for children under the age of nine and weighing less than 80 pounds will save lives. The bill also alters the maximum for axle weight limits, specifies that a persons convicted of a moving violation while also using a cell phone has an additional penalty of \$25 assessed, provides for classification of personal information in motor vehicle and driver's license records, requires a minimum of 30 minutes instruction about organ and tissue donations for persons enrolled in driver education programs, allows advertising devices that meet specific criteria to be placed adjacent to roadways and repeals the random insurance checks made by the Dept. of Public Safety.

After explaining the provisions of the bill, Murphy offered an amendment requiring a report on transportation needs. Sen. Keith Langseth (DFL-Glyndon) offered an amendment requiring the commissioner of transportation to study the transportation needs of Greater Minnesota. Murphy also sponsored an amendment relating to Dept. of Transportation (MnDOT) land acquisition. Sen. Cal Larson (R-Fergus Falls) offered an amendment deleting two sections of the bill; one provision relates to a Highway 55



Sen. Claire Robling (R-Jordan) reads "The Kissing Hand" to Swede Hollow Head Start children in the Capitol Rotunda, Tues., Apr. 25, as part of an annual Read-a-thon event at the Capitol.

Photo by David J. Oakes

transit services revolving fund and the other relates to appropriations for the transit services revolving fund. Murphy also offered an amendment deleting two provisions. He said the language would have disrupted discussions between the Metropolitan Council and several charitable organizations. All of the amendments were adopted.

Sen. Satveer Chaudhary (DFL-Fridley) explained provisions in the bill relating to driver's license data and offered

an amendment refining the language further. Chaudhary said the provisions are designed to protect consumers from identity theft. The amendment was adopted. Sen. Sheila Kiscaden (DFL-Rochester) offered an amendment to delete the provisions from the transportation bill. She said the provisions are also contained in the omnibus data practices bill and that it would be less confusing to deal with the provisions in one place. The amendment was adopted.

The measure was approved and sent to the full Senate.

Members turned their attention to a bill, S.F. 2814, sponsored by Sen. Dallas Sams (DFL-Staples), renaming the Legislative Commission on Minnesota Resources. The bill renames the commission the Legislative-Citizen Commission on Minnesota Resources and alters the membership. The bill requires the commission to review the strategic plan for expenditures from the natural resources trust fund every two years. The strategic plan must also have clearly stated short- and long-term goals and must provide measurable outcomes, under the measure. The bill also provides an appropriation for the administrative costs of the commission. The bill was approved and advanced to the Senate floor.

Several additional bills were also considered. S.F. 2852, sponsored by Sen. Tom Saxhaug (DFL-Grand Rapids), is the Dept. of Natural Resources (DNR) lands bill. The measure provides for land donor appraisal reimbursement, provides for acquisition of land, modifies definitions,

modifies forest services provided to private owners, grants the authority to establish state forest user fees and modifies the State Timber Act. The bill was also approved and sent to the floor.

The annual claims against the state bill, S.F. 3631, was also advanced to the floor. Sen. Wesley Skoglund (DFL-Mpls.), chief author, said the claims amounted to \$63,709.

Kiscaden sponsored an omnibus state government policy bill, S.F. 2489. Kiscaden said the measure contains proposals for modifying the state procurement process to increase efficiency and find cost savings, contains provisions creating a center for health care purchasing improvement within the Dept. of Employment Relations and includes provisions for assistance to veterans organizations to help returning veterans access services available to them. Kiscaden said the bill also requires the Dept. of Administration to prepare a plan for collocating the Council on Black Minnesotans, the Chicano/Latino Affairs Council and the Council on Asian-Pacific Minnesotans. In addition,

the proposal requires the commissioner of administration to terminate current lease arrangements to relocate the councils to a location recommended in the report. The measure requires the governor to name new chairs for the Council on Affairs of Chicano/Latino People, the Council on Black Minnesotans and the Council on Asian-Pacific Minnesotans. The bill also includes a requirement for the Legislative Coordinating Commission to develop a plan for a joint Human Resources Office for the House and Senate. The bill clarifies a prohibition on web sites operated by public entities from containing links to other web sites maintained by political parties or political entities to allow public libraries and school districts to provide links if the links are for nonpartisan and educational purposes. Finally, the measure requires the commissioner of administration to permanently maintain and stabilize the Ford Building.

After presenting the bill, Kiscaden offered a series of amendments, all of which were adopted. One amendment removed the requirement for the governor



Senators Linda Berglin (DFL-Mpls.) and Rod Skoe (DFL-Clearbrook) consult with one another during the Senate floor session, Mon., Apr. 24.

Photo by David J. Oakes

Committee update

to name chairs for the Chicano/Latino Affairs Council and the Council on Asian-Pacific Minnesotans and altered the requirement for a joint Human Resources Office for the Legislature. Kiscaden said it was determined that Legislative changes could be done internally through the appropriate committees in each body. Another amendment waived the requirement that the Office of Administrative Hearings go through the design review board process when relocating. A third amendment allows the city of Duluth to establish an irrevocable post-retirement benefit fund through the Public Employees Retirement Association. A fourth amendment repeals a provision limiting the use of an airline repair facility in northern Minnesota. Kiscaden said another amendment is a place-holder in language related to the public employee buyers group program to provide for school districts purchasing insurance through the program. A sixth amendment allows state employee awards to be used at the Historical Society book store. The final Kiscaden amendment defines governmental unit to allow nonprofit community family planning organizations to purchase drugs through the multistate purchasing contract.

Sen. Cal Larson (R-Fergus Falls) offered, and members adopted, an amendment requiring a report on the Designer Selection Board. Sen. Jane Ranum (DFL-Mpls.) sponsored an amendment relating to a task force for Victory Memorial Drive in Minneapolis. The amendment was adopted.

The bill was approved and advanced to the Senate floor.

Gopher stadium advances

A bill providing for a new stadium for the University of Minnesota Gopher football team provided the focal point for the Wed., Apr. 26, meeting of the Finance Committee.

Chief Author Lawrence Pogemiller (DFL-Mpls.) said S.F. 2460 is a proposal for an on-campus football facility for the University of Minnesota. The intent is to have a bill with strong bipartisan support he said. Pogemiller said the bill provides a process for state support of a football stadium at the University. The bill also provides for a land exchange with the state. Pogemiller said the bill contains a provision exempting construction materials from the sales tax. He said his personal preference was to have the state supply more funding in order to avoid the sale of

naming rights. In addition, he said his personal preference is to not increase fees for students. Members discussed an amendment deleting the provision relating to the land transfer, the naming rights provision and a section of the bill outlining the legislative findings. The amendment also specifies that eminent domain may not be used to take the fire station number 19 building, allows an on-sale liquor license to be issued to the Board of Regents for spectator suites and clubs in the stadium and provides for mitigation of the impact of the new stadium on the neighborhood.

The issue of naming rights sparked considerable discussion. Pogemiller said

the issue of naming rights is not a deal breaker, but that he prefers that the University not sell the rights. Sen. Sheila Kiscaden (DFL-Rochester) said she believed the University erred in the decisions to sell naming rights. Sen. Cal Larson (R-Fergus Falls) said many buildings are named after large donors and the sale of naming rights is not so different. Richard Pfitzenreuter, chief financial officer, explained the benefits to the University from the sale of naming rights.

Members also discussed the concept of the land exchange contained in the bill. Sen. James Metzen (DFL-South St. Paul) said the land exchange would provide a beautiful park land and that the state



Senators Thomas Neuville (R-Northfield) and Sheila Kiscaden (DFL-Rochester) closely examine a map of property in Rosemount that the University of Minnesota is proposing to give to the state—in exchange for financing a new Gopher football stadium—as the Finance Committee considers a stadium proposal, Wed., Apr., 26.

Photo by David J. Oakes



Senators Warren Limmer (R-Maple Grove) and Debbie Johnson (R-Ham Lake) engage in conversation in the Senate chamber during the Tues., Apr. 25, floor session.

Photo by David J. Oakes

should take advantage of the opportunity. John Fuller, Senate Counsel, Research and Fiscal Analysis, said the land transfer is a complex legal transaction and that many of the activities normally associated with similar transactions such as assessments, have not been done. Representatives of the Dept. of Natural Resources and the Pollution Control Agency said a number of issues must be investigated so that state knows what is contained in the property. Mark Rotenberg, general counsel, University of Minnesota, said the University is aware of concerns and is prepared to turn the area into a nature preserve and not develop the land for residential, commercial or industrial use.

Members adopted an amendment to the amendment making appropriations consistent within the measure. The amendment was adopted. Members

approved the bill and re-referred the bill to the Tax Committee.

In other action, the panel, chaired by Sen. Richard Cohen (DFL-St. Paul) advanced three additional bills to the full Senate. Sen. Linda Berglin (DFL-Mpls.) carried two measures. S.F. 2898 conforms regulation of qualified long-term care insurance to requirements for state participation in the federal long-term care partnership program. Berglin said the measure would help make long-term care more affordable. The second bill, S.F. 2888, establishes minimum requirements for assisted living services, limits the use of the term assisted living, specifies procedures for terminating services for assisted living clients and modifies the home care bill of rights for purposes of assisted living. S.F. 2521, sponsored by Sen. Cal Larson (R-Fergus Falls), authorizes an exception

to the hospital construction moratorium to allow the addition of two rehabilitation beds at a Fergus Falls hospital.

Medical marijuana bill heard

The Finance Committee, chaired by Sen. Richard Cohen (DFL-St. Paul), met Thurs., Apr. 27, to hear several measures. Two measures dominated debate, S.F. 1973, the medical marijuana bill, and S.F. 2738, the omnibus crime bill. Both advanced to the Senate floor.

Chief Author Steve Kelley (DFL-St. Louis Park) said the medical marijuana bill is an attempt to allow people with severe and debilitating diseases to obtain relief without fear of breaking the law. Members adopted an amendment authorizing the commissioners of health and public safety to establish fees to off-set the expense of overseeing the medical

Committee update



Nicollet County Sheriff Dave Lange gives members of the Health and Human Services Budget Division the “law enforcement perspective” on safety and operational concerns with the St. Peter Regional Treatment Center, Wed., Apr. 26.

Photo by David J. Oakes

marijuana program and providing for an appropriation. Kelley said the witnesses in previous committees described extremely serious illness with symptoms that were relieved by the use of marijuana. Eleven other states have similar laws allowing the use of medical marijuana, Kelley said.

The omnibus crime prevention bill, sponsored by Sen. Jane Ranum (DFL-Mpls.), makes policy changes in crime prevention provisions. Ranum said the appropriations originally contained in the bill were now in the omnibus supplemental appropriations bill and that the policy provisions would be going through the process as a separate bill. The measure contains provisions relating to programs to more effectively address the increasing numbers of alcohol and drug offenders, to provide for an Internet Crimes Against Children Team, to increase penalties relating to human trafficking, to provide for youth intervention programs, to

implement provisions relating to an immigration specialist, to make selling drug paraphernalia a misdemeanor, to update provisions relating to county coroners and medical examiners and to provide for increased supervision of sex offenders, domestic violence and other violent offenders. Sen. Linda Berglin (DFL-Mpls.) offered an amendment specifying a gross misdemeanor penalty for more than three nuisance crimes and providing that the court may order chemical dependency treatment. The amendment was adopted. Sen. Pat Pariseau (R-Farmington) offered an amendment requiring carbon monoxide monitors in residential buildings. The amendment was also adopted.

In other action, the committee okayed four additional bills.

S.F. 3132, authored by Sen. Wesley Skoglund (DFL-Mpls.), is the omnibus

data practices bill. Skoglund said the bill classifies data, regulates tribal identification cards, authorizes the exchange of certain information and limits the permissible uses for which access to driver's license information is allowed. Sen. Satveer Chaudhary (DFL-Fridley) explained the driver's license provisions and offered an amendment to provide a 75 cent surcharge on electronic transactions with the Dept. of Public Safety Division of Vehicle Services and an appropriation of \$354,000 to offset the anticipated costs of the changes in access for driver's license information and to provide additional funding for the Minnesota Financial Crimes Task Force. Judy Cook, representing the Minnesota Bankers Association, spoke against the amendment. She said financial institutions currently use driver's license information to prevent identity

fraud as directed under the U.S. A. Patriot Act. Robert Tennesen, representing Lexis-Nexis, also spoke in opposition to the bill. Skoglund said the amendment makes the bill revenue neutral. The amendment was adopted.

Sen. Linda Berglin (DFL-Mpls.) offered an amendment to allow nursing homes to use residents' Social Security numbers for medical records purposes. The amendment was adopted. An amendment, offered by Sen. Jane Ranum (DFL-Mpls.), requiring statutory authorization to proceed with facial recognition technology, was also adopted. Sen. Steve Murphy (DFL-Red Wing) sponsored an amendment, which was adopted, requiring service call centers to identify where calls originate.

S.F. 2716, sponsored by Sen. John Hottinger (DFL-St. Peter), authorizes the Minnesota State Colleges and Universities

Board of Trustees to construct an academic building in Mankato. S.F. 3331, authored by Sen. Dan Sparks (DFL-Austin), modifies provisions relating to petroleum fund compensation for transport vehicles. S.F. 2974, carried by Sen. Tom Saxhaug (DFL-Grand Rapids), modifies critical habitat private sector matching account provisions, provides definitions, modifies restrictions on motorized watercraft and recreational vehicles in wildlife management areas, modifies procedure for confiscation of property, provides for inspection of equipment used to take wild animals, modifies game and fish license provisions and modifies provisions for fishing contests.

Health and Human Services Budget Division

St. Peter RTC concerns discussed

Operational and safety concerns about the St. Peter Regional Treatment Center and Minnesota Security Hospital were the focus of the Wed., Apr. 26, meeting of the Health and Human Services Budget Division. The facility serves sex offenders, people who are mentally ill, and people committed by the courts as mentally ill and dangerous.

Roberta Opheim, state ombudsperson for mental health, said her office noticed several trends and themes from communications it received from families of St. Peter clients. Among the themes, she said, are concerns about cultural insensitivity, problems with basic dignity and respect and insufficient opportunities for clients to receive treatment. A major theme is frustration among clients that treatment does not appear to lead to the possibility of release, Opheim said. She said inconsistent interpretations of rules, such as whether or not an item is contraband, also create frustration.

Staff from the Dept. of Human Services, which operates the facility, reviewed recent requests for funding to maintain, expand and update the facility. Department staff also provided an overview of the operations of the facility. Assistant Commissioner Wes Kooistra said treatment units are divided by the three categories of patients and by levels of care they are receiving. Of 350 sex offender clients, he said, 118 refuse treatment. The clients who refused treatment are segregated from the other sex offenders, and 23 of the 118 are put in higher control units because they are aggressive, Kooistra said. He noted that the St. Peter facility faces special challenges because it serves only about 2 percent of the 17,000 registered

sex offenders in the state. These are the individuals with histories of violence and aggression, he said. The St. Peter facility deals with the most difficult offenders and those most resistant to treatment, he said.

Sen. Thomas Neuville (R-Northfield) said he receives complaints from sex offenders' families and friends, who say the conditions at St. Peter are worse than conditions in correctional facilities. They indicate that the clients would rather be sent back to prison than receive treatment at St. Peter, he said. Mike Tessner, chief executive of state operated services, DHS, said many clients say the same thing. However, he said, when they are told that staying at St. Peter is conditioned on cooperating with treatment, they cooperate and stay at St. Peter.

Kooistra also addressed the concerns about the apparent futility of treatment because no one has been released. One person was provisionally discharged, he said, but the offender had to be returned to St. Peter because of serious violations. About 20 other clients have progressed to the point of preparing to petition the judicial system for their release, Kooistra said. He said the patients all engaged in material violations that meant their progress was stopped. Some of the violations included engaging in phone sex, lying about their work hours and preparing escape plans, he said. Kooistra reviewed the history of modifications to the program, noting that many changes implemented to improve security have been poorly received by clients because the changes infringe on their liberties. DHS is working more closely with the Dept. of Corrections, he said, to improve security. Kooistra said DHS also hopes to shift St. Peter to a single use campus, so that one standard protocol governs all clients.

The treatment facility should be operated like a correctional facility, not a hospital, said Nicollet County Sheriff Dave Lange. There is no reason to treat clients who are not cooperating with treatment as anything other than someone in correctional custody, he said. Lange said the sex offender program should be redesigned as a correctional program with an ancillary treatment regime. He also urged lawmakers to provide necessary funding for staff training to deal with sex offenders and security issues. "Make no mistake about it, this facility is adequately funded" to ensure proper staff training, said Division Chair Linda Berglin (DFL-Mpls.).



Jen Macken, left, and Brian Wollum, both from Mankato, hold up signs, as several thousand people gather on the Capitol grounds, Thurs., Apr. 27, to voice their opposition to a proposed constitutional amendment to ban gay marriage.

Photo by David J. Oakes

Committee update

Tax

Gophers' stadium delayed

A proposal to return Gopher football to the University of Minnesota campus was discussed by members of the Tax Committee, Thurs. Apr. 27. The panel also began considering proposals for new facilities for professional baseball and football.

S.F. 2460, carried by Committee Chair Lawrence Pogemiller (DFL-Mpls.), provides for stadium construction, prohibits the sale of naming rights for the stadium, prohibits the imposition of a fee on U students to fund a portion of the stadium, creates a mitigation fund to address neighborhood concerns, exempts construction supplies from sales tax, and permits the sale of alcohol in suites and club facilities within the stadium. Pogemiller said the proposal envisions a state share of \$12.9 million per year for 25 years. The most recent proposal from the University used a state share of \$9.4 million annually, he said, but provided for a land transfer from the U to the state and imposed a \$50 annual fee on students.

Pogemiller said a major concern was ensuring that the stadium did not compete for resources with state priorities, such as education. He said a proposed solution was a sports memorabilia tax. Sen. David Tomassoni (DFL-Chisholm) offered an amendment providing for a wholesale-

level sports memorabilia tax. Under the amendment, a 13 percent tax is levied on licensed intercollegiate and professional sports memorabilia. Pogemiller said the tax is appropriate because it is not a revenue source that would normally be tapped for other priorities. He noted that the tax does not apply to non-athletic memorabilia, such as concert t-shirts. Committee Fiscal Analyst M.J. Hedstrom said a revenue estimate indicated annual revenue of between \$12 million and \$13 million. She said the estimate is based on 2003 data, and the Dept. of Revenue is working on developing a more precise number using more recent data. Hedstrom also reviewed the breakdown of which sports would contribute most toward the revenue. Lester Bagley, representing the Minnesota Vikings, noted that professional football fans spend the most on sports memorabilia. We support the University's effort to return football to campus, he said, and we are willing to support this revenue source. However, he said, we are concerned that at the end of the day, our fans will be paying for a new Gophers stadium and no progress will have been made on a new Vikings facility. The amendment was adopted on a 7-5 roll call vote.

Members also adopted an amendment, offered by Sen. Rod Skoe (DFL-Clearbrook), modifying the mitigation provisions in the bill. Pogemiller said the new language reflects ongoing discussions

between the University and surrounding neighborhoods.

A motion to approve S.F. 2460 and advance it to the full Senate failed on a divided voice vote.

Sen. Steve Kelley (DFL-Hopkins) outlined the provisions of S.F. 2297, which provides for the construction of a new ballpark for the Minnesota Twins. The bill authorizes Hennepin County to impose a local option sales tax of 0.15 percent to fund the county's portion of the ballpark costs. Sen. Don Betzold (DFL-Fridley) outlined the provisions of the proposal for a Vikings stadium. He said the bill, S.F. 2061, was approved by an earlier committee after the appropriate deadline; an amendment to S.F. 2297 containing the language has been drafted, he said, to facilitate consideration of the proposal in the Tax Committee. The proposal includes authority for Anoka County to impose a local option sales tax of 0.75 percent to fund the county's portion of the stadium costs. The proposal provides for capturing the income and sales taxes generated by the stadium to cover the state's portion of the stadium costs, Betzold said.

Committee members met Fri., Apr. 28, to continue considering the sports facility proposals. The panel heard from proponents of the Twins ballpark and Vikings stadium plans, including team owners and managers, business leaders, county commissioners and labor leaders. The committee also heard from opponents of the proposals, who directed many of their comments to exemptions from a referendum requirement for local option sales taxes.

Members also reconsidered the Tomassoni amendment to S.F. 2460, the Gophers stadium bill. The amendment, which imposed a sports memorabilia tax, was removed from the bill on a 7-5 roll call vote. A motion to approve the bill then failed on a tied, 6-6 roll call vote.

MyBills system available

The MyBills personalized bill tracking system is now available. Users can add House and Senate bills to their lists by bill number, subject, or author, and view the legislative status of their bills, with items with significant current floor action highlighted. Users can modify their lists at any time. The MyBills system is available from the Legislative website at: <http://www.house.mn/leg/billslogin.asp>



Young Muslim women listen to a presentation in the Capitol Rotunda, Mon., Apr. 24, as part of Muslim Day on the Hill.

Photo by Shelley Hawes

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Minnetonka resident Alexa Popa participates in a National Day of Prayer gathering in front of the Capitol, Thurs., May 4. Photo by David J. Oakes



May 5, 2006

Senate Highlights

Funeral protest bill repassed

The Mon., May 1, floor session was devoted to discussion and final passage of a variety of bills on Special Orders. Members also adopted the conference committee report on H.F. 2985, the funeral protest bill. Chief Author Don Betzold (DFL-Fridley) said the major difference between the House and Senate versions was the number of feet between protesters and a funeral or memorial service. He said the House had specified 1,000 feet, while the Senate had not set a distance, preferring to focus on the behavior. The compromise agreed to was a distance of 500 feet, Betzold said. The bill was repassed on a 66-1 roll call vote.

Sen. Linda Berglin (DFL-Mpls.) authored two bills. S.F. 3059 makes changes to continuing care provisions and elderly and disabled services and expands sick leave benefits to include employee care for spouses, siblings, parents, grandparents, stepparents or other dependents residing in the employee's household in addition to the employee's child. S.F. 3146 removes the limit on nursing facility planned closure rate adjustments, modifies notice requirements for nursing home and board and care home resident relocation and requires weekly status reports.

H.F. 3771, sponsored by Sen. Becky Lourey (DFL-Kerrick), provides that an applicant who is mobilized into active military service during the process of taking the United States Medical Licensing Examination, but before passage of all

steps must be allowed an extended period of time to complete the exam. H.F. 3111, authored by Sen. Julie Rosen (R-Fairmont), provides for interstate contracts for chemical health services.

S.F. 3087, carried by Sen. John Hottinger (DFL-St. Peter), changes the requirement for use of child passenger restraint systems. Sen. Steve Murphy (DFL-Red Wing) carried a bill, S.F. 2982, prohibiting unapproved drag-racing and exhibition driving on state roads. S.F. 2660, carried by Sen. Linda Higgins (DFL-Mpls.), permits the Minneapolis Park and Recreation Board and the Minneapolis City Council to impose a park dedication fee on new housing units.

Sen. Paul Koering (R-Fort Ripley) authored a bill, H.F. 3665, which allows the Veterans Homes Board to hold electronic meetings. S.F. 2374, carried by Betzold, modifies the notice requirements for unlicensed dogs that are seized to eliminate the requirement of posting public notice three times. H.F. 3449, carried by Sen. Scott Dibble (DFL-Mpls.), provides for minimum notice of manufactured home park conversions.

S.F. 3551, carried by Sen. James Metzen (DFL-South St. Paul), modifies the education, experience and examination requirements for real estate appraiser

trainees. H.F. 3285, sponsored by Sen. Charles "Chuck" Wiger (DFL-North St. Paul), removes the requirement for Metropolitan Council review of school district capital improvement programs. S.F. 2939, authored by Sen. Dean Johnson (DFL-Willmar), authorizes the city of Pennock to acquire a certain parcel of real estate and appurtenant building and to expend city funds to improve the building.

In other action, members granted concurrence and repassage to one bill. S.F. 2646, sponsored by Wiger, provides for instruction on organ donation during drivers' education classes. Wiger said the difference between the House and Senate versions was the effective date and he urged members to concur with the date of January 1.

Sen. Geoff Michel (R-Edina) moved to pull his bill, H.F. 263, a University of Minnesota football stadium proposal, from the Finance Committee and bring it to the Senate floor. Sen. William Belanger (R-Bloomington) said the measure was introduced in 2005, but the bill before the Tax Committee was not introduced until March 2006. "We believe Sen. Michel's bill should be heard first," Belanger said. Sen. Richard Cohen (DFL-St. Paul) said a decision had been made to hear the bill

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From left, Senators Geoff Michel (R-Edina), Julianne Ortman (R-Chanhassen) and Lawrence Pogemiller (DFL-Mpls.) negotiate during a Senate floor session, Wed., May 3.

Photo by David J. Oakes



Sen. Steve Kelley (DFL-Hopkins) addresses members of the press following a Rules and Administration Committee hearing, Tues., May 2, during which he revealed a new approach to finance the building of both a Minnesota Twins ballpark and a Vikings stadium.

Photo by David J. Oakes

currently in the Tax Committee. The motion failed on a 27-40 roll call vote.

Sports facilities bill to floor

The Rules and Administration Committee met Tues., May 2, to consider motions related to a bill providing for a baseball stadium for the Minnesota Twins. Sen. Steve Kelley (DFL-Hopkins) came before the panel to request that H.F. 2480 be withdrawn from the Tax Committee and sent to the Rules and Administration Committee. He said the bill contains the language for a ballpark that passed the other body last week. The Tax Committee has been working on the language of the Senate companion bill, Kelley said. He said by moving the bill to the Rules and Administration Committee without the amendments attached by the Tax Committee, the bill could be advanced to the full

Senate. Several Senators, including Sen. William Belanger (R-Bloomington), argued against the motion and said the Tax Committee should be allowed to complete its work on the bill. However, the committee, chaired by Sen. Dean Johnson (DFL-Willmar), approved the motion on a 13-9 roll call vote.

In other action, committee members also approved the report of the Subcommittee on Bill Referral regarding S.F. 3398, carried by Sen. Scott Dibble (DFL-Mpls.). The measure, which requires public utilities to reduce their mercury emissions, was advanced to the full Senate.

After returning from a recess for processing movement of the bill from the Tax Committee, panel members took up H.F. 2480. Kelley said the bill contains the Hennepin County-Twins proposal approved by the other body, including a

0.15 percent countywide local option sales tax to finance ballpark construction.

Sen. John Hottinger (DFL-St. Peter) offered an amendment to the bill providing for a 0.5 percent additional sales tax in the seven-county Metro Area to finance construction of both the professional baseball ballpark and a stadium for the Minnesota Vikings. The amendment authorizes construction of both facilities, without the public financing schemes proposed by the counties and teams. Under the amendment, half of the additional sales tax revenue is initially dedicated to sports facility construction and half is dedicated to Metro Area transit. After the facilities are paid off, the entirety of the tax revenue is devoted to transit. The amendment also directs any revenue from the sale of the Metrodome to Metro Area transit. Kelley said projections indicate the

Senate Highlights



With Rep. Denny McNamara (R-Hastings), right, looking on, Sen. Keith Langseth (DFL-Glyndon), left, wields the gavel as Senate and House members meet to hammer out differences in each body's bonding bill during a conference committee meeting, Fri., May 5.

Photo by David J. Oakes

tax revenue would pay off the new facilities by 2014.

Hennepin County and the Twins came to a good, practical solution, Kelley said, "but I think there is a better solution." He said there is no good rationale for putting state funds toward a Vikings stadium, which is part of the Anoka County-Vikings proposal, but not putting state funds toward a ballpark for the Twins. The amendment treats both professional teams similarly and, more importantly, moves us forward on improving transit infrastructure in the Metro Area, he said. The amendment represents a comprehensive infrastructure improvement plan that is financed in a way similar to what other communities have done, Kelley said. Additionally, he said, the proposal is superior because it does not involve the 30 years of debt payments included in the Hennepin and Anoka county proposals.

Kelley said revenue projections indicate the 0.15 percent sales tax from the

original Twins proposal would have raised \$28 million in calendar year 2007, while the Metro Area half-cent sales tax will raise \$219 million in the same year. Sen. Warren Limmer (R-Maple Grove) said he had significant process concerns about considering a significant increase in revenues in a committee other than the one with competence and jurisdiction over tax policy.

Sen. John Marty (DFL-Roseville) offered an amendment to the Hottinger amendment removing the sports facilities from the amendment. We have time to deal with the stadium and ballpark proposals, he said, but our transit needs are truly significant and more important. Marty said the Metro Area desperately needs more transit, especially with rising gas prices. I would prefer we deal with issues one at a time, he said, and there is no connection between sports facilities and transit. The amendment to the amendment was defeated, 8-16.

The Hottinger amendment was adopted on a 13-11 roll call vote.

Committee members discussed the ballpark and stadium, the seating options available in the proposed facilities, the likelihood of numerous seats being affordable for average Minnesotans and the limits placed on the teams' ability to use the revenue they will receive from the new facilities with Hennepin County Commissioner Mike Opat and Lester Bagley, vice president of the Minnesota Vikings.

Members defeated, on a roll call vote of 11-13, a motion to send the bill to the full Senate without recommendation. Members approved the bill and advanced it to the full Senate, 13-11.

Schedule available online

Next week's schedule is available at <http://www.senate.mn/schedule/2006/0508.htm>

Floor update

Omnibus liquor bill approved

Senators used a morning session, Tues., May 2, to grant final passage to a number of bills, including the annual omnibus liquor bill.

H.F. 3940, carried by Sen. Sandra Pappas (DFL-St. Paul), is the omnibus liquor bill. Senators adopted two amendments to the measure, both offered by Sen. Jane Ranum (DFL-Mpls.). The first amendment prohibits alcohol without liquid devices. The other amendment permits Minneapolis to issue an on-sale intoxicating liquor license to a restaurant located at 54th Street and Penn Avenue South, notwithstanding any law or local ordinance or charter provision. H.F. 3940 was granted final passage, 62-1. S.F. 3349, authored by Ranum, provides for enforcement of foreign protective orders. Ranum said the bill primarily addresses problems with enforcing tribal courts' protective orders in domestic abuse situations. The measure was granted final passage, 64-0. S.F. 3105, sponsored by Sen. Steve Murphy (DFL-Red Wing), makes technical changes to real estate recording and registration fee provisions. The bill was granted final passage, 63-0.

Sen. Paul Koering (R-Fort Ripley) authored S.F. 3219, which permits the transfer of surplus land at the Brainerd Regional Treatment Center from the state to Crow Wing County. The bill was passed, 58-1. S.F. 2528, carried by Sen. Sharon Marko (DFL-Cottage Grove),

creates a task force to examine the use of credit and debit cards to pay state and local government taxes, licenses, permits and fees. The measure was approved, 63-0. H.F. 3185, sponsored by Sen. Linda Scheid (DFL-Brooklyn Park), classifies data relating to bioprocess piping and equipment data as nonpublic. The bill also includes bioprocess piping in the definition of high pressure piping. Members adopted an amendment, offered by Scheid, affirming the governor's reorganization order that placed code enforcement responsibilities in the Dept. of Labor and Industry. H.F. 3185 was granted final passage, 62-0. S.F. 2907, authored by Sen. John Hottinger (DFL-St. Peter), requires annual reports on the outcomes of two Dept. of Employment and Economic Development business subsidy programs. The bill was passed, 63-0.

In a short mid-afternoon session, members adopted a committee report from the Committee on Rules and Administration. The committee report recommends removing H.F. 2480 from the Tax Committee and re-referring it to the Rules and Administration Committee. The measure, carried by Sen. Steve Kelley (DFL-Hopkins), provides for construction of a ballpark for the Minnesota Twins and permits Hennepin County to levy a 0.15 percent local option sales tax to fund a portion of the construction costs. The report was adopted on a 33-29 roll call vote.

After the day's second recess, Senators returned for a brief early evening session to adopt reports from the Rules and Administration Committee on H.F. 2480 and S.F. 3398, carried by Sen. Scott Dibble (DFL-Mpls.), which requires public utilities to reduce their mercury emissions.

Variety of bills passed

Senators met in floor session Wed., May 3, to consider an assortment of bills on Special Orders. There was very little debate on the measures and all were granted final passage.

H.F. 2514, carried by Sen. Don Betzold (DFL-Fridley), modifies and enacts the 2002 Uniform Securities Act of the National Conference of Commissioners on Uniform State Laws. H.F. 2876, sponsored by Sen. Linda Scheid (DFL-Brooklyn Park), modifies the exception to the restriction on town mutual insurance companies insuring property in second class cities. S.F. 2995, sponsored by Sen. Ellen Anderson (DFL-St. Paul), regulates liens for storage charges on motor vehicles. H.F. 3464, carried by Sen. Linda Higgins (DFL-Mpls.), specifies that an applicant who has a felony record may not be denied a license if the applicant meets all of the licensing requirements established by the Barbers and Cosmetology Examiners Board. Higgins moved to consider the version of the bill approved by the other body. The motion was adopted. Higgins said the measure also contains provisions allowing employees of the race track to obtain a license for working with horses if the applicant meets all the requirements of the board.

S.F. 2123, authored by Sen. James Metzen (DFL-South St. Paul), memorializes the President, Congress and the United States Postal Service to maintain current levels of service. S.F. 3106, carried by Sen. Sharon Marko (DFL-Cottage Grove), authorizes suspension of a person's driver's license for attempting to pay vehicle taxes or fees with insufficient funds. S.F. 2849, sponsored by Sen. Steve Murphy (DFL-Red Wing), modifies provisions governing financial assistance from the town bridge account.

Scheid also sponsored S.F. 3176. The measure recodifies and modifies construction codes and licensing provisions and modifies the State Building Code. Scheid said the bill also contains provisions for determining wage rates for apprenticeship agreements. Sen. Julie Rosen (R-Fairmont)



Senators Yvonne Prettner Solon (DFL-Duluth) and Chris Gerlach (R-Apple Valley) consult during a Senate floor session, Wed., May 3.

Photo by David J. Oakes

Floor update

offered an amendment removing the provisions relating to apprentice wage rates. Rosen said the language preempts rulemaking for determining the wage rates. Sen. Thomas Bakk (DFL-Cook) said the administrative law judge recently ruled in favor of the current rule and the bill simply puts the current rule in law. The amendment failed to gain adoption.

Senators also adopted a resolution, offered by Sen. Michele Bachmann (R-Stillwater), designating Thurs., May 4, the national day of prayer.

Mercury reductions approved

Senators met Thurs., May 4, to act on four bills. Among the measures granted final passage was a bill relating to mercury emissions from power plants.

Sen. Scott Dibble (DFL-Mpls.) carried H.F. 3712, the Mercury Emissions Reduction Act of 2006. The measure requires

utilities to reduce by 90 percent mercury emissions from the largest electricity generation facilities in the state. Dibble said the bill is the result of a great deal of negotiation among environmentalists, utilities, legislators and the governor. Mercury is a very dangerous neurotoxin that affects us all and has its most deleterious effects on young children, especially while in the womb, Dibble said. He said there will still be a lot to do after the bill is enacted. But we have made tremendous progress, Dibble said. "This bill is a huge leap forward," he said. The bill passed, 66-0.

S.F. 358, carried by Sen. Wesley Skoglund (DFL-Mpls.), provides for election of Minneapolis School Board members from six election districts and provides that three additional members of the board will be elected at-large. The measure provides that the board may

mirror its election districts on those of the Minneapolis Park Board or may create its own election districts. The bill was granted final passage, 59-5. S.F. 3017, authored by Sen. Paul Koering (R-Fort Ripley), requires the Departments of Agriculture and Employment and Economic Development to study and report on public and private funding of a milk volume production loan program. The bill was granted final passage, 66-0.

H.F. 3779, sponsored by Sen. Steve Dille (R-Dassel), requires persons seeking to operate adult entertainment establishments to notify cities 60 days before operations can begin. The bill also restricts the proximity of adult entertainment establishments to each other, to residential property and to schools. The measure permits communities to create more or less restrictive regulations by ordinance. The bill was granted final passage, 63-3.



With Gov. Tim Pawlenty and Rep. Al Juhnke (DFL-Willmar) standing behind her, Sen. Betsy Wergin (R-Princeton) speaks on a bill about to be signed into law, Thurs., May 4, that enables the use of all-electric vehicles – such as the one in the background – to be used on public streets with certain limitations.

Photo by David J. Oakes

Committee update

Finance

Omnibus appropriation bill okayed

Members of the Finance Committee met Tues., May 2, to review the supplemental appropriations bill, S.F. 3781. The panel had sent the bill, authored by Committee Chair Richard Cohen (DFL-St. Paul), to the floor Tues., Apr. 18. Cohen had had the bill stricken from General Orders and returned to the Finance Committee for purposes of amendment.

Cohen said after discussions with his House counterpart, Rep. Jim Knoblach (R-St. Cloud), both he and Knoblach were concerned about the plethora of policy provisions contained in the supplemental appropriations bills. "It is our intention to get back to the historic policy of keeping finance bills just as appropriations bills," Cohen said. He said in a non-budget year, appropriations should be made only for necessary or emergency items. Cohen cited increased funding for sex offenders, increased aid for education, the clean water legacy appropriations and increased aid for child care as examples of the types of funding to be included in an omnibus appropriations bill in a non-budget session.

Cohen offered an amendment stripping all the policy provisions from the bill. The chairs of each of the finance budget divisions outlined the provisions removed from sections of the bill under their division's jurisdiction. Members adopted the amendment on a voice vote.

Members also adopted an amendment, offered by Sen. Sandra Pappas (DFL-St. Paul), requiring new higher education institutions to obtain accreditation under Federal Title IV within four years of being licensed or registered. Pappas said allowing four years would enable students to obtain financial aid during the period before accreditation. Sen. Sheila Kiscaden (DFL-Rochester) offered, and members adopted, an amendment providing for the renovation of space for the Office of Administrative Hearings. Kiscaden said the renovation would be funded through the workers' compensation fund and that the workers' compensation fund would then be reimbursed through the savings in rent costs. Members also adopted an amendment, offered by Sen. Linda Berglin (DFL-Mpls.), making primarily technical changes in provisions relating to health and human services.



Senators Richard Cohen (DFL-St. Paul), left, and Dennis Frederickson (R-New Ulm) converse during the Wed., May 3, Senate floor session. Photo by David J. Oakes

Members approved the bill and advanced the measure to the Senate floor.

Biomedical research bill gains

Members of the Finance Committee, chaired by Sen. Richard Cohen (DFL-St. Paul), met Thurs., May 4, to consider several policy bills and a measure establishing a Minnesota Biomedical Sciences Research Facilities authority.

S.F. 3044, sponsored by Cohen, establishes the research facilities authority, provides for a biomedical sciences research project funding program and authorizes the sale of state bonds to fund the program. University of Minnesota President Robert Bruininks said the measure provides a way of funding biomedical sciences research that will ultimately be of benefit to the state's economy, advance the industry, benefit human health and promote collaboration between the University and other entities. The measure was advanced to the full Senate.

Members also approved several bills containing policy provisions that were stripped from the omnibus supplemental appropriations bill at a previous hearing. Because there were no funding provisions contained in the measures, the bills were advanced to the Senate floor with minimal discussion. S.F. 2994, sponsored by Sen. Steve Kelley (DFL-Hopkins), contains a

variety of education policy provisions. Sen. John Hottinger (DFL-St. Peter) offered, and members adopted, an amendment adding the early childhood policy provisions developed by the Early Childhood Policy and Budget Division. S.F. 3058, sponsored by Sen. Sandra Pappas (DFL-St. Paul), contains the higher education policy provisions developed by the Higher Education Budget Division. Sen. Dallas Sams (DFL-Staples) authored a bill, S.F. 3338, containing provisions relating to environment developed by his budget division.

Four additional bills were advanced to the full Senate. S.F. 3440, sponsored by Sen. Scott Dibble (DFL-Mpls.), establishes a plug-in hybrid electric vehicle task force to identify barriers to the adoption of plug-in hybrid electric vehicles by state agencies, private fleets and Minnesota drivers. S.F. 3221, authored by Sen. Linda Higgins (DFL-Mpls.), changes provisions in the Lead Poisoning Prevention Act and prohibits the sale of jewelry containing lead. S.F. 3342, carried by Hottinger, establishes the Patient Safety and Drug Review Transparency Act and requires disclosure of clinical trials of prescription drugs. H.F. 2574, carried by Sams, provides an exception to the hospital construction moratorium for a facility in Cass County. Sen. Linda Berglin (DFL-Mpls.) offered,

Committee update



From left, Senators Wesley Skoglund (DFL-Mpls.), Thomas Bakk (DFL-Cook) and Linda Scheid (DFL-Brooklyn Park) converse during a Senate floor session.

Photo by David J. Oakes

and members adopted, an amendment providing an alternative method for providing exceptions to the hospital moratorium.

Public Safety Budget Division

Counsel for parents discussed

A measure limiting the appointment of public defenders in child protection cases was discussed by members of the Public Safety Budget Division during an informational hearing Fri., May 5. S.F. 3077 was not before the panel, chaired by Sen. Jane Ranum (DFL-Mpls.), because the bill is on General Orders, awaiting action by the full Senate.

Senate Counsel Kathleen Pontius reviewed the current status of the right to counsel in custody and other children's

cases. She said the U.S. Supreme Court has determined that a parent has a constitutional right to counsel in some cases, depending on numerous factors, including the complexity of the legal proceeding and whether the parent's conduct at issue in the proceeding could also result in criminal charges. Regardless of what state statute indicates, Pontius said, courts would have a constitutional duty to appoint counsel in some cases.

Public defenders are overwhelmed by their caseload, said Sen. Thomas Neuville (R-Northfield), chief author. In limited cases, especially those where parental rights may be terminated, the court would have to appoint counsel under the constitutional rule, he said. But we have limited resources to support the necessary work of public defenders, Neuville said. He said he has an amendment, which the committee reviewed, providing that

public defenders would continue to provide counsel in termination of parental rights cases, but not in other juvenile cases. Under the amendment, he said, the counties would be responsible for providing counsel in other cases, if the court decides to appoint counsel for a noncustodial parent. Kevin Kajer said the first preference of the Board of Public Defense would be to receive additional funding to continue providing counsel. However, he said, resources are not available for public defenders to represent noncustodial parents in juvenile cases. The board does not like the second option, represented in the bill, but must seek to alleviate the burden, Kajer said.

Judge Wally Senyk, representing judges involved in the Children's Justice Initiative, said providing counsel for all parents improves outcomes for families and children. Using the best practices

means early resolution of cases and reduced caseloads, he said. Senyk said the judges are aware of the challenges facing public defenders, but parents who are parties to juvenile actions deserve counsel. Washington County Attorney Doug Johnson said the County Attorneys Association believes that child protection cases are the most important cases judges handle in Minnesota. He said that while public defenders lack resources, the counties are not in any better position to provide counsel for parents. People with low incomes and people of color are disproportionately involved in the child protection and custody system, said Oliver Williams, a professor of social work at the University of Minnesota. They do not have the resources to understand or deal with the system, he said. Representatives of legal aid organizations and other family advocacy organizations also presented the panel with their concerns about the bill.

Tax

Sports facilities discussed

Members of the Tax Committee met Sat., Apr. 29, and Sun., Apr. 30, to continue discussing proposals to build football stadiums for the University of Minnesota and the Minnesota Vikings and a ballpark for the Minnesota Twins. The panel, chaired by Sen. Lawrence Pogemiller (DFL-Mpls.), discussed the details of all the proposals and appropriate ways to fund them.

The panel also met briefly Mon., May 1, to consider two amendments. Sen. David Tomassoni (DFL-Chisholm) offered an amendment putting a sports memorabilia tax back onto S.F. 2460. The bill, carried by Pogemiller, is one measure providing for the U stadium. Pogemiller said members would consider an amendment containing the contents of another U stadium measure—S.F. 237, carried by

Sen. Geoff Michel (R-Edina)—at their next meeting. The amendment relating to the memorabilia tax was adopted, 7-5.

Tomassoni also offered an amendment to the Twins ballpark bill, H.F. 2480, sponsored by Sen. Steve Kelley (DFL-Hopkins). The amendment removes a portion of the bill exempting the project from a referendum requirement for local option sales taxes. Hennepin County has proposed levying a 0.15 percent local option sales tax to fund a portion of the ballpark. The amendment was adopted, 12-0.

U stadium okayed

In an anticlimactic meeting, a week's worth of hearings on sports facilities came to a close, Wed., May 3, when members of the Tax Committee voted to approve a measure authorizing construction of an on-campus football stadium for the University of Minnesota Golden Gophers. S.F. 2460,



Following their vocal performance, Sen. Cal Larson (R-Fergus Falls) interacts with kindergartners from St. Paul's Wellstone Elementary School in the Governor's Reception Room, Tues., May 2.

Photo by Shelley Hawes

Committee update



Senators Sean Nienow (R-Cambridge), left, and David Hann (R-Eden Prairie) engage in conversation during a Senate floor session, Mon., May 1.

Photo by David J. Oakes

which funds the stadium through a statewide wholesale tax on licensed sports memorabilia, was advanced to the full Senate on a 7-5 roll call vote. "The stadium nightmare in the Tax Committee is over," said Committee Chair Lawrence Pogemiller (DFL-Mpls.), chief author of the measure, referring to the committee's weeklong impasse on sports facilities.

Educational Videos Available

Three videos, "Discover the Capitol," "Power in the Process: The Anti-Hazing Law," and "Rules, Laws and the Process," can be accessed at <http://www.leg.mn/leg/youth/video.htm>

These videos are excellent sources of information on the history of the State Capitol, how laws are made in Minnesota and how even the state's youngest citizens can get involved in the legislative process.

MyBills system available

The MyBills personalized bill tracking system is now available. Users can add House and Senate bills to their lists by bill number, subject, or author, and view the legislative status of their bills, with items with significant current floor action highlighted. Users can modify their lists at any time. The MyBills system is available

from the Legislative website at: <http://www.house.mn/leg/billslogin.asp>

Civic education DVD created

Senate Media Services has produced a DVD consisting of several short videos informing the public about the Minnesota Senate and the legislative process. The DVD provides an excellent tool to support presentations about the legislative process to help citizens become involved in their government. These short videos, which are televised during legislative coverage and often incorporated into Capitol Report, focus on various topics, including the branches of government, political party differences, how to read a bill, how to testify before a committee, effective ways to communicate with legislators, where to obtain information, the Senate Chamber, and the role of the professional and citizen lobbyist. For more information about the DVD, contact Senate Media Services at (651) 296-0264.

Site wins digital government award

The Center for Digital Government announced in October 2005 that the Minnesota Legislature's website won a Digital Government Achievement Awards (DGAA). The national program recognizes outstanding agency and department web sites and applications that enhance information interactions, transactions or services. The DGAA is produced in

conjunction with the Center's annual Best of the Web (BOW) awards program. BOW recognizes the most innovative, user-friendly state and local government portals, while the DGAA showcases some of the nation's most creative, advanced government Web sites and applications. The Center received more than 250 entries for the program this year.

"Public agencies of all sizes and from all levels of governments are using digital tools to serve citizens in the digital age," said Cathilea Robinett, executive director of the Center for Digital Government. "The quality and quantity of interactions between citizens, business and their government has reached new levels of service."

The Legislature's site won in the government-to-government category. Five other sites were recognized in the category, representing government agencies and offices at the federal, state and local levels across the country.

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Capitol Historic Site Tours	(651) 296-2881
Capitol Security	
B-5 Capitol	(651) 296-6741

Senate Briefly

With the chandelier lit in celebration of Statehood Day, Thurs., May 11, second and third graders from Rossman Elementary School in Detroit Lakes get a unique perspective from the floor of the Capitol Rotunda.

Photo by David J. Oakes



May 12, 2006

Senate Highlights

Construction bill repassed

The first item of business at the Mon., May 8, floor session was a motion to concur with House amendments to S.F. 1287. The bill, sponsored by Sen. Linda Scheid (DFL-Brooklyn Center), regulates causes of action arising out of construction defects in residential housing. The bill specifies that the insurer of a construction company that goes out of business is still responsible for claims arising from construction defects. In addition, the measure provides for notice of the defect and for opportunities to repair the defect. Scheid asked members to concur in the House amendment, which she said contained another bill she authored. She said the amendment requires the commissioner of labor and industry to adopt rules establishing required competency criteria for individuals serving as construction code inspectors. Members concurred with the amendments by the other body and repassed the bill on a 65-0 roll call vote.

In other action, five bills on Special Orders were passed on unanimous roll call votes. H.F. 3477, carried by Sen. Sharon Marko (DFL-Cottage Grove), establishes timelines for cities' and towns' action on the release of letters of credit under subdivision regulations. S.F. 2973, authored by Sen. John Marty (DFL-Roseville), is the Dept. of Natural Resources technical bill. Marty said the measure makes numerous technical changes throughout provisions governing the department. Marty offered, and

members adopted, an amendment providing that a portion of the Willard Munger Trail be designated as the Gateway segment. Marty said that originally, plans for the Munger Trail called for using utility rights-of-ways in Anoka County for a segment of the Munger Trail. However, the use of the rights-of-ways was no longer feasible, so the department was asking that a section of the Gateway Trail be used.

S.F. 2635, sponsored by Scheid, authorizes regulation of specific parcels of land in Aitkin County. S.F. 3450, authored by Sen. Steve Murphy (DFL-Red Wing), requires the Metropolitan Council special transportation service to continue within the geographic coverage area of the boundaries of the transit taxing district. S.F. 2576, carried by Sen. Dan Sparks (DFL-Austin), provides that new ambulances are covered under the state's "lemon law" and establishes the manufacturer's duty to repair. H.F. 2697, sponsored by Sen. David Senjem (R-Rochester), authorizes firefighters to use headsets for communication purposes.

Supplemental budget bill approved

Senators used the afternoon portion of their Mon., May 8, floor session to approve the omnibus supplemental budget measure.

The bill answers a number of needs throughout the state, said Chief Author Richard Cohen (DFL-St. Paul), including education, child care, and the environment. Consideration began with the procedural necessity of amending the language from the Senate proposal, S.F. 3781, onto the supplemental budget measure received from the other body, H.F. 4162.

Sen. LeRoy Stumpf (DFL-Plummer) began discussion of individual articles within the bill by reviewing the K-12 education provisions. The main element of the education portion is \$32 million in onetime supplemental aid to schools, he said. The aid is distributed, under the bill, as \$34.50 per adjusted marginal cost pupil unit (AMCPU) for school districts and \$15 per AMCPU for charter schools. The bill also includes funds to educate students in Chinese, to establish a scholars of distinction program, to study special education finance, and to provide special aid to the Red Lake and Rocori school districts for costs associated with school shooting incidents.

Senators considered two amendments to the K-12 provisions. Sen. Becky Lourey (DFL-Kerrick) offered an amendment permitting ISD 577, Willow River, to recognize up to 50 percent of the operating referendum levy approved at a September 2006 election as revenue for the fiscal year in which it is certified. The amendment was not adopted. Sen. Steve Dille (R-Dassel) offered an amendment allowing the onetime supplemental aid to be used for character development education. Under the bill, the onetime aid may be used to reduce class sizes in grades K-6, to provide all-day kindergarten, to reduce its statutory operating debt, to pay for heating and fuel costs, to pay for technology costs, to provide pre-kindergarten programs or to provide limited English proficiency programs. The amendment was adopted.

The early childhood provisions were reviewed by Sen. John Hottinger (DFL-St. Peter). The bill concentrates \$23 million on improving access to, and the quality of, child care, he said. The measure also increases reimbursements to child care providers, provides an additional reimbursement for child care providers who offer an education component to their care, reduces co-payments for child care, reduces the waiting list for basic sliding fee child care, and creates a legislative commission on ending poverty. Sen. Betsy Wergin (R-Princeton) offered an amendment prohibiting socio-emotional testing as part of a kindergarten readiness initiative in the bill. Kindergarten readiness assessments are not necessarily done by mental health professionals, Wergin said. She said the initiative should not result in over-identification of mental illness. Hottinger said the amendment was policy oriented and inappropriate for a finance bill. The amendment was not adopted on a 26-39 roll call vote.

Sen. Sandra Pappas (DFL-St. Paul) discussed the higher education provisions of the bill. She said the largest item is a \$5 million appropriation for the new Rochester campus of the University of Minnesota. Sen. Steve Kelley (DFL-Hopkins) offered an amendment urging the University of Minnesota-Rochester to only offer education in areas where it is uniquely qualified and to avoid unnecessary duplicative offerings of courses and programs. The amendment was adopted.

The environment, agriculture and natural resources articles of the bill were reviewed by Sen. Dallas Sams (DFL-

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Senators Dan Sparks (DFL-Austin), left, and Warren Limmer (R-Maple Grove) converse in the Senate chamber during the Mon., May 8, floor session.

Photo by David J. Oakes

Staples). He said the measure includes \$1.2 million for invasive species control efforts, \$1.8 million to prevent the spread of bovine tuberculosis, \$20 million for the Clean Water Legacy program, and \$2 million for a collaborative biotechnology and medical genomics research partnership between the University of Minnesota and the Mayo Foundation. Members adopted an amendment, offered by Cohen, providing \$200,000 for the Minnesota Agricultural Interpretative Center. Cohen said the amendment was basically technical, because the appropriation had been tracked on spreadsheets, but had inadvertently been excluded from the text of the legislation. Senators also adopted a technical amendment, offered by Sen. Steve Murphy (DFL-Red Wing), related to re-establishment of the Boxing Commission. Sen. Linda Berglin (DFL-Mpls.) offered an amendment providing \$450,000 to encourage Minnesota

licensure of foreign-trained health care professionals; the amendment was adopted.

Sen. David Senjem (R-Rochester) offered an amendment replacing the \$2 million general fund appropriation for the U-Mayo partnership with \$18 million from the health care access fund. Medical biosciences research is vitally important for our state, he said, and we need to dedicate the necessary funds to move this project forward. Medicine is one of our state's largest economic sectors, said Sen. Sheila Kiscaden (DFL-Rochester). We are starting to fall behind because we are not making the investment in our future that we need to make, she said. Kiscaden said Minnesota can stay competitive without having to make the more substantial investments other states are making, because we have the unique talents of the University of Minnesota and the Mayo Foundation. Kelley said the project is deserving of state investment and offers enormous promise for the state. However,

he said, the burden of paying for the partnership should not fall only on the ill and on health care providers, who pay into the health care access fund. The entire state benefits from this research, Kelley said, and the general fund should be the source of funding, not the health care access fund. The amendment was not adopted on a divided voice vote.

Transportation provisions were discussed by Murphy. The measure includes \$4.3 million in general fund spending for transportation, he said, including \$1.8 million for the town road sign replacement program and \$500,000 to the Metropolitan Council for a study on the feasibility of putting light-rail transit in the I-394 corridor. Sen. Michael Jungbauer (R-East Bethel) offered an amendment moving up by one day a \$3 million transfer from the general fund to the airports fund. The one day acceleration, Jungbauer said, brings the funds into the current biennium, allowing them to be

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Senators Sheila Kiscaden (DFL-Rochester) and David Senjem (R-Rochester) closely examine to proposed legislation during a Senate floor session.

Photo by David J. Oakes

used for current airport projects. The amendment was defeated.

Sen. Jane Ranum (DFL-Mpls.) reviewed the public safety provisions of the measure. The bill includes funding to expand the camera system used in downtown Minneapolis to three high-crime communities across the city, \$125,000 for a noncompliant predatory sex offender database, \$800,000 for the gang strike force, and funds to address human trafficking. Ranum offered an amendment adding over \$5 million for salary supplements for corrections officers. She said the funds are needed to ensure the state does not lay off any corrections officers. The amendment was adopted.

Wergin offered an amendment providing \$1.187 million to add 10 Bureau of Criminal Apprehension agents to coordinate with federal authorities on apprehending illegal immigrants who are

engaged in felony criminal activity. Ranum said the bill already includes funds for the gang strike force and other law enforcement efforts to address the serious crimes people are most worried about. Kelley said the amendment unnecessarily focuses on a specific group that we do not know has a higher perpetration rate than other groups. The amendment was not adopted, 29-38.

Senjem offered an amendment deleting provisions of the bill relating to hazardous chemical or oil facility security assessment and plans. Ranum said the provisions are necessary because of safety concerns in a post 9/11 world. The amendment was adopted on a 34-33 roll call vote.

Sen. Mady Reiter (R-Shoreview) offered an amendment to appropriate \$1 million for an internet crimes against children team to assist law enforcement

throughout the state. Reiter said the St. Paul Police Dept. has had a great deal of success with a small group pursuing internet crime. "The team would help keep our children safe," Reiter said. Sen. Mike McGinn (R-Eagan) supported the amendment and said the good an internet crimes against children team can do greatly outweighs the cost. "This is a really cheap investment for the gain that it would provide," he said. The amendment was adopted on a 66-0 roll call vote.

Sen. Sheila Kiscaden (DFL-Rochester) explained the state government portion of the bill. She said although the state government portions of the bill contain relatively small appropriations, the measure places a strong emphasis on being a supportive community for our active duty military personnel and our veterans. She said the measure adds \$1.9 million for the soldier's assistance fund, appropriations

for veteran's service offices on higher education campuses, \$500,000 for veterans outreach, and \$80,000 for veteran's organizations. In addition, Kiscaden said the bill provides a \$1.9 million appropriation for comprehensive planning, implementation and administration of enterprise information technology security. The measure also provides \$200,000 for the state's share of the cost of bankruptcy counsel representing the joint interests of the state and the city of Duluth in the Northwest Airlines bankruptcy.

Reiter offered an amendment designating English as the language for use by the state and local governments, for government officers and employees acting in the scope of their employment and for government documents and records. Cohen questioned the germaneness of the amendment. He said the amendment was policy, rather than appropriations related and thus, not germane to the bill. The amendment was ruled nongermane. Reiter

questioned the ruling, but the ruling was sustained on a 54-13 roll call vote. Sen. Sean Nienow (R-Cambridge) offered an amendment specifying that in the event of a state government shutdown, members of the Legislature would forego their pay and the funds be deposited in an account for compensating state employees. The amendment failed on a 26-41 roll call vote.

Cohen offered an amendment eliminating the positions of a variety of deputy commissioners in the administrative branch. Cohen said that because of the amendments added to the bill, the measure is not balanced and a way to bring the appropriations into balance is to eliminate the positions. The amendment was adopted on a 50-15 roll call vote.

Cohen also offered an amendment deleting the health and human services portions of the bill. Sen. Dick Day (R-Owatonna) argued against the motion and said members should be allowed to vote

on the entire bill. Sen. Thomas Neuville (R-Northfield) said the purpose of the motion was to avoid consideration of a pro-life amendment he was going to offer. Cohen said the separation of the health and human services portion made sense because of the complexity of the issues. The amendment was adopted on a 35-32 roll call vote.

The bill was granted final passage on a 64-3 roll call vote.

Biotech, sports bills approved

Measures providing for the construction of three sports facilities and establishing a biomedical sciences funding program for the University of Minnesota were the focus of the Tues., May 9, floor session.

S.F. 3044, sponsored by Sen. Richard Cohen (DFL-St. Paul), provides for the sale of \$330 million in state bonds to support biomedical sciences research at the University. The bill creates a Biomedical Science Research Facilities Authority to



Senators Paul Koering (R-Fort Ripley), left, and Tom Saxhaug (DFL-Grand Rapids) consult during a Senate floor session, Mon., May 8.

Photo by David J. Oakes

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award grants from the bond sale proceeds, which are available on a schedule through 2016. The measure provides that the authority will consist of four current Legislators, four former Legislators, four persons appointed by the governor, and the commissioner of employment and economic development.

The biomedical field has had a great impact on Minnesota, Cohen said. However, we have not been able to maintain our competitive edge, he said, and other states are moving forward with investments in biotechnology. S.F. 3044, he said, allows the University of Minnesota and the state to be globally competitive. This is about more than a few buildings, Cohen said. He said the state needs to attract the best researchers and scientists. Sen. Sandra Pappas (DFL-St. Paul) said items in the bonding bill were the Senate's first priority for the University. The second priority was this project, she said. Minnesota is already a world leader in biosciences, Pappas said. "We are doing well, but the competition is fierce and aggressive," she said. Sen. David Senjem (R-Rochester) said the bill adequately conveys to the global science community that Minnesota wants to be a player in the field.

Sen. LeRoy Stumpf (DFL-Plummer) said he supports the science programs at the U. This would be the first time, he said, that we have permitted an entity outside the Legislature determine how bond proceeds will be used. General obligation bonds are backed by the state's responsibility to levy a statewide property tax to pay the debt service and prevent default, Stumpf said. We should not place authority over our public debt in other hands, he said. Stumpf said the Legislature can and should fund the biomedical sciences initiative in the normal manner—by including it in biennial bonding bills. The proposal amounts to about \$60 million every two years, he said, which is within the normal activity of a bonding bill. Cohen said he did not believe the bonding process has worked smoothly enough in recent years. Sen. Keith Langseth (DFL-Glyndon), chair of the Capital Investment Committee, said he would not normally support an effort to create special bonding authority. But the method used in S.F. 3044, he said, is necessary to communicate to the world our long-term commitment to biomedical sciences.

It is one thing to build a facility and attract people to it, said Sen. Bob Kierlin (R-Winona). But we need to be sure we are serious about the necessary next steps to reinforce our commitment to biomedical research and development, he said. The next steps include fostering a venture capital group that has an interest in investing in making the U's research projects become marketable products and in ensuring the benefits of the research flow to Minnesota, Kierlin said. The steps also include, he said, maintaining an investment-friendly climate by changing our estate tax laws so that investors do not leave Minnesota, severing their ties to the state and University. If we do not take these steps, we will have a facility in Minnesota working to benefit other states' businesses and residents.

Senators adopted an amendment, offered by Sen. John Hottinger (DFL-St. Peter), requiring recipients of business subsidies under the bill to submit two reports to the Dept. of Employment and Economic Development. The first report is on the projected and actual impact of the subsidy on reducing the unit cost to consumers of pharmaceuticals, medical devices, and other bioengineered products, including agricultural products. The second report must address the projected and actual jobs created, including information about wage levels and benefits of all employees and consultants, as a result of the subsidy.

S.F. 3044 was granted final passage, 51-15. The measure was then laid on the table to await a companion file from the other body, where legislation relating to state bond sales must originate.

S.F. 2460, authored by Sen. Lawrence Pogemiller (DFL-Mpls.), provides for construction of an on-campus football stadium for the University. The measure provides for a state share of \$12.9 million annually over 25 years. Revenue for the state payments is derived from a 13 percent gross revenues tax on professional and intercollegiate sports memorabilia. The bill prohibits the University from increasing student fees to pay for the stadium and from entering into a naming rights agreement with a private entity. The measure also creates a mitigation fund and requires the University to report to the Legislature on the stadium's impact on surrounding neighborhoods. Pogemiller said the memorabilia tax translates to a 6.5 percent tax at the retail level. He said he does not

think Minnesota consumers will see higher memorabilia prices, because most other states impose a similar tax. Vendors coming to Minnesota are surprised to see that we do not impose a memorabilia tax, he said. They usually do not lower their prices, he said, but choose to pocket the extra revenue.

Pogemiller offered an amendment removing the memorabilia tax provisions from the bill, because revenue bills cannot originate in the Senate. However, he said, the memorabilia tax would be included in negotiations over the omnibus tax bill. The amendment was adopted. Sen. Jim Vickerman (DFL-Tracy) offered an amendment requiring the stadium to be named the Veterans' Memorial Stadium. We cannot put a price on what veterans have done for our state, he said. The amendment was adopted on a 45-20 roll call vote.

When the University came forward with its proposal, I was pleased that there was a stadium plan that did not enhance revenue for a private business, said Sen. John Marty (DFL-Roseville). While I have no philosophical objection to a Gophers stadium, he said, the proposal is still too expensive considering our other needs. Taxpayers will be spending \$2 million per home game for the next 25 years, he said. If the team sells 50,000 tickets to each game, the taxpayer subsidy amounts to \$43 per ticket, Marty said. Sen. Thomas Neuville (R-Northfield) said the annual cost of operating the Metrodome is \$13 million. We could give the Dome to the University for free and we would be spending about the same amount as we are going to spend on building a new stadium, he said. Not only would the University have a structurally sound, football friendly facility, Neuville said, but it would get all the Dome revenues. I want to help the U, he said, but the bill is financially irresponsible.

S.F. 2460 was granted final passage, 34-32.

H.F. 2480, carried by Sen. Steve Kelley (DFL-Hopkins), provides for the construction of a Twins ballpark in downtown Minneapolis and a Vikings stadium in Blaine. The measure imposes a half-cent sales tax in the seven-county Metro Area, subject to approval in a referendum, and uses the revenue to pay for the facilities, including retractable roofs, and to fund the Metropolitan Council's transit plan. Kelley said the bill avoids the inflation costs of further delay



With University of Minnesota mascot “Goldie Gopher” in the background, former U of M quarterback and current head coach of the NFL’s Indianapolis Colts Tony Dungy addresses a crowd in front of the Capitol, Thurs., May 11. The gathering was showing support for the construction of a new on-campus football stadium.

Photo by David J. Oakes

and the financing costs of making debt payments for decades. The bill helps us compete with other metropolitan areas that have invested in transit and sports facilities, he said, and funds the investments in a manner similar to what those communities have used. Kelley reviewed the structure of the Twins portion of the bill, while Sen. Don Betzold (DFL-Fridley) provided an overview of the Vikings stadium language. Betzold also offered, and Senators adopted, an amendment providing for a capture of part of the sale price of the team if it is sold after the stadium is built. Sen. Scott Dibble (DFL-Mpls.) offered an amendment requiring both the Twins ballpark and the Vikings stadium to be smoke-free facilities. The amendment was adopted.

Marty offered an amendment requiring the teams to remit to public entities funding the facilities a percentage of incremental revenues equal to the percentage the public entity contributed to construction. If taxpayers are funding 67 percent of a stadium, then they should get back 67 percent of the revenue from increased ticket sales, naming rights, advertising and personal seat licenses, Marty said. He said private financiers would not accept less than their fair share and the public should not be treated any differently. The teams have never seriously pursued private financing, he said, even though it has worked in other communities. The bill also does not require the teams to dedicate incremental revenue to enhancing quality and competition by

spending more on payroll, he said. Kelley spoke against the amendment, noting that the national marketplace for sports is such that other communities can lure teams away by subsidizing new facilities if a current host community will not. Minnesota teams are at a disadvantage to teams in subsidy-providing communities if we limit their access to new revenue, Kelley said. We have provided other subsidies to businesses locating in Minnesota, such as tax increment financing, sales tax exemptions and the JOBZ program, said Sen. David Tomassoni (DFL-Chisholm). We should not be subsidizing private businesses of any sort, Marty said. The best way to have a good business climate is to have a well-educated work force, he said. If we need lower business taxes, Marty said, we should lower them across the board, rather than picking winners and losers.

The amendment was defeated, 16-49.

Sen. Steve Dille (R-Dassel) offered an amendment prohibiting the scheduling of baseball games before noon on Sundays and prohibiting the scheduling of football before noon on Sundays, after 3 p.m. on Christmas Eve or before noon on Christmas. Betzold said football games are typically not scheduled before noon and that football games during the holidays are usually the result of playoff game situations. The amendment failed on a 32-33 roll call vote.

Pappas offered an amendment prohibiting the spending of public monies on infrastructure or convention center facilities until there has been a review by the Metropolitan Council with emphasis on the extent to which the proposed new facilities would adversely impact existing convention or large venue facilities in the Metro Area. The amendment was adopted.

Transit is a separate issue and should be dealt with separately, Marty said. He said the transit provisions are being used to hide the real intent: subsidizing sports facilities. Many of the people who will pay for this through their taxes are hurting and cannot afford to attend sports games or pay a little extra in sales tax. However, Dibble said the bill moves the Metro Area forward by making a significant investment in transit. It starts to get us where we need to be, he said.

Several members made closing comments prior to the final vote on the bill. Sen. Ellen Anderson (DFL-St. Paul) said, “I’m going to vote for the bill because I see it more as a transport bill than a bill

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for sports facilities.” She said the bill puts in place a long-term vision for a 21st century transit system in the Metro Area. “We are spending a billion dollars here and while I would like more transit funds, I don’t think the transit portion will be in the bill when it comes back from conference committee,” Marty said. “I think we have an obligation as public servants to keep an eye out for the best solution and I feel comfortable with a bill that saves taxpayers hundreds of millions of dollars in interest costs,” Kelley said. He said there have been other solutions, but the time has come to do something bold that will provide a solution for the sports facilities and to catch up with other communities for our transit needs. “It is time for us to move forward with new facilities,” said Sen. Dean Johnson (DFL-Willmar). He said the facilities will be places for Minnesotans to gather and will be part of what makes Minnesota special. “This moves us one step closer to solving an issue that has been with us a long, long time,” he said.

The bill was granted final passage on a 34-32 roll call vote.

State fruit bill okayed

Senators used their Wed., May 10, floor session to grant final passage to legislation designating a state fruit. S.F. 2302, carried by Sen. Brian LeClair (R-

Woodbury), designates the Honeycrisp apple as the state’s official fruit. LeClair said the idea was brought to him last year by a group of fourth graders from Bayport’s Andersen Elementary. Before voting on the bill, Senators engaged in humor, mostly puns, about the apple and the bill and noted the accomplishment of the University of Minnesota in developing the world-renowned apple. S.F. 2302 was granted final passage, 53-4.

Omnibus policy bills advanced

Senators met for a floor session Thurs., May 11, to process several omnibus policy bills from Special Orders.

Members began by considering S.F. 2798, the omnibus energy bill. The measure, sponsored by Sen. Ellen Anderson (DFL-St. Paul), authorizes a prepurchase propane fuel program, provides for residential heat reconnection arrangements, modifies provisions for assisting low-income residential heating customers, defines gross operating revenue for energy conservation investment, defines energy conservation investments to include renewable energy measures, provides for state-wide energy-saving objectives, clarifies the status of biomass generation facility and renewable petroleum violation escrow funds to be used for energy grants.

Anderson explained the bill and offered an amendment to clarify existing state goals regarding the Minnesota Renewable Hydrogen Initiative. The amendment was adopted. Sen. Terri Bonoff (DFL-Minnetonka) sponsored an amendment to extend the date for payments to a qualified hydroelectric facility that is operational and generating electricity before December 31, 2009. Sen. Gary Kubly (DFL-Granite Falls) offered an amendment to the amendment extending the date one year for a wind energy generating facility. The amendment to the amendment was adopted, as was the original amendment. Sen. Sandra Pappas (DFL-St. Paul) sponsored an amendment requiring buildings financed by state bonds to follow sustainable building guidelines. The amendment was adopted.

Sen. Scott Dibble (DFL-Mpls.) offered an amendment establishing a plug-in hybrid task force, encouraging the state to purchase plug-in hybrid electric vehicles and encouraging research at Mankato State University. Sen. Betsy Wergin (R-Princeton) offered an amendment to the amendment specifying that a Minnesota firm be included in the plug-in hybrid task force. Both the amendment to the amendment and the amendment were adopted. An amendment, offered by Sen. Tarryl Clark (DFL-St. Cloud), requires utilities that serve low-income natural gas heating



Senators Steve Murphy (DFL-Red Wing), left, and Satveer Chaudhary (DFL-Fridley) talk over the details of a bill during the Senate’s Thurs., May 11, floor session.

Photo by David J. Oakes

customers to file an affordability program with the Public Utilities Commission. The amendment was adopted. Sen. Julie Rosen (R-Fairmont) sponsored an amendment deleting a provision clarifying the term renewable generation facility. The amendment was adopted.

Anderson sponsored an amendment setting renewable energy standards. She said the amendment contains language from the "20/20" bill that was heard in committee. The 20/20 bill requires utility companies to produce 20 percent renewable energy for state energy consumption by 2020. Anderson said the language will create jobs and encourage investment in renewable energy production. She said it is an opportunity for Minnesota to become a leader in renewable energy production and will result in cleaner air, cleaner water, less mercury pollution and more research and development. "It will be good for our economy, good for our businesses and provide a hedge against soaring fossil-fuel based energy costs," Anderson said. We need a standard of renewable energy requirements, rather than an objective, because we need to send clear market signals, Anderson said.

Sen. Mady Reiter (R-Shoreview) urged members to defeat the amendment. She said the amendment will cost too much and that it is not technically feasible at this time. However, Sen. Steve Murphy (DFL-Red Wing) said utility companies need the pressure of a deadline to continue moving toward renewable energy. Sen. David Hann (R-Eden Prairie) spoke against the amendment and said the marketplace should be allowed to work in order to allocate resources. Sen. William Belanger (R-Bloomington) countered that there are many signs of environmental damage and the state should move forward with renewable energy. Sen. Michael Jungbauer (R-East Bethel) said it was not necessary to impose standards at this time. He urged members to wait for more research and to reject the amendment. Sen. Linda Scheid (DFL-Brooklyn Park) said the marketplace has not worked and that it is important for the nation to kick the addiction to foreign oil. She urged support for the bill.

Anderson said support for the initiative is growing. She said 89 percent of Minnesotans want the standards to be enacted. She said a variety of groups, including many in the business community, support the legislation because of

concern about energy needs over the next few years. "It is our job to establish policy for the future of our state," Anderson said.

Sen. David Senjem (R-Rochester) offered an amendment to the amendment specifying all the types of renewable energy generation, such as refuse-derived fuel, are to be counted toward satisfying the requirement for 20 percent renewable energy by 2020. Anderson said the amendment specifies that energy imported into the state is counted toward satisfying the requirement. She said that defeats the purpose of the original amendment and that the point of the legislation is to encourage development of Minnesota-based renewable energy production facilities. The amendment to the amendment was rejected on a 24-41 roll call vote. Senjem offered a second amendment to the amendment specifying that if the Public Utilities Commission finds that compliance is not the least-cost alternative, it produces an undesirable impact on the utility's ratepayer and the commission may delay or modify the standard. The amendment failed to gain adoption. The Anderson amendment was adopted on a 36-30 roll call vote.

The bill was granted final passage on a 53-13 roll call vote.

S.F. 2722, sponsored by Sen. Richard Cohen (DFL-St. Paul), provides for the continuation of state government operations in the event the Legislature cannot come to an agreement on a budget bill and moves the general fund budget toward being reported in accordance with generally accepted accounting principles. Cohen said many other states have similar laws in case of budget deadlock. The bill is modeled on Wisconsin state law, he said. Cohen offered an amendment removing a provision requiring inflation to be included in state budget forecasts. The amendment was adopted. Sen. Thomas Neville (R-Northfield) said the language of the bill seems to indicate that the continuing appropriation uses the base of the next fiscal year for the funding of state agencies. He said the measure eliminates the need to ever pass a budget. Cohen said the intent of the bill is to have the appropriation based upon the funding levels of the biennium in which the deadlock occurs. He said the practical effect is that any Legislature would feel the pressure to complete its work.

Sen. Sean Nienow (R-Cambridge) offered an amendment to allow the

existing budget to keep funding state agencies, but only at a 90 percent level. He said the amendment exerts pressure on Legislators to complete a budget. Cohen said the amendment complicates what was a simple solution and urged defeat of the amendment. The amendment failed. Nienow offered a second amendment specifying that members may not receive per diem for a special session that is called within 60 days of adjournment of a regular session because the Legislature failed to pass necessary legislation during the regular session. Kubly said the amendment penalizes those members who live in Greater Minnesota. The amendment was rejected. Nienow offered a third amendment specifying that failure to enact a budget in an odd numbered year requires Legislators and the governor to forfeit their salaries. The amendment failed.

Neuville offered an amendment making it unlawful for a state board or official to incur indebtedness in behalf of the board, the official, or the state until an appropriation has been made and that any Legislator has standing to sue to enjoin the expenditure of money not pursuant to an appropriation. Neuville said the amendment is a matter of constitutional importance because if state officials allocate money that has not been appropriated it is a violation of separation of powers. The amendment was adopted.

The bill was granted final passage on a 37-28 roll call vote.

Transportation bill okayed

Senators continued their Thurs., May 11, session by passing the omnibus transportation bill, S.F. 3764.

Carried by Sen. Steve Murphy (DFL-Red Wing), the measure provides for \$35 million in appropriations from the trunk highway fund for a variety of projects, including constructing a district headquarters facility in Mankato, maintaining the central headquarters building in St. Paul, and matching federal dollars for the completion of TH 610 in the North Metro Area. The bill also modifies language enacted last year relating to the distribution of motor vehicle sales tax (MVST) receipts if a proposed constitutional amendment dedicating the receipts to transportation is approved by voters this November. Additionally, the measure makes numerous policy changes relating to transportation. Members began discussion by adopting two technical amendments, both offered by Murphy.

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Senators Mady Reiter (R-Shoreview) and Thomas Neuville (R-Northfield) look over proposed legislation during a Senate floor session, Thurs., May 11.

Photo by David J. Oakes

Murphy also offered an amendment directing the Department of Commerce to sanction “gasoline price gougers.” Murphy said the amendment responds to public concerns that Minnesotans are being taken advantage of at the pump. Other states have enacted similar laws, he said, and the federal government should be inspired to investigate oil companies’ profits. Under the amendment, it is a misdemeanor to sell gasoline at a level that grossly exceeds one’s own cost. The amendment grants the department rulemaking authority to define “grossly excessive.” This amendment is a bad idea, said Sen. David Hann (R-Eden Prairie). It imposes price controls, and over 4,000 years of history with government price controls shows us they are catastrophic. Price controls caused the national energy crisis of the 1970s, Hann said, and California’s energy crisis in the 1990s.

Price controls destroy productive capacity and creating an overwhelming bureaucracy, he said. The solution to high gas prices is to increase supply, he said, by removing restrictions on petroleum exploration, drilling and refining, Hann said. He said Minnesota tried a similar effort to control mortgage interest rates in the 1970s. The Legislature capped interest rates, Hann said, and consumers quickly found they could not get loans at the maximum rate. Sen. Dick Day (R-Owatonna) noted that Murphy sponsored a 2001 law setting a price floor for gasoline. We have prevented gas stations from lowering their prices, he said, and now we claim to be worried that their prices are too high. Murphy said the price floor law was enacted to protect “mom and pop” station owners from being driven out of business by large corporations that

could take temporary losses on gasoline to control the market. The amendment was adopted, 36-26.

An amendment prohibiting drivers under age 18 who are within the first year of being licensed from having more than one passenger under age 21 in their vehicle was offered by Sen. Sean Nienow (R-Cambridge). The amendment exempts immediate family members from the class of prohibited passengers. The amendment also prohibits drivers under age 18 within their first year of licensure from driving between the hours of midnight and 5 a.m. unless accompanied by a parent or guardian. The amendment was adopted. Sen. Satveer Chaudhary (DFL-Fridley) offered an amendment earmarking \$100,000 of the appropriations in the bill for a study of improvements needed to I-35W between I-694 and Lake Drive in Lino Lakes. The amendment was adopted.

Sen. Rod Skoe (DFL-Clearbrook) offered an amendment changing the proposed constitutional question to indicate that the dedicated MVST receipts would be split 60-40 between roads and transit and to clarify that MVST is an existing, not a new, tax. The amendment also changes the language that would be placed in the state constitution to set the 60-40 split firmly. As enacted last year, the constitutional language provides that no more than 60 percent would go to roads and no less than 40 percent would go to transit. Skoe said the language for the constitutional question proposed in the bill was deceptive. Sen. David Senjem (R-Rochester) spoke in support of the amendment, saying it was necessary to have a firm 60-40 split for the amendment to gain support in Greater Minnesota. Sen. Ann Rest (DFL-New Hope) spoke against the Skoe amendment, noting that constitutional questions have often been presented in much simpler terms than the complex language that would be placed in the constitution itself. The Attorney General's Office has issued an opinion saying the Legislature cannot change the constitutional language after it has been passed, said Sen. Scott Dibble (DFL-Mpls.). Concerns that anything other than a firm 60-40 split would mean that transit would consume all the dedicated receipts are unfounded, he said. The amendment was adopted on a 33-32 roll call vote.

Sen. Mady Reiter (R-Shoreview) offered an amendment requiring the written driver's license examination to be administered only in English. The amendment was not adopted, 21-44. Day offered an amendment providing that a portion of the dedicated MVST receipts would be used to pay debt service on \$2.5 billion in trunk highway bonds to be issued if the constitutional amendment is approved. We need a serious investment in our roads, he said, and bonding for the projects moves us forward on projects that are otherwise years away from being addressed while saving inflation costs. Sen. Mike McGinn (R-Eagan) said Minnesota has neglected road maintenance needs for too long. The amendment offers an immediate infusion of cash to address the needs, he said. Murphy urged members to defeat the amendment. He said economic projections indicate that the debt payments would exceed revenue starting in 2013. In the short run, Murphy said, the amendment sounds good. But in the long term, it is a

serious mistake, he said. The amendment was defeated, 31-34.

Senators adopted an amendment, offered by Sen. Betsy Wergin (R-Princeton), removing a provision from the bill doubling the fine if a person involved in a traffic accident was using a cell phone. Skoe offered an amendment requiring actions challenging the proposed constitutional amendment to be brought within 30 days of the adjournment of the Legislative Session. The amendment also asks the state Supreme Court to expedite its consideration of the challenge. The amendment was adopted on a 44-19 roll call vote. Sen. Claire Robling (R-Jordan) offered, and Senators adopted, an amendment permitting townships to use the terms of an existing county contract for a town road project that adjoins a county road that is the subject of the original contract. Sen. Julie Rosen (R-Fairmont) offered an amendment providing for a specialty anti-drug license plate. Under the amendment, revenues would be dedicated to a chemical dependency treatment fund managed by the Dept. of Human Services. The amendment was not adopted. Sen. Carrie Ruud (R-Breezy Point) offered an amendment removing a provision requiring the use of booster seats for youths under age 9. She said the provision was burdensome on families. McGinn said booster seats saves lives and prevent injuries because many young children are not quite big enough for the shoulder and lap seat belts to fit properly. The amendment was defeated, 26-36. Sen. David Tomassoni (DFL-Chisholm) offered two amendments. One requires a report comparing the costs of road work performed by public employees and private contractors; the second provides flexibility to financial institutions seeking to sell a repossessed vehicle. Both amendments were adopted.

S.F. 3764 was granted final passage, 46-18, and then laid on the table to await a companion file from the other body.

In other action, the Senate appointed members to two conference committees. The conference committee members on H.F. 4162, the omnibus supplemental appropriations bill, are Sen. Richard Cohen (DFL-St. Paul), Sen. Linda Berglin (DFL-Mpls.), Hottinger, Sen. LeRoy Stumpf (DFL-Plummer) and Sen. Dennis Frederickson (R-New Ulm). The conference committee members on H.F. 2480, which provides for the construction of both a Twins ballpark and a Vikings

stadium and the imposition of half-cent sales tax in the Metro Area, are Sen. Steve Kelley (DFL-Hopkins), Betzold, Sen. Linda Higgins (DFL-Mpls.), Sen. Sharon Marko (DFL-Cottage Grove) and Rosen.

Senators also discussed a bill—S.F. 2833, authored by Sen. John Hottinger (DFL-St. Peter)—providing that data related to a household member who is the subject of a disqualification set-aside or variance is not public if the household member resides in the child care residence, the member is under age 18 and the disqualification would be for a misdemeanor theft. Hottinger offered an amendment requiring in-service training for child care providers and authorizing a child care pilot project in Ramsey County. Sen. Dallas Sams (DFL-Staples) offered an amendment permitting child care providers to use a mesh-sided playpen or crib that has not been identified as unsafe on the United States Consumer Product Safety Commission. Both amendments were adopted.

Berglin offered an amendment permitting persons who already have a set aside from the Dept. of Human Services to get a subsequent set aside if they are seeking to change employers or move up to a job requiring more qualifications. She said the amendment addresses problems faced by people who want to work in licensed settings, have rehabilitated after being released from the corrections system, but are now caught by restrictions on set asides enacted last year. Berglin said the amendment is merely placeholder language while final language is being negotiated with the governor and other body. Sen. Brian LeClair (R-Woodbury) offered an amendment to the amendment excluding persons whose criminal history includes murder and manslaughter from being eligible for set asides. He said the Legislature should be clear about which ex-felons it is going to allow to work with Minnesotans' loved ones. The amendment to the amendment was adopted, 56-0. LeClair offered a second amendment to the amendment prohibiting set asides to be granted to persons who were convicted of various sex offenses, including rape, sexual assault, prostitution, child pornography and incest. Sen. Thomas Neuville (R-Northfield) said the proposal initially sounds "like a no-brainer." However, he said, the proposal adversely affects people who have repaid their debts and rebuilt their lives. "If you believe that people can

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rehabilitate, what we did last year went too far,” Neuville said. People deserve hope after serving their time, said Sen. Julianne Ortman (R-Chanhassen). We do not want our loved ones exposed to dangerous people, she said, but we need to give employers credit about evaluating potential and current employees’ characters. The second amendment to the amendment was adopted, 26-9.

S.F. 2833 was laid on the table.

Omnibus tax bill approved

Senators also focused on the omnibus tax bill, H.F. 3374, sponsored by Sen.

Lawrence Pogemiller (DFL-Mpls.), during the latter part of the Thurs., May 11, floor session. Pogemiller said the bill contains many of the provision included in the tax bill passed by the Senate a couple of weeks ago. He said one of the major differences is H.F. 3374 does not contain the fourth tier income tax bracket. In addition, he said, the bill modifies the alternative minimum tax fix and attempts to correct the marriage penalty.

Sen. Thomas Neuville (R-Northfield) questioned the constitutionality of the bill. He said the original House file related to extending the Council on Disability

and had no connection with taxes. Pogemiller said Senate counsel had researched case law that indicates the practice has been done and that ultimately it is up to the other body. He said the other body has not been able to pass a tax bill and the members of the other body were aware of the bill.

Sen. Julianne Ortman (R-Chanhassen) urged members to vote against the bill. “The Senate DFL seems to be intent on raising taxes, whether they are needed or not,” Ortman said. She said the bill raises taxes when no increase is needed.

The bill was granted final passage on a 36-28 roll call vote.

In other action, members granted final passage to three relatively noncontroversial measures. S.F. 2743, sponsored by Sen. John Hottinger (DFL-St. Peter), sets the criteria for voting systems to be used in elections and establishes a voting machines options working group. H.F. 3488, carried by Sen. Don Betzold (DFL-Fridley) is the annual revisor’s bill that corrects erroneous, ambiguous and omitted text and obsolete references. S.F. 3236, authored by Julie Rosen (R-Fairmont), is a modification of the grain buyers’ financial statement requirements.

Human services bill okayed

Members of the Finance Committee, chaired by Sen. Richard Cohen (DFL-St. Paul) met for a brief evening hearing Mon., May 8, to consider two bills.

S.F. 3016, sponsored by Sen. Linda Berglin (DFL-Mpls.), makes changes to child care provider rates and parent fees, eliminates Medical Assistance and General Assistance Medical Care co-pays from July 1, 2006 to June 30, 2007, increases the Minnesota family investment program (MFIP) transitional standard, reinstates health care benefits for noncitizens, and suspends MFIP housing penalties. Members adopted an amendment that spread the appropriations over three years and made several provisions identical to those that had been contained in the omnibus appropriations bill. Berglin said the measure spreads about \$59 million over three years with the amendment. She said the bill tries to relieve some of the financial pressure on MFIP families. The bill was approved and advanced to the Senate floor.

The second measure, S.F. 2876, sponsored by Sen. Sandra Pappas (DFL-St. Paul), allows a student to qualify for the



With the Cathedral of St. Paul in the background, Scott Bols, from Stillwater, holds up a peace sign as he participates in a rally on the Capitol steps, Mon., May 8, sponsored by DoPeace Minnesota.

Photo by Shelley Hawes

resident tuition rate if the student attended high school in the state for three or more years, graduated from a state high school, and registered as an entering student at a public institution of higher education. The amendment also clarifies the definition of resident student to include a member, spouse, or dependent of a member of the armed forces of the United States on active duty, a person who relocated to Minnesota from an area that is declared a disaster area if the disaster interrupted the person's postsecondary education or a person defined as a refugee under federal law who has moved to Minnesota. The measure also requires students who are not citizens or permanent residents of the United States to provide the college or university with an affidavit that the individual will file an application to become a permanent resident at the earliest opportunity. Pappas said the bill was before the committee because the other body is not considering the higher education policy bill in which the provisions of S.F. 2876 were included. The measure was approved and advanced to the Senate floor.

Second omnibus bill advanced

The Tax Committee, chaired by Sen. Lawrence Pogemiller (DFL-Mpls.), met Wed., May 10, to consider bills ranging from providing a tax rebate to a sales tax exemption for capital equipment.

The panel began by considering a bill, S.F. 2551, authorizing an income tax check off to provide funds for the ongoing maintenance of the Peace Officers and Firefighters Memorial located on the Capitol Mall. Chief Author Mady Reiter (R-Shoreview) said the memorial has fallen into disrepair and needs a funding source to repair and maintain the memorial. Reiter said the check-off would also provide for a survivors benefit fund. She said the check off is similar to the check off for nongame wildlife. Jim Crawford, retired chief of the Golden Valley Police Force, and Larry Klink, past president of the Law Enforcement Memorial, spoke in support of the measure. Pogemiller said there were funds for the memorial in the bonding bill. He suggested amending the bill to provide for an advisory council to advise the commissioner of public safety on the building and preserving state memorial monuments, assist the families of public safety officers killed in the line of duty, award scholarships to surviving

family members and otherwise provide services relating to public safety officer killed in the line of duty. Sen. Mike McGinn (R-Eagan) said funds for memorials have been scarce and the placement of the memorial attracts vandals, which has made it more difficult to maintain the memorial. Members adopted the amendment and advanced the bill to the Finance Committee.

Members also heard a proposal for a property tax rebate. H.F. 4142, sponsored by Sen. Brian LeClair (R-Woodbury), specifies that on or before Oct. 1, 2006, the commissioner of revenue must pay a property tax rebate equal to nine percent of the property taxes payable in 2006. LeClair said the measure returns to taxpayers the money left over after all the bills have been paid for FY 04-05. He said the bill presents other alternatives for use of the funds. Sen. Don Betzold (DFL-Fridley) said the Senate has already passed an omnibus appropriations bill. LeClair responded that he would like to revisit the omnibus appropriations bill in order to provide funds for a rebate. An amendment was offered to remove a provision specifying that no rebates are to be paid unless the Minnesota Supreme Court reverses the District Court's order finding the health impact fee unconstitutional. The amendment was adopted.

LeClair said the bill does not deal with the current biennium and refers instead to the surplus left over from the previous biennium. He said the bill looks back and does not rely on funds generated by taxes in the current biennium. Sen. Warren Limmer (R-Maple Grove) said a property tax rebate does not take into account revenue raised by other forms of taxation and would not be a proportional return of surplus funds.

LeClair said taking all the comments about the bill into consideration it would perhaps be best to withdraw the bill. Pogemiller said at this point the bill is the House omnibus bill and it might be a service to the Senate to allow the bill to go forward with himself as chief author in order to have a tax conference committee. LeClair indicated he would prefer not to have a vote on the bill. Pogemiller said the bill would be laid over.

S.F. 1735, sponsored by Sen. David Tomassoni (DFL-Chisholm), eliminates the refund requirement for sales tax paid on capital equipment and makes the exemption available at the time of

purchase. Tomassoni said that currently exemptions from the sales tax on capital expenditures are available only through a refund program after the purchase of the equipment. Dennis Hanson, president, Cooperative Printing, said the refund program interferes with cash flow and makes it difficult to remain competitive. Jack Mansun of the Dept. of Revenue said the bill would lead to efficiencies and cost savings by eliminating the refund. In addition, he said, more taxpayers would receive refunds because it is an upfront refund. One of the difficulties with the bill, said Pogemiller, is the cost of the transition. The measure was placed on the D list meaning the bill will not proceed this year.

Members also adopted an amendment to H.F. 3374 that contains the sports memorabilia tax. The sports memorabilia tax is designated for funding the new University of Minnesota foot ball stadium, Pogemiller said. The bill, carried by Pogemiller, originally pertained to extending the expiration date on the Council on Disabilities. Pogemiller said another amendment, containing the language of the Senate's omnibus tax bill would be offered later. He said the object was to make H.F. 3374 the omnibus tax vehicle bill.

A bill, S.F. 2941, sponsored by Sen. Ann Rest (DFL-New Hope), establishing the fire safety account from revenues on fire insurance premiums and assessments, was approved and advanced to the Finance Committee. Rest said the bill also abolishes the fire insurance tax. The fire safety account is funded by an insurance policy surcharge equal to .65 percent of the gross premiums and assessments less return premiums on all direct business received by an insurance company for homeowner policies, commercial fire policies and commercial non-liability policies, Rest said. She said right now the tax is being imposed and people assume it is being used for the fire marshal's office and for firefighter training, but it is not. The bill provides that the surcharge will go for the fire safety account as originally intended.

Pogemiller said the bill, with the amendment, contains two tax bills that have already been approved by the committee. He said the bill is an omnibus tax bill looking for a companion. He said the contents of the amendment contain the omnibus tax bill passed on the floor, plus

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the bill fixing the marriage penalty and the alternative minimum tax without the creating a fourth tier income tax bracket. All of which, he said resulted in being about \$42 million out of balance. The amendment, though, balances the bill by making changes to a variety of other provisions. He said the bill offers an opportunity for the other body to have a tax bill, because no omnibus tax bill is being heard.

Tomassoni offered an amendment to extend the deadline for municipalities to use conservation investment program funds to refurbish existing steam lines. The amendment was adopted, but later reconsidered and withdrawn. Another amendment, offered by Tomassoni, specifies that small wind energy conversion facility substations be exempt from property tax. The amendment was adopted. Members also adopted an amendment relating to taconite.

Sen. Thomas Bakk (DFL-Cook) sponsored an amendment allowing the Bois Forte Indian Community to enter into an agreement to join the city of Cook hospital taxing district. The amendment was adopted. Members also adopted an amendment containing language that had been included in the tax increment financing technical bill.

The committee adopted amendment including the provisions of the omnibus bills, approved the measure and sent it to the full Senate.

Schedule available online

Next week's schedule is available at <http://www.senate.mn/schedule/2006/0515.htm>

Civic education DVD created

Senate Media Services has produced a DVD consisting of several short videos informing the public about the Minnesota Senate and the legislative process. The DVD provides an excellent tool to support presentations about the legislative process to help citizens become involved in their government. These short videos, which are televised during legislative coverage and often incorporated into Capitol Report, focus on various topics, including the branches of government, political party differences, how to read a bill, how to testify before a committee, effective ways to communicate with legislators, where to

obtain information, the Senate Chamber, and the role of the professional and citizen lobbyist. For more information about the DVD, contact Senate Media Services at (651) 296-0264.

Educational Videos Available

Three videos, "Discover the Capitol," "Power in the Process: The Anti-Hazing Law," and "Rules, Laws and the Process," can be accessed at <http://www.leg.mn/leg/youth/video.htm>

These videos are excellent sources of information on the history of the State Capitol, how laws are made in Minnesota and how even the state's youngest citizens can get involved in the legislative process.



Site wins digital government award

The Center for Digital Government announced in October 2005 that the Minnesota Legislature's website won a Digital Government Achievement Awards (DGAA). The national program recognizes outstanding agency and department web sites and applications that enhance information interactions, transactions or services. The DGAA is produced in conjunction with the Center's annual Best of the Web (BOW) awards program. BOW recognizes the most innovative, user-friendly state and local government portals, while the DGAA showcases some of the nation's most creative, advanced government Web sites and applications. The Center received more than 250 entries for the program this year.

"Public agencies of all sizes and from all levels of governments are using digital tools to serve citizens in the digital age," said Cathilea Robinett, executive director of the Center for Digital Government. "The quality and quantity of interactions between citizens, business and their government has reached new levels of service."

The Legislature's site won in the government-to-government category. Five other sites were recognized in the category, representing government agencies and offices at the federal, state and local levels across the country.

MyBills system available

The MyBills personalized bill tracking system is now available. Users can add House and Senate bills to their lists by bill number, subject, or author, and view the legislative status of their bills, with items with significant current floor action highlighted. Users can modify their lists at any time. The MyBills system is available from the Legislative website at: <http://www.house.mn/leg/billsblogin.asp>

Frequently called numbers

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House Sergeant at Arms	
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G-17 Capitol	(651) 296-4791
House Research	
600 State Office Building	(651) 296-6753
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B-5 Capitol	(651) 296-6741

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A photo essay*

Sunday, May 21, 6 a.m. Early morning sun illuminates the Capitol dome as Legislators continue their work inside with one hour to go in the penultimate legislative day. Photo by David J. Oakes



May 22, 2006

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Major bills passed

Senators met for a marathon floor session Sat., May 20, that was marked by periods of recess and flurries of activity as conference committee reports, messages from the House and Special Orders bills were considered.

Former Senators memorialized

Members began by adopting a resolution memorializing the life and work of past members of the Senate who have died in the last two years.

Clean Water Legacy Act okayed

A measure designed to bring the state into compliance with the federal Clean Water Act was approved in the afternoon hours of the session. S.F. 762, authored by Sen. Dennis Frederickson (R-New Ulm), establishes a process to evaluate the state's waters, to identify impaired waters, to set a total maximum daily load for impaired waters, and to implement a plan to remove impairments. The bill establishes a clean water council, creates a phosphorus grant program to help cities reduce their phosphorus levels, and creates a small community wastewater treatment loan and grant program. Frederickson said the bill does not include appropriations to support the programs; the appropriations are being negotiated as part of the omnibus supplemental budget bill.

He said one provision is controversial. The measure permits the Pollution Control

Agency to grant a nutrient loading offset before a total maximum daily load has been set for a body of water. I would have preferred not having the provisions, Frederickson said, but some compromise was necessary in the conference committee. We are a state known for our waters, he said. The bill is like a vehicle to transport us from Point A to Point B, he said. Like a vehicle, it needs to be fueled to work properly, he said, and the state must become serious about funding the programs in the bill.

Several Senators, including Sen. John Marty (DFL-Roseville) and Sen. Scott Dibble (DFL-Mpls.) said they were deeply troubled by the nutrient loading offset provision. They said the substance of the provision is already being litigated under federal law. S.F. 762 was repassed, 52-12.

Gopher gridiron gains

Big Ten football will return to the University of Minnesota campus under a bill repassed in the early evening hours of the session. S.F. 2460 provides for construction of an on-campus football stadium for the Golden Gophers. It includes \$10.25 million a year in state funding for 25 years, permits the University to sell naming rights to a corporation, allows for a student fee of up to \$25 per year, provides for the transfer of land in Dakota County from the U to the state and creates a mitigation fund to address the needs of neighborhoods near the stadium. Chief Author Lawrence Pogemiller (DFL-Mpls.) said the bill does not include the proposed memorabilia tax. The memorabilia tax is also not alive in the tax conference committee, he said, so the state share of the stadium costs will compete with other priorities in the general fund. Big Ten football should be played outside and on-campus, said Sen. Geoff Michel (R-Edina). The days of the Metrodome are numbered, he said, and the bill represents a viable plan to provide a facility for Gopher football. The bill also includes a provision providing temporary financial support for the Hockey Hall of Fame in Eveleth. Sen. David Tomassoni (DFL-Chisholm) said the provision was added as an incentive to raise private funds to support the Hall of Fame. It made sense to be added to this bill, he said, because Eveleth is the home of prominent University alumni, including John Mariucci, namesake of the University's men's hockey arena.

Several Senators spoke against the proposal. Sen. Jane Ranum (DFL-Mpls.) said the state's top priority should be making the University one of the nation's top three research institutions. A measure to fund bioscience research is dead, she said, but the stadium proposal is moving forward. We should not fund athletics and ignore the academic priorities, she said. The bill coming out of conference committee lacks an identifiable funding source, said Sen. Mee Moua (DFL-St. Paul). General fund dollars should be used to support the U's core mission, educating students, she said. Moua noted that tuition has risen dramatically in recent years because the state lacked general fund dollars to support the U, but now is willing to spend from the general fund for a stadium. Sen. John Marty (DFL-Roseville) said the state share amounts to a subsidy of \$1.7 million per home game for the next 25 years. The land transfer is not a real conveyance, said Sen. Thomas Neuville (R-Northfield). The agreement prohibits development, which is what makes the land valuable, he said, and gives the University a perpetual right to continue using the land as it sees fit. He said the Metrodome is suitable for continued use for football and that economically it would be better to give the Metrodome to the U instead of building a new stadium. S.F. 2460 was repassed, 43-24.

Twins bill advances

After almost two hours of debate in the pre-dawn hours of Sun., May 21—and the waning hours of the Sat., May 20, legislative day—a proposal to build a new ballpark for professional baseball was approved by Senators.

H.F. 2480, carried by Sen. Steve Kelley (DFL-Hopkins), creates an authority to supervise the construction of the ballpark, permits Hennepin County to fund its share of the stadium costs through a 0.15 percent local option sales tax and waives a required referendum for the tax. The bill also includes language permitting Anoka County to impose a 0.75 percent local option sales tax if the Legislature approves a plan to build a new professional football stadium.

To begin the discussion, Kelley moved to adopt the conference committee report. Sen. Michele Bachmann (R-Stillwater) then moved to reject the report and recommit the bill to the conference committee. Bachmann said she was deeply

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Sen. Lawrence Pogemiller (DFL-Mpls.), left, is congratulated by Rep. Phil Krinkie (R-Shoreview) on the Senate floor at 5:53 a.m., Sun., May 21, following the passage of an omnibus tax bill. Both Legislators are the chairs of their respective bodies' tax committees.

Photo by David J. Oakes

concerned about the Vikings provisions in the bill. My constituents in Anoka County want to vote on the proposed sales tax for the stadium, she said. Bachmann said she was also concerned about provisions requiring the ballpark authority to discriminate in its hiring and vendor selection. The bill requires the authority to attempt to have entry-level middle management and upper management staffed by minority and female employees, to employ women and members of minority communities, and to utilize minority and female-owned businesses in Hennepin County.

Sen. Mady Reiter (R-Shoreview) said her constituents also want to vote on the proposed sales tax. Regardless of whether they support or oppose the Vikings proposal, she said, the consistent theme is to let them vote. There was no real discussion of the referendum requirement in the conference committee, said Sen. John Marty (DFL-Roseville), even though that has been the hottest item of public discussion on the sports facilities this year. Since 1999, every local option sales tax has been subject to a referendum, said Sen. William Belanger (R-Bloomington). Some communities have even voted before they came to the Legislature for approval, he

said, and yet they were denied Legislative approval. Belanger said that not all local governments can afford high-priced lobbyists, which is apparently what it takes to get an exception. This year's omnibus tax bill includes three local option sales taxes, he noted, all with the required referendum intact. Duluth had a referendum on a local option sales tax to support an expansion of the Duluth Entertainment and Convention Center, said Sen. Yvonne Prettner Solon (DFL-Duluth). We went through all the steps, she said, and yet we end up with no project. The DECC expansion is not in the bonding bill, she said. I could support

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imposing the sales tax in Hennepin County for the Twins if it was clear that the residents supported the tax, she said.

Marty also addressed concerns that a vote against the measure was a vote to drive the team out of Minnesota. We have been told since 1997 that the Twins would leave if we did not approve a new ballpark, he said. At one point, we were given copies of a letter of intent to sell and move the team, Marty said. Yet the team is still here and keeps coming back with threats, he said. The threats may now be sugarcoated and usually made only by supporters, not the team directly, he said, but they are still there. Marty said the state could and should examine alternatives, including what other communities have done, such as private financing.

Sen. Satveer Chaudhary (DFL-Fridley) expressed his disappointment with the elimination of the Senate's proposal to fund the Met Council's 2030 transit plan. The transit support was shifted to another conference committee, he said, effectively sweeping it under the rug. People deserved to vote on imposing a half-cent Metro Area sales tax to fund transit, the ballpark and the stadium, Chaudhary said.

The Senate conferees promoted the transit plan, said Sen. Sharon Marko (DFL-Cottage Grove), but it was clear the other body's conferees would not broaden the scope of the bill. We decided to move it to a conference committee where we thought the plan had a better chance of getting real attention, she said. Sen. Julie Rosen (R-Fairmont) said Legislators should place more trust in local elected officials. Commissioners in two counties agreed to these plans, she said, and agreed not to submit the taxes to public vote. That was their decision to make and we should not second-guess them, she said.

The motion to recommit the bill to the conference committee was defeated on a 24-42 roll call vote. The motion to adopt the conference committee report was adopted, 35-31. H.F. 2480 was repassed, 34-32.

Spending amicus brief okayed

Senators also approved a resolution authorizing Senate counsel to file a brief on behalf of the Senate in pending litigation regarding the Legislature's constitutional role to appropriate money. Chief Author Thomas Neuville (R-Northfield) said a bipartisan group of Legislators initiated the litigation at their

own expense, but having the Senate file a brief as a friend of the court would express the institution's interest in protecting its powers.

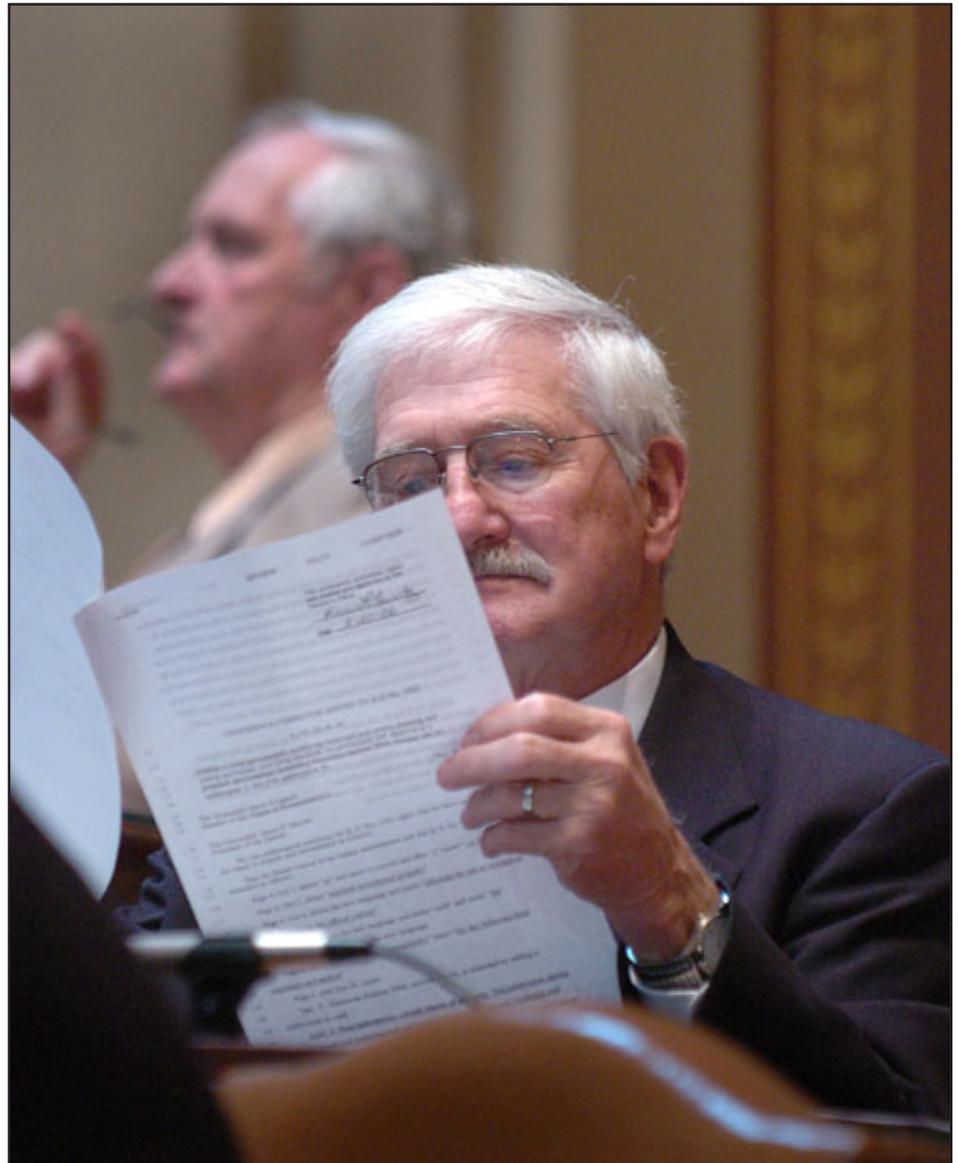
Sen. Linda Berglin (DFL-Mpls.) opposed the resolution, saying the unusual action taken by the governor, attorney general and judiciary last year was prompted by a unique situation. If the appropriation had not happened, she said, government services would have shut-down, leaving people in hospitals and nursing homes without any way to continue receiving care. We should be glad we got through that time without harm to anyone, Berglin said. However, Sen. John Hottinger (DFL-St. Peter) said the resolu-

tion reflects the importance of the Legislature as an institution asserting its separation from the other branches of government. We must protect the integrity of this institution and defend our distinct authority to appropriate funds, whatever the dramatic and unusual circumstance, he said.

Senate Resolution 167 was adopted on a voice vote.

Numerous bills repassed

The omnibus identity theft bill, S.F. 2002, was the first bill to come under consideration for concurrence and repassage. Sen. Dan Sparks (DFL-Austin),



Sen. Jim Vickerman (DFL-Tracy) carefully reads over proposed legislation during the Senate floor session, Sat., May 20.

Photo by David J. Oakes

chief author, said the amendments added by the other body included a provision relating to credit cards issued to minors. Other provisions allow consumers to place a security freeze their credit, authorize credit blocks in cases of identity theft, provide protections against identity theft provides for the adequate destruction of personal records and regulate data warehouses. The measure was repassed on a 54-0 vote. S.F. 3213, sponsored by Sen. Gary Kubly (DFL-Granite Falls), also gained concurrence and repassage. The bill conveys land, authorizes an agreement related to Trunk Highway 60 construction and removes routes from the state highway system. Kubly said the amendments by the other body involved adding the conveyance of several small parcels of land. The bill was repassed 55-0. S.F. 3551, sponsored by Sen. James Metzen (DFL-South St.

Paul), regulates real estate appraiser trainees and modifies appraiser education, experience and examination requirements. Metzen said the amendments added by the other body were simply clarifying language. The measure was repassed on a 57-0 vote. S.F. 2851, sponsored by Sen. Tom Saxhaug (DFL-Grand Rapids), the omnibus Department of Natural Resources lands bill, was repassed. The bill adds to and deletes from state parks, state forests, and recreation areas, provides an exemption to obtaining a state park permit to military personnel on leave from active duty, modifies the sustainable forest resource management incentive program and provides for public and private sales and exchanges of state lands. Saxhaug said the House amendments were mostly clarifying in nature. The bill was repassed 58-0.

Senators also concurred in the amendments made by the other body to S.F. 2743. Authored by Sen. John Hottinger (DFL-St. Peter), the measure is the omnibus elections bill. Hottinger said the language was worked out by people on both sides of the aisle in both bodies, with significant encouragement from the Secretary of State's Office. He said the bill provides for recognition of tribal ID cards, approves the adoption of HAVA rules without rulemaking, allows wireless telephone bills to be used as residency identification, criminalizes deceptive elections practices, ensures confidentiality for domestic violence victims, allows election agencies and libraries to link to official campaign websites, and allows for absentee voting in case of pandemic. S.F. 2743 was granted repassage, 64-0.



Senators Amy Koch (R-Buffalo), left, and Debbie Johnson (R-Ham Lake) closely examine a spreadsheet as the Senate considers a supplemental budget bill in the closing hours of the legislative session, Sun. May 21.

Photo by David J. Oakes

Senate Highlights



Senators Chris Gelach (R-Apple Valley), left, and Geoff Michel (R-Edina) look up information on a laptop computer during the Sun., May 21, evening floor session.

Photo by David J. Oakes

S.F. 2939, carried by Sen. Dean Johnson (DFL-Willmar), provides for the acquisition of real estate by the city of Pennock. Johnson said the amendments made by the other body include permitting the city of Kiester to operate a grocery store, restricting the sale or lease of property listed on the National Register of Historic Places, providing for conveyance of surplus state land to a local government unit and requiring a study of the future the Grand Mound State Historic Site. The measure was repassed, 54-9.

S.F. 3132, sponsored by Sen. Wesley Skoglund (DFL-Mpls.), is the omnibus data privacy bill. Skoglund said the other body removed some Senate provisions he would have preferred to keep. However, he said, it is generally a good bill. Sen. Satveer Chaudhary (DFL-Fridley) noted

that among the provisions removed by the other body were limitations on the government's ability to sell driver's license data on the private market. "Government is aiding and abetting identity thieves by putting this information on the open market," he said. Skoglund said the other body replaced the language of the Senate bill with its own provisions, which did not include the driver's license data restrictions. No one in the other body offered the driver's license provisions, he said. At this late hour, we cannot reasonably go to conference committee, Skoglund said, and it is unlikely the other body would accept the driver's license language. He said the provisions were excellent and deserved to become law. Sen. Warren Limmer (R-Maple Grove) said Chaudhary's concerns are well founded. We have more work to

do next year, Limmer said. S.F. 3132 was repassed, 64-0.

Sen. Ann Rest (DFL-New Hope) carried two bills. S.F. 1940 modifies Metropolitan Council and Metropolitan Airports Commission memberships and was repassed 61-2. S.F. 2735 modifies provisions relating to the Legislative Audit Commission. The bill was repassed 64-0.

S.F. 1040, carried by Sen. Don Betzold (DFL-Fridley), limits the liability of medical professionals for the conduct of prisoners or civilly committed persons after release. S.F. 2994, sponsored by Sen. Steve Kelley (DFL-Hopkins), makes modifications to a variety of education and postsecondary education provisions. S.F. 3236, carried by Sen. Julie Rosen (R-Fairmont), modifies grain buyer financial statement requirements. S.F. 367, sponsored by Sen. Sheila Kiscaden (DFL-Rochester), implements health care cost-containment measures, modifies the qualification standards for licenses, establishes fees, requires a study of hospital uncompensated care, allows discounted payment for health care under certain circumstances and regulates eligibility criteria for Medical Assistance special transportation services and adds provisions for service cooperative contracts. H.F. 3302, carried by Sen. David Senjem (R-Rochester), modifies municipal and county planning and zoning provisions and provides standards for preliminary plat approval in a proposed development. All of the bills were repassed on unanimous votes.

S.F. 2833, carried by Hottinger, provides an exception for human services background studies or set aside notification. The measure was repassed on a 55-10 roll call vote. S.F. 2239, carried by Sen. Lawrence Pogemiller (DFL-Mpls.), is the omnibus pensions bill. Pogemiller said the changes made by the other body were mostly minor and technical in nature. The bill was repassed, 63-3.

Pogemiller also carried S.F. 1057, which seeks to resolve the plight of the Minneapolis Teachers Retirement Fund by consolidating the fund with the statewide Teachers Retirement Association. Pogemiller said the bill also makes numerous important structural changes to the retirement system. The bill is very similar to what we passed earlier this year, Pogemiller said. He said the bill proposes a benefit increase for every teacher in TRA, while also reforming the system by

imposing a five percent cap on post-retirement benefit adjustments, clarifying the presentation of employer contributions in the governor's biennial budget proposal, requiring a clearer presentation of investment performance by the state auditor and providing for studies of comparative plan provisions and the statewide retirement plan structure. The bill is extremely necessary, Pogemiller said. Currently, the Minneapolis teachers fund is less than half funded, he said, and the bill is needed to prevent teachers from losing their pensions.

Sen. Cal Larson (R-Fergus Falls) said the bill creates inequities by not addressing the needs of about 4,000 retired teachers. It also imposes a cost on the state of about \$18 million per year, he said.

S.F. 1057 was repassed, 37-26.

Special Orders passed

Members also passed several bills on Special Orders, generally with no opposition. S.F. 2817, sponsored by Sen. Terri Bonoff (DFL-Minnetonka), memorializes the President and Congress to carry through on their pledge to fund 40 percent of special education costs. H.F. 3747, carried by Sen. Dan Sparks (DFL-Austin), regulates motor fuel franchises and provides an exemption for certain motor fuel franchises from one section of law. S.F. 2553, carried by Sen. Mady Reiter (R-Shoreview), memorializes the President and Congress to enact legislation to allow members of the armed forces to transfer unused educational assistance to their dependents. S.F. 3076, authored by Sen. Geoff Michel (R-Edina), regulates business corporations, clarifies terms, updates terminology to include new forms of business activity including references to limited liability companies and their governance attributes where appropriate and regulates limited liability companies.

H.F. 3718, carried by Sen. Scott Dibble (DFL-Mpls.), includes in state procurement documents language indicating the state intends to purchase plug-in hybrid vehicles when the technology becomes commercially viable. The measure also creates a task force to identify barriers to the adoption of plug-in hybrid electric vehicles by various categories of Minnesota drivers and to strategies to overcome the barriers. Finally, the bill encourages the automotive engineering program at Minnesota State University, Mankato, to retrofit two flexible fuel

vehicles to also operate as plug-in hybrid electric vehicles. S.F. 3109, sponsored by Sen. Ellen Anderson (DFL-St. Paul), contains the recommendations of the Unemployment Insurance Advisory Council. H.F. 2677, carried by Sen. Steve Murphy (DFL-Red Wing), permits towns to contract for the maintenance of town roads without using an open bid process by using the rates established in a contract put out for open bid by a county maintaining an adjoining county road.

H.F. 3664, carried by Sen. Jim Vickerman (DFL-Tracy), is the omnibus veterans bill. Members had considered the measure earlier in the week, but tabled it. In earlier action, Sen. Wesley Skoglund (DFL-Mpls.) had offered an amendment. After the bill was taken from the table, Skoglund withdrew his amendment. Dibble offered an amendment permitting household and family members to be eligible for mandatory leave to attend send-off or homecoming ceremonies or in the event of a service member's death. After Vickerman said he opposed the amendment, Dibble withdrew it.

Sen. Warren Limmer (R-Maple Grove) sponsored a bill, H.F. 3237, authorizing ISD 728, Elk River, to establish a task force to examine the district's governance, facilities, and programming. The bill was granted final passage, 60-3.

Finally, Senators granted final passage to H.F. 2656. The bill, sponsored by Sen. Jane Ranum (DFL-Mpls.), is the omnibus public safety policy measure. Ranum said the bill sets forth procedures in cases where the state intends to seek an aggravated departure from the Sentencing Guidelines, prohibits use of alcohol without liquid devices, modifies penalties for persons keeping controlled animals that cause bodily harm, modifies provisions relating to violations of orders for protection, modifies penalties for domestic abuse, provides penalties for human trafficking, provides penalties for counterfeiting currency, provides for computer security, modifies DWI provisions, establishes a collateral consequences committee to study collateral consequences of adult convictions and modifies other controlled substance, DWI and traffic safety provisions. She said other provisions modify public safety policy, require carbon monoxide alarms in single family and multi-family dwellings, modify a number of corrections provisions, modify provisions relating to the courts, and modify

provisions relating to emergency communications. The measure was granted final passage on a 65-0 roll call vote.

Conference reports adopted

The conference committee report on the bonding bill, H.F. 2959, was also adopted and the bill repassed. Sen. Keith Langseth (DFL-Glyndon), chief author, said the bill provides \$115 million for the University of Minnesota, \$191 million for the Minnesota State Colleges and Universities system, \$25 million for flood prevention, \$17 million for the Pollution Control Agency, \$100 million for the Dept. of Natural Resources, \$15 million for the Minnesota Zoo, \$7.5 million for the Dept. of Veterans Affairs, \$60 million for the North Star Commuter Rail, \$58.3 million for the Dept. of Human Services and \$61.06 million for the Dept. of Corrections. Langseth said the bill contains bonding totaling \$999 million. Members adopted the report and without debate repassed the bill on a 60-6 roll call vote.

The tax conference committee report, H.F. 785, carried by Sen. Lawrence Pogemiller (DFL-Mpls.) was adopted and repassed. Pogemiller said one of the most significant pieces of the bill was to fix the alternative minimum tax, resulting in a lower tax liability for 82 percent of alternative minimum tax filers. The measure also provides for an active duty military tax credit, local option sales taxes, and incentives for alternative energy production. He said the bill does not contain the provisions relating to foreign operating corporations. Sen. LeRoy Stumpf (DFL-Plummer) said the conference committee report does not contain the property tax relief that was in the Senate version of the bill and asked why the provision was dropped. Pogemiller said that with the target that was set for the bill, the conference committee was unable to provide permanent property tax relief. Stumpf said the target of \$202 million should have allowed for some property tax relief. Pogemiller said we were unable to accomplish the tax relief and it is a major shortcoming of the bill. The conference committee report was adopted and repassed on a vote of 66-0.

The conference committee report on H.F. 3451, sponsored by Sen. Betsy Wergin (R-Princeton), was adopted and repassed. The bill provides land dedication standards, regulates historic properties, provides dedication of new housing unit

Senate Highlights

fees and authorizes surplus state land conveyance. The measure was repassed 64-0.

S.F. 3480, authored by Sen. Linda Scheid (DFL-Brooklyn Park), is the omnibus insurance bill. The measure regulates license education, regulates insurers, enacts an interstate insurance product regulation compact, and regulates the Minnesota uniform health care identification card. The bill was repassed, 51-12.

Senators adopted conference committee reports on several additional bills. H.F. 2892, authored by Sen. John Hottinger (DFL-St. Peter), permits Minnesota State University, Mankato, to raise money to construct an academic building. The report was passed on a 58-0 roll call vote. H.F. 3779, carried by Sen. Steve Dille (R-Dassel), regulates adults-only businesses. Dille said the conference committee accepted the entire Senate position and added language bringing townships within the measure's scope, defining nudity for the purposes of the regulation and permitting local units of government to extend the permitted hours of operation of adults-only businesses beyond 10 p.m. The bill was repassed, 57-1. H.F. 3185, sponsored by Scheid, classifies bioprocess piping and equipment data as nonpublic and includes bioprocess piping in the definition of high pressure piping. The measure was repassed, 56-0.

S.F. 2576, carried by Sen. Dan Sparks (DFL-Austin), extends the "lemon" law to cover ambulances. Sparks said the conference committee agreed to compromise language regarding hospital moratorium exceptions proposed by the other body. The bill was repassed, 64-0. S.F. 785, sponsored by Sen. Sandra Pappas (DFL-St. Paul), prohibits children under the age of 17 from renting or buying video games rated as adults only (AO) or mature (M). The conference committee changed the petty misdemeanor penalty, which included a \$25 fine, to a civil fine of \$25, Pappas said, and set a font size for the sign retailers are required to post. The bill was repassed, 56-6. S.F. 3199, sponsored by Sen. Thomas Neuville (R-Northfield), is the omnibus child support bill. Neuville said the other body adopted most of the Senate provisions, with a few minor exceptions. The bill was repassed, 59-2.

Spending ok'd, session adjourned

Legislators met in an unprecedented floor session Sun., May 21, to wrap up work on the supplemental appropriations bill and to celebrate the Senate careers of members who are retiring this year.

The conference committee report on the supplemental appropriations bill, H.F. 4162, was presented by Sen. Richard Cohen (DFL-St. Paul). Cohen said the bill was a product of an arduous process, but that large sections of the bill reflect Senate provisions, particularly provisions relating to crime prevention, human trafficking, and the gang strike force. The public safety section and the provisions relating to funding for sex offenders are particularly important, Cohen said. He said other important areas include funding for the University of Minnesota biomedical research, the clean water legacy, programs for veterans and extension of health care access. Major disappointments in the bill include not being able to provide supplemental aid for education, Cohen said, despite extremely hard work by Sen. LeRoy Stumpf (DFL-Plummer). Cohen also paid tribute to the work of Sen. Linda Berglin (DFL-Mpls.), Sen. Dallas Sams (DFL-Staples) and Sen. Jane Ranum (DFL-Mpls.) over the course of the session, the results of which were included in the omnibus bill. He said the other body simply refused to provide aid for schools. In addition, I am particularly proud that the Senate succeeded in retaining funding for early childhood and family education, Cohen said. He said the success is due to the passion of retiring Sen. John Hottinger (DFL-St. Peter) who was able to reverse the downward trend in early childhood funding.

Berglin said there were some successes including funding for the shortfall for mentally ill and dangerous offenders and sex offenders, a salary supplement for workers in the sex offender program, funding for pandemic flu preparedness, a raise in the food stamp asset limit, and funding for three small parts of a larger mental health initiative. The biggest success for Minnesota Care this year is that we were able to prevent the transfer of funds from the health care access fund for non-health care purposes, Berglin said.

Hottinger expressed gratitude to members of the conference committee for working hard to create a bill reflecting the Senate's priorities. The outcome is good

for children and good for Minnesota, Hottinger said. The bill provides different approaches and different ideas and an emphasis on outcomes, he said. He said the bill was particularly meaningful because the other body had no provisions for early childhood.

Stumpf said K-12 education lost in the conference committee process. I did not sign the conference committee report, Stumpf said, because even though we put together a very good bill to provide money to help our school districts and property tax relief, it was all lost. Stumpf said, "We see this train coming down the line and we wanted to divert the impact for our property tax payers, but that didn't occur."

Sen. Sheila Kiscaden (DFL-Rochester) said one of the areas often overlooked is the state government portion of the bill. But, she said, we are at war and our military personnel will be coming home. The bill attempts to make the transition for returning veterans as smooth as possible. We were able to provide funding for a variety of veterans programs, she said. In addition, we were able to provide funding to protect the state's technology infrastructure, she said. "As a state Senator from Rochester, I would also like to thank the Senate, the House and the governor for funding for a number of projects in Rochester," Kiscaden said. She said the funding is an investment in the future for the state, particularly with the confluence of medical and technical fields in Rochester.

Sen. Gen Olson (R-Minnetrista) said that while she shared Stumpf's disappointment in the failure to gain more K-12 education funding, the bill does make some good investments in economic development, in public safety to protect our citizens and in environment and natural resources. I believe this bill is worth supporting and there are some good investments in our future, she said.

"We had a general fund target of \$202 million and we had deficiencies of about half of that, but what you see in the bill is a tribute to the knowledge of finance division chairs," said Sen. Dennis Frederickson (R-New Ulm). He said of particular interest to him was funding to prevent bovine tuberculosis, an appropriation for operation of campgrounds in Northern Minnesota and funding for the Clean Water Legacy Act. "We are ending up the session with about \$25 million to protect our waters," Frederickson said. Sen.

Steve Dille (R-Dassel) also spoke in support of the bill, particularly a provision encouraging character education in schools.

The conference committee report was adopted and the bill repassed on a 66-0 roll call vote.

S.F. 2973, sponsored by Sen. John Marty (DFL-Roseville) was also granted final passage after the Senate concurred with amendments made by the other body. The bill is a combination of a number of bills, Marty said, the Dept. of Natural Resources technical bill, the omnibus lands bill, the omnibus game and fish bill, a bill relating to state parks and a bill modifying provisions relating to the IRRRB. Sen. Thomas Bakk (DFL-Cook) said the bill also contains a number of policy provisions from the omnibus environment, agriculture and economic development bill. In addition, Bakk said the game and fish provisions are very similar to the bill passed on the Senate floor. However, Sen. Satveer Chaudhary (DFL-Fridley) questioned a provision allowing the use of shining to take coyote and fox and a provision relating to a moratorium on aquaculture. Sen. Gary Kubly (DFL-Granite Falls) said the bill was the product of compromise and involved taking portions of bills from several areas in an attempt to put together legislation that could pass both bodies. Frederickson urged support of the bill because of a provision allowing the commissioner to establish special seasons and limits for military personnel and veterans to take big game and small game by firearms or archery in designated areas or times while participating in hunts sponsored and administered by the Dept. of Veterans Affairs or the Dept. of Military Affairs. The bill was granted repassage on a 66-0 vote.

The final bill receiving Senate action was H.F. 4157, the technical corrections bill. The measure, sponsored by Sen. Don Betzold (DFL-Fridley), makes corrections in spelling, punctuation and other errors in bills passed over the course of the session. Members also adopted closing resolutions relating to the operations of the Senate during the interim. Members adjourned the session sine die shortly after 11 p.m.

Retiring Senators say goodbye

Eight members had previously announced their retirements and gave retirement speeches. The departing Senators have 77 years of Senate service

and 117 years of service in both bodies. All of the retirees thanked their colleagues and the staff of the Senate for helping them day in and day out.

"I just love beginnings, but I love happy endings even more," said Sen. Michele Bachmann (R-Stillwater). She said the session has been a tussle, but that the ending is a good one. Sen. John Hottinger (DFL-St. Peter) said that as he reflected on his memories while preparing his retirement speech, he realized that all the best memories are bipartisan. He reflected on his "classmates" from the election of 1990, including the late Sen. Janet Johnson, who died while serving in the Senate. "I have enjoyed every minute and I will miss it, because this is the Senate and there is no better place to have served," he said.

I was in total awe of this building on my first visit as a sixth-grader, said Sen. Sheila Kiscaden (DFL-Rochester). I still feel that when I enter and leave, she said. The Capitol looks so serene from the outside, but it is like a beehive, pulsing with passion inside, Kiscaden said. It is hard to leave, because there is so much more work to do, said Sen. Becky Lourey (DFL-Kerrick). "Working with each of you has truly been a labor of love," she said. Sen. Sharon Marko (DFL-Cottage Grove) said leaving after only one term is bitter-sweet. She said the move to Minnesota was the 17th of her life. Since then, she said, I have been embraced by this state and honored to serve it. "This has really been a tremendous experience," Marko said.

Sen. Jane Ranum (DFL-Ranum) said no one, including her, would have predicted the turns her life has taken over the last decades. I have been part of major accomplishments over a 16-year career by working on both sides of the aisle, she said. Ranum thanked her husband for reminding her, in tough times, that she did not get to where she was by being somebody she's not. "I feel very blessed to have been here," said Sen. Wesley Skoglund (DFL-Mpls.). As a kid reading the newspaper, I would think I could, just maybe, be in public service, he said. What I have actually been able to do has been astounding, he said. "I have had the fastest 30 year career of anybody," he said. The eighth announced retiree, Sen. Bob Kierlin (R-Winona), was unable to attend the final night of the session.

Senators also recognized the service of former Sen. David Gaither, who left the

Senate during the interim before the 2006 session to become the governor's chief of staff. Every time I approach this chamber, a sense of humility comes over me, he said. It takes courage to run for office and to stand for what you believe in when it isn't popular, Gaither said.

Majority Leader Dean E. Johnson (DFL-Willmar) thanked the retirees for their service and reflected on their shared experiences. You are all very bright and do your homework before coming here, he said to them. He said they are all passionate people who give of themselves for the greater good of the state. Johnson expressed the gratitude of the Senate for their service and friendship.

Frequently called numbers

Secretary of the Senate	
231 Capitol	(651) 296-2344
Voice mail/order bills	(651) 296-2343
Chief Clerk of the House	
211 Capitol	(651) 296-2314
Senate Index	
110 Capitol	(651) 296-2887
House Index	
211 Capitol	(651) 296-6646
Senate Information	
231 Capitol	(651) 296-0504
Toll free	1-888-234-1112
House Public Information	
175 State Office Building	(651) 296-2146
Toll free	1-800-657-3550
Senate Committee Hotline	
House Committee Hotline	
Senate Sergeant at Arms	
G-1 Capitol/Chamber	(651) 296-1119
House Sergeant at Arms	
45 State Office Building	(651) 296-4860
Senate Counsel & Research	
G-17 Capitol	(651) 296-4791
House Research	
600 State Office Building	(651) 296-6753
TTY, Senate	
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Toll free	1-800-657-3550
Legislative Reference Library	
645 State Office Building	(651) 296-3398
Revisor of Statutes	
700 State Office Building	(651) 296-2868
Capitol Information Desk	
1st Floor Capitol	(651) 296-3962
Capitol Historic Site Tours	
B-59 Capitol	(651) 296-2881
Capitol Security	
B-5 Capitol	(651) 296-6741

Floor update

Monday, May 15

Eminent domain bill okayed

Senators met Mon., May 15, to repass a bill making significant reforms to eminent domain procedures and standards in Minnesota. The measure, S.F. 2750, had been approved in different forms by both bodies and sent to a conference committee to negotiate final legislation.

Chief Author Thomas Bakk (DFL-Cook) said the final agreement largely reflects the Senate position going into conference. One notable change, he said, was in the attorney fee provision. Under the final version of the bill, attorney fees are not available if the value of the taken property is less than \$25,000. The bill also prohibits awarding attorney fees if the final award is less than 20 percent greater than the last government appraisal, allows the court to award attorney fees if the final award is between 20 and 40 percent greater, and requires awarding attorney fees if the final award is more than 40 percent greater. This bill establishes a clear and understandable definition of blight and environmental contamination, Bakk said,

and prohibits taking private property for private economic development. It levels the playing field between government and property owners, he said. Bakk said the bill fairly compensates business owners who lose their enterprises because their property is taken. It restores the public's understanding of what eminent domain is for, he said.

I did not really support the bill before, said Sen. Sandra Pappas (DFL-St. Paul), and I cannot support it now. She said the bill is an overreaction to one U.S. Supreme Court case. We should have slowed down and focused on the narrow issue of homestead property being taken, Pappas said. Officials from the city of St. Paul, she said, say the standards for blight in the bill are too high. The bill makes it too hard to redevelop property and pushes development outside the cities, she said. Bakk said the bill does represent a significant change in eminent domain law. We often revisit issues when we have made substantial changes in one year, he said, and it is almost certain that next year we will tinker with eminent domain. Bakk said he understands that cities do not want change. They like the current framework because they have all the power, he said, and the

bill takes away government's unfair advantage.

S.F. 2750 was repassed, 56-9.

Additionally, Senators granted final passage to several bills as Special Orders.

S.F. 3058, carried by Pappas, is the omnibus higher education policy bill. The measure permits undocumented aliens who have attended high school in Minnesota for at least three years and graduated from a Minnesota high school to qualify for resident tuition rates at state public higher education institutions. The bill requires students who are not citizens or permanent residents to file affidavits indicating they intend to seek status as a permanent resident at the earliest opportunity. The measure also provides for a higher education textbook cost study, modifies student loan provisions, and permits the construction of a new College of Business building at Minnesota State University, Mankato. The bill was granted final passage, 44-19.

S.F. 2994, authored by Sen. Steve Kelley (DFL-Hopkins), is the omnibus education policy measure. It includes technical provisions recommended by the Dept. of Education, creates a school safety advisory council, requires schools to adopt



Senators Steve Dille (R-Dassel), left, and Dick Day (R-Owatonna) converse in the Senate chamber during a floor session, Mon., May 15.

Photo by David J. Oakes

a crisis management policy, and requires age-appropriate comprehensive family life and sexuality education in grades 7 through 12. The measure also provides for a pilot program in character development education and for development of a more user-friendly school district consolidated financial statement.

Sen. Linda Scheid (DFL-Brooklyn Park) offered an amendment permitting the department to contract for the participation of Minnesota students in the Trends in International Mathematics and Science Study (TIMSS) international assessment of student achievement in math and science. Sen. Rod Skoe (DFL-Clearbrook) offered an amendment providing for an advisory task force on Minnesota American Indian tribes and communities and K-12 standards-based reform. An amendment providing for an advisory task force on options for accelerated K-12 technology, science, and mathematics programs throughout Minnesota was offered by Sen. Charles "Chuck" Wiger (DFL-North St. Paul). Pappas offered an amendment clarifying how inflation is reflected on referendum levy information. All four amendments were adopted.

Pappas also offered an amendment adding the language from the higher education omnibus bill. Sen. Warren Limmer (R-Maple Grove) questioned the germaneness of the amendment. Pappas said the measure was an omnibus education policy measure and the language of the amendment also related to education policy. The amendment was ruled germane. Limmer said the addition of the amendment seemed to fit a pattern of creating omnibus bills on the fly. Pappas said the chief author in the other body has told her that the higher education policy bill is dead and that she believes there are important higher ed issues that need to be addressed this year. The amendment was adopted on a 37-28 roll call vote.

Hottinger offered, and members adopted, a technical amendment adding a cross reference between sections. Sen. Lawrence Pogemiller (DFL-Mpls.) sponsored an amendment specifying that the Dept. of Education, charter schools and school districts are prohibited from using a nonscientific based curriculum, such as intelligent design, to meet the required science academic standards. The amendment was adopted. The measure was granted final passage on a 39-27 roll call vote.

In other action, members also granted final passage to H.F. 2722, sponsored by Sen. Tom Saxhaug (DFL-Grand Rapids). The bill regulates home owners' insurance coverage for home-based foster care services. S.F. 2851, also carried by Saxhaug, is the annual Dept. of Natural Resources lands bill. The measure adds to and subtracts from various state parks, provides for land sales and conveyances and modifies the sustainable forest resource management incentive program. The bill was granted final passage on a unanimous roll call vote.

Hottinger sponsored a bill, H.F. 2892, allowing a business school building to be built at Mankato State University with private funds. S.F. 2980, sponsored by Sen. Michael Jungbauer (R-East Bethel), brings the state commercial drivers' license laws into conformity with federal law. Both measures were granted final passage on unanimous votes.

H.F. 3302, sponsored by Sen. David Senjem (R-Rochester), modifies municipal and county planning and zoning provisions and provides standards for preliminary plat approval in a proposed development. Members adopted several amendments to the measure. Sen. Jim Vickerman (DFL-Tracy) sponsored an amendment providing for the establishment of a municipal boundary adjustment advisory task force. Sen. Brian LeClair (R-Woodbury) offered an amendment that specifies a county must regulate repair, replacement, maintenance, improvement or expansion of nonconforming uses and structures in floodplain areas to the extent necessary to maintain eligibility in the National Flood Insurance Program and not increase flood damage potential or increase the degree of obstruction to flood flows in the floodway. In addition, the amendment provides that if a nonconforming building or structure is destroyed by fire or other peril to the extent of 50 percent of its market value, the board may impose reasonable conditions upon a building permit in order to mitigate any newly created impact on adjacent property. Members later reconsidered the amendment in order to discuss the role of the county in regulating nonconforming buildings. Sen. John Marty (DFL-Roseville) offered an amendment replacing the word "nonconforming" with "seasonal recreational property" to clarify the provision. The amendment to the amendment was adopted and the amend-

ment was adopted. Members granted H.F. 3302 final passage on a unanimous roll call vote.

Senators also concurred with amendments made by the other body to one bill and granted the measure repassage. S.F. 3526, sponsored by Sen. Michele Bachmann, designates portions of I-35, I-35W and I-35E in the North Metro Area as the Shawn Silvera Memorial Highway. The Senate also adopted Senate Resolution 176, recognizing the week of May 14-20, 2006, as Police Week and May 15, 2006, as Peace Officers Memorial Day.

Tuesday, May 16

DHS set aside bill gains

Members met for a relatively brief floor session, Tues., May 16, to consider several bills on Special Orders. In addition, upon a motion by Sen. John Hottinger (DFL-St. Peter), S.F. 2833 was taken from the table. The bill provides an exception for notification of Dept. of Human Services variances or set asides regarding a minor who has committed a misdemeanor theft crime and resides in a home where family child care is provided. The bill had been tabled earlier because of controversy on amendments to an amendment offered by Sen. Linda Berglin (DFL-Mpls.). Berglin withdrew the original amendment and offered a different amendment. Under the new amendment, the commissioner must consider granting a set aside for individuals who were working in the chemical dependency field who were disqualified for a crime and whose disqualification was set aside prior to July 1, 2005. Sen. Brian LeClair (R-Woodbury) argued against the amendment and said the commissioner should not allow individuals who have been convicted of a felony to work in any program licensed by the Dept. of Human Services. Several Senators, including Sen. Gen Olson (R-Minnetrissa), countered that people working in the chemical dependency field are often role models for clients who can then see that people can turn their lives around. Members adopted the amendment and granted final passage to the bill on a 51-14 roll call vote.

The four bills on Special Orders were all granted final passage with no dissenting votes. S.F. 3148, sponsored by Sen. Tom Saxhaug (DFL-Grand Rapids), authorizes the issuance of bonds for a joint public

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works and public utilities service center in Grand Rapids. S.F. 3053, authored by Sen. Steve Murphy (DFL-Red Wing), requires an amendment to all-terrain vehicle rules to allow all-terrain vehicle or snowmobile use on privately owned land during the legal shooting hours of a deer season. S.F. 3121, carried by Sen. Dan Sparks (DFL-Austin), regulates electronic financial terminals, regulates the expenses of organizing and incorporating banks and authorizes the investment of health savings accounts in transaction accounts. An amendment, offered by Sen. David Tomassoni (DFL-Chisholm), to delete a provision prohibiting the sale of a forfeited vehicle to a family member was adopted.

H.F. 3073, authored by Sen. Thomas Neuville (R-Northfield) modifies provisions relating to real estate and modifies provisions relating to foreign judgments. Sen. Mike McGinn (R-Eagan) offered, and members adopted, an amendment providing for affidavits of custodianship in real property transactions. Sen. Scott Dibble (DFL-Mpls.) also offered an amendment relating to real estate ordinances pertaining to condominium conversions. The amendment was adopted. Neuville also offered two amendments. One amendment sets forth the requirements for a summary real estate disposition judgment and the other specifies that taxes paid by a lien holder are added to the lien. Both amendments were adopted.

Wednesday, May 17

Omnibus insurance bill passed

An omnibus insurance bill, S.F. 3480, dominated the floor action during the afternoon session Wed., May 17. The bill, authored by Sen. Linda Scheid (DFL-Brooklyn Park), contains provisions regulating insurance license education, insurance forms and rates, coverages, filings, utilization reviews and claims. The measure also contains provisions regulating the Minnesota uniform health care identification card.

Much of the debate centered on an amendment, offered by Scheid, enacting the interstate insurance product regulation compact. Scheid said the purpose of the compact is to promote and protect the interest of consumers of individual and group annuity, life insurance, disability income and long-term care insurance

products and to develop uniform standards for those products. Proponents of the amendment said the measure will speed the introduction of new products into the marketplace. Opponents countered that the language eliminates the ability of the state to regulate the insurance products. The amendment was adopted. Sen. Becky Lourey (DFL-Kerrick) offered an amendment specifying that the state could opt out of the compact with respect to long-term care insurance products. The amendment was rejected.

Members debated a number of additional amendments. Sen. Steve Kelley (DFL-Hopkins) offered, and members adopted, an amendment requiring the commissioner of commerce to opt out of any uniform standard that permits a product to deny a consumer's access to the courts to resolve a dispute related to the product. The amendment also specifies that the commission's approval of a product pursuant to a uniform standard will have no force and effect after the effective date of a legislative opt out by the state. Another Scheid amendment, providing that health plan coverage for diabetes is for treatment not otherwise covered under Medicare or Medicare Part D, was also adopted. Sen. Linda Berglin (DFL-Mpls.) offered an amendment providing for conformity with federal law regarding the long-term care partnership program. The amendment was adopted.

Sen. John Marty (DFL-Roseville) offered an amendment prohibiting actions that constitute bad faith conduct on the part of an insurer, including delay or denial of benefits without an objectively reasonable basis for its offer, delay or denial. The amendment also provides that an insurer acts in bad faith if the insurer engages in fraud, false pretense or false promise. The amendment was rejected. Kelley offered an amendment requiring service cooperatives to permit school districts and other political subdivisions participating in a service cooperative health coverage pool to solicit bids and other information from competing sources of health coverage at any time other than within five months prior to the end of a master agreement. The amendment was adopted. Sen. Yvonne Prettner Solon (DFL-Duluth) sponsored an amendment, which was adopted, providing that a community-based health care initiative may develop and operate a community-based health care coverage program that

offers to eligible individuals and their dependents the option of purchasing through their employer health care coverage on a fixed prepaid basis.

Sen. Don Betzold (DFL-Fridley) sponsored an amendment providing for a statewide school employee insurance pool. The amendment was rejected. Sen. Dan Sparks (DFL-Austin) sponsored an amendment removing a provision specifying that the owner of a rented passenger vehicle is responsible for all damages and loss of use to the vehicle which is caused directly by weather-related natural phenomena. Sparks said there was considerable disagreement about the definition of weather-related natural phenomena and the provision would lead to a great deal of litigation. The amendment was adopted.

Sen. Sheila Kiscaden (R-Rochester) offered, and members adopted, an amendment establishing a center for health care purchasing improvement within the Dept. of Employee Relations.

The bill was granted final passage on a 55-7 roll call vote.

S.F. 3132, authored by Sen. Wesley Skoglund (DFL-Mpls.), is the annual omnibus data practices bill. The measure modifies provisions relating to the classification of data collected and maintained by various government agencies. Berglin offered an amendment providing for a Schedule II controlled substances prescription electronic reporting system. She said the system is an important step in combating the illegal distribution of prescription drugs and the practice of doctor-shopping. We have made great strides in fighting meth trafficking, said Sen. Julie Rosen (R-Fairmont), but the next wave of the illicit drug trade is prescription pharmaceuticals. However, Sen. Sheila Kiscaden (DFL-Rochester) said the system is opposed by many medical professionals' groups because it impedes a doctor's ability to treat patients with severe, chronic pain. Health care costs are already off the charts, said Sen. David Senjem (R-Rochester), and the amendment creates a new mandate adding more costs. Kiscaden challenged the amendment as not germane to the bill, but the amendment was ruled germane. The amendment failed on a 27-37 roll call vote.

Sen. Warren Limmer (R-Maple Grove) offered two amendments. One classifies as private data on families of candidates for public office, while



Senators Pat Pariseau (R-Farmington) and Leo Foley (DFL-Coon Rapids) engage in conversation during a recess in the Senate floor session, Sat., May 20.

Photo by David J. Oakes

ensuring that candidates' names, addresses, education and training, employment histories, volunteer work, awards and honors, and prior government service or experience remains public. Under the amendment, other information about candidates is to be released pursuant to court order. The second amendment provides that data relating to bullying behavior in schools may be released to the juvenile justice system, and that parents will be notified when data about their children is released. Both amendments were adopted.

S.F. 3132 was granted final passage, 63-1.

In other action, members also granted final passage to several additional bills on Special Orders. H.F. 2688, authored by Sen. Jim Vickerman (DFL-Tracy), authorizes the placement of a plaque on the Capitol grounds honoring the nation's war dogs and their handlers and establishes a task force to develop strategies around the master plan for restoration of the Victory Memorial Drive Historic District in Minneapolis. S.F. 2723, carried by Sen. Tom Saxhaug (DFL-Grand Rapids),

requires a report by the Pollution Control Agency on new public wastewater treatment facilities that do not meet water quality discharge standards and requires proposals for new wastewater treatment facilities to include information on operating and maintenance costs during the first five years of operation.

H.F. 2916, carried by Sen. Ann Rest (DFL-New Hope), establishes a fire safety account from revenues on a surcharge on fire insurance premiums and assessments. The bill also abolishes the fire insurance tax. Rest said the bill updates and addresses the rapidly changing needs of Minnesota's fire services. The current tax has not been increased for over 70 years, she said, and was originally dedicated to fire service priorities. However, the tax was undedicated in the early 1980s, Rest said. She said needs have been increasing and broadening, especially regarding training needs and the functions of the state fire marshal. The additional revenue allows the fire marshal to rehire inspectors, code analysts and arson investigators, she said, and assists local fire departments with training. Rest said the increase amounts to

a penny a day for the average home, after no change for 70 years. However, Sen. Julianne Ortman (R-Chanhassen) said the increase seemed too large and the use of the funds not clearly delineated. She said the program is worthy, but fire safety needs should be funded from existing general tax dollars. H.F. 2916 was granted final passage, 58-7.

Senators also granted final passage to H.F. 3761, the omnibus transportation finance bill. The Senate had previously passed its version of the bill, but needed to wait for the companion file from the other body. Members adopted a motion, made by Chief Author Steve Murphy (DFL-Red Wing), amending the Senate language onto the House file. H.F. 3761 was approved without discussion, 44-18.

Thursday, May 18

Appointments confirmed

Members began the Thurs., May 18, floor session by acting to confirm a number of appointments to various state agencies and boards. The Senate confirmed the

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appointments of William Egan and Cynthia Jepsen to the Board on Judicial Standards.

The appointments of Melanie Allen, Brian Bensen and Daniel D. Foley, M.D., to the Minnesota Pollution Control Agency, and the appointments of Dean Ascheman, Jeffery Johnson and Violet Wagoner to the Minnesota Veterans Homes Board of Directors were also approved.

Five appointments to the Workers' Compensation Court of Appeals—William R. Pederson, David Stofferahn, Debra Wilson and Miriam Rykken—were also confirmed. In addition, the appointment of Thomas Pugh to the Public Utilities Commission and the appointments of Paul Gaston and Joseph Johnson, III, to the Minnesota Housing Finance Agency were approved.

Several appointments to the Emergency Medical Services Regulatory Board were approved. Shanna Hanson, James Aagenes, Brenda Brown, Megan Hartigan, Koren Kaye, Mark Lindquist, Brian Moore, Donald Otte and Michael Parrish all received confirmation.

A number of education related appointments received consideration and confirmation. Walter Kramer was approved for the Board of the Minnesota State Academies, Jennifer Brist, Kristi Delaney, Todd Johnson and Leonard Runck were approved for the Board of Teaching, Ruth Grendahl was approved for the Board of Trustees of the Minnesota State Colleges and Universities and Jean Haar, Sanford Nelson and Bruce Kramer were approved for the Board of School Administrators.

Finally, Senators confirmed the appointment of thousands of notaries public. Sen. Don Betzold (DFL-Fridley) explained that the state constitution requires Senate confirmation and that is why the appointments were before the body, even though it was impossible to consider each one individually.

Members also granted final passage on several bills on Special Orders.

H.F. 3079, authored by Sen. Ann Rest (DFL-New Hope), limits liability on tort claims brought against the state or a municipality and limits liability on claims brought against a governmental unit participating in a joint venture or enterprise. Rest said the bill also raises the caps on liability on tort claims. The measure passed, 59-2. S.F. 2814, authored by Sen.



Sen. Thomas Bakk (DFL-Cook), right, receives a ceremonial pen from the governor on the Capitol steps, Fri., May 19, following the signing of bill that places restrictions on the use of eminent domain to acquire private property.

Photo by David J. Oakes

Dallas Sams (DFL-Staples), modifies and renames the Legislative Commission on Minnesota Resources. Under the bill, the name is changed to the Legislative-Citizen Commission on Minnesota Resources. Sams said the bill also provides for more citizen input to appropriation decisions. The bill also contains some appropriations from the natural resources trust fund that were vetoed last year, he said. An amendment, offered by Sams, provides additional appropriations for shore land acquisition, statewide conservation efforts, the forest

legacy and for financial assistance for clean energy resource teams and wind energy. The amendment was adopted. Sen. Dennis Frederickson (R-New Ulm) spoke in support of the bill and said the measure was the result of a careful balance of legislative and citizen interests. The bill received final passage on a 57-3 roll call vote.

S.F. 3234, authored by Sen. Ellen Anderson (DFL-St. Paul), regulates statutory housing warranties and clarifies the Legislature's intent that housing

warranties and insurance contract obligations remain unaffected by corporate dissolution. The contents of the bill had previously been amended onto other legislation that was signed into law by the governor the previous day. Anderson said it was important to adopt additional homeowner protections.

Sen. Don Betzold (DFL-Fridley) offered an amendment authorizing the award of costs, disbursements and attorney fees if a home warranty is breached. The amendment also prohibits bad faith insurance practices and permits the award of attorney fees if an insurer acts in bad faith. Sen. Geoff Michel (R-Edina) said the Senate should not be taking up legislation that has already passed or amendments that have already failed. We discussed and defeated the bad faith language yesterday, he said, and the idea has not improved in the last 24 hours. Sen. Linda Scheid (DFL-Brooklyn Park) said she had never seen a Senator bring up a bill whose contents had already been enacted solely for the purpose of amending on new language. We should defeat the amendment on both substantive and procedural grounds, she said.

The amendment was divided at the request of Sen. Julianne Ortman (R-Chanhassen). The bad faith provisions were adopted on a 32-31 roll call vote. The warranty provisions were adopted on a voice vote. The measure was then tabled on a motion by Anderson.

Friday, May 19

Game and fish bill passed

Senators met Fri., May 19, to grant final passage to the annual game and fish bill, H.F. 3166. The bill, sponsored by Sen. Tom Saxhaug (DFL-Grand Rapids), makes numerous changes to provisions dealing with hunting and fishing. Members adopted several amendments to the measure, including a provision, offered by Sen. Rod Skoe (DFL-Clearbrook), authorizing the commissioner of natural resources to mark canoe and boating routes on the Ottertail River as well as other rivers in the state. Sen. Sean Nienow (R-Cambridge) offered, and members adopted, an amendment removing a provision relating defining unlawful conduct. Sen. Carrie Ruud (R-Breezy Point) sponsored an amendment prohibits off-road vehicle trails on county forest or

state forest lands except on state and county forest roads and off-road vehicle use areas. The amendment was adopted on a 45-16 roll call vote. Sen. Dennis Frederickson (R-New Ulm) offered an amendment deleting a provision authorizing a bounty on coyotes. Sen. Gary Kubly (DFL-Granite Falls) argued that as an issue of local control, counties should be able to set bounties if they choose. Frederickson said bounties are not a good way to manage animal populations. The amendment was adopted on a 33-30 roll call vote. The bill was then granted final passage on a 62-0 roll call vote.

H.F. 3451, sponsored by Sen. Betsy Wergin (R-Princeton), provides standards for dedication of land to the public in a proposed development, authorizes a dedication fee on new housing units and authorizes the conveyance of surplus state lands. The measure was passed, 56-0.

Members also granted final passage to H.F. 3664, a bill making numerous changes in provisions relating to veterans and military personnel. The bill, sponsored by Sen. Jim Vickerman (DFL-Tracy), expands eligibility for the salary differential program for state employees ordered into active military service, permits military personnel stationed outside Minnesota to use state parks without a fee while home on leave, provides leave without pay to family members of soldiers wounded or killed while in active services and for family members of deployed soldiers to attend send-off or homecoming ceremonies, provides job protections for persons ordered into active military service and directs higher education institutions to provide credit for military training and experience for veterans. The bill also clarifies laws governing the renewal of occupational licenses and professional certifications during and following active military service and authorizes National Guard security guard employees to carry automatic weapons. Sen. Scott Dibble (DFL-Mpls.) offered an amendment allows a household member, as well as family members, to take unpaid leave in order to attend funeral services for military personnel killed in active duty. The amendment was not adopted. Sen. Wesley Skoglund (DFL-Mpls.) offered an amendment also allows household members to be granted leave for funerals of military personnel killed in action. After consider-

able discussion, the measure was laid on the table.

H.F. 3288, carried by Sen. Linda Higgins (DFL-Mpls.), makes the chair of the Metropolitan Council or designee a member of the Statewide Radio Board. The bill was granted final passage, 55-6. H.F. 3995, authored by Skoglund, provides for settlement of various claims against the state bill. The bill passed on a unanimous 59-0 roll-call vote. H.F. 3472, carried by Sen. Dean Johnson (DFL-Willmar), amends the definition of recreational vehicle combination by including motorized golf-carts. Members passed the bill, 61-0.

In other action, Senators concurred in amendments made by the other body to several bills. S.F. 930, carried by Kubly, provides a grant from the lottery prize fund to the Northstar Problem Gambling Alliance. Kubly said the amendments are primarily technical in nature. S.F. 930 was granted repassage, 47-2. S.F. 3023, authored by Sen. Ann Rest (DFL-New Hope), permits extensions of deadlines for watershed district environmental review. Rest said the other body added provisions permitting the Lower Minnesota River Watershed District to acquire, maintain, operate, improve, and enlarge a dredge material site. S.F. 3023 was granted repassage, 57-2. S.F. 2995, carried by Sen. Ellen Anderson (DFL-St. Paul), provides for the cancellation of automobile liens after seven years and regulates liens for storage charges on motor vehicles with liens. Anderson said the other body's amendment allows a charitable organization that donates cars to low-income Minnesotans to place a lien on the vehicle to retain some interest. S.F. 2995 was repassed, 59-0.

Additionally, Senators granted final passage, 56-0, to one measure on the Consent Calendar. H.F. 2721, sponsored by Sen. Bob Kierlin (R-Winona), extends by one year the deadline for an inventory of properties with individual sewage treatment systems that are an imminent threat to public health or safety due to surface water discharges of untreated sewage.

Senators also observed a moment of silence to recognize the death of Kenneth Pariseau, husband of Sen. Pat Pariseau (R-Farmington).

Committee update

Finance

K-12 technical bill advanced

The Finance Committee, chaired by Sen. Richard Cohen (DFL-St. Paul), met Mon., May 15, to review four measures. All four bills were advanced to the Senate floor.

The first measure, sponsored by Sen. LeRoy Stumpf (DFL-Plummer), makes numerous technical changes in education provisions including refinement of the age limitations for public school enrollment, modification of language relating to payment to the unemployment insurance program trust fund, and education excellence. H.F. 2916, sponsored by Sen. Ann Rest (DFL-New Hope), establishes a fire safety account from revenues on fire premiums and assessments to provide firefighter training and abolishes the fire insurance tax. S.F. 2651, authored by Sen. Terri Bonoff (DFL-Minnetonka), changes the deposit of revenues from the sales tax on motor vehicle leases. S.F. 3049, carried by Sen. John Hottinger (DFL-St. Peter), provides an expedited process for the judicial review of financing statements and establishes civil and criminal liability for fraudulent or improper financing statements.

Large employer health bill gains

A bill requiring large employers to spend an amount equal to at least eight percent of wages on health care for employees was approved by members of the Finance Committee, Wed., May 17.

S.F. 2672, sponsored by Sen. Becky Lourey (DFL-Kerrick), requires employers with more than 10,000 Minnesota employees to pay the state the difference between the eight percent figure and their actual health care expenditures if the employer spends less than eight percent of wages on health care. Bernie Hesse, representing the United Food and Commercial Workers, said only about a dozen employers have more than 10,000 employees in Minnesota. We suspect only two, Wal-Mart and Target, do not meet the eight percent threshold, he said. Lourey said large companies can afford to provide adequate health care to their employees but choose not to. Their choice puts businesses that do pay for health care at a competitive disadvantage, shifts costs to taxpayers and creates a rush to the bottom, she said.



Senator Gen Olson (R-Minnetrista) looks over the details of a supplemental budget bill during the Senate floor session, Sun., May 21.

Photo by David J. Oakes

Sen. Bob Kierlin (R-Winona) said the bill provides a strong disincentive for companies with just under 10,000 employees from expanding in Minnesota. He said the bill imposes significant recordkeeping requirements on large employers. Many of the companies with more than 10,000 employees in Minnesota have their corporate headquarters here, Kierlin said, and the bill discourages them from keeping their headquarters in the state. Good employers recognize that employees are more productive and business is generally better if employees feel fairly compensated, which includes having good health care, he said. It is only a short leap from the requirements of this bill to higher percentages of spending on health care and lower employee levels, said Sen. Thomas Neuville (R-Northfield). He said real health care reform, to expand access, would involve eliminating the employer's tax deduction for health benefits.

S.F. 2672 was advanced to the full Senate on a 10-8 roll call vote.

Committee members, chaired by Sen. Richard Cohen (DFL-St. Paul), also approved S.F. 3282. Carried by Sen. Steve Kelley (DFL-Hopkins), the bill increases the 911 fee by 28 cents per month to fund expanding the public safety radio system to cover communities statewide. The measure was sent to the Senate floor.

Bills gain

Members of the Finance Committee, chaired by Sen. Richard Cohen (DFL-St. Paul), met Thurs., May 18, to act on two measures. S.F. 3815, authored by Sen. David Tomassoni (DFL-Chisholm), clarifies the Iron Range Resources and Rehabilitation Board's funds expenditure approval process. Tomassoni said the clarifications were recommended by the legislative auditor, who determined that the board did not have clear budget setting authority. The bill was advanced to the

full Senate. H.F. 2721, carried by Sen. Bob Kierlin (R-Winona), extends by one year the deadline for an inventory of properties with individual sewage treatment systems that are an imminent threat to public health or safety due to surface water discharges of untreated sewage. Kierlin said the extension is needed because the number of properties needing to be inventoried in Fillmore County is so large. The inventory is part of an individual sewage treatment system pilot program created in 2003. The bill was approved and recommended for placement on the Consent Calendar.

Rules and Administration

Closing resolutions approved

The Rules and Administration Committee, chaired by Majority Leader Dean Johnson (DFL-Willmar), met during a break in floor action Sat., May 20, to consider closing resolutions. Members approved resolutions for interim expenses, notification of the governor of imminent adjournment, notification of the House of Representatives of imminent adjournment and providing for the operations of the Senate during the interim. Senate fiscal services staff explained that because it is an election year, mileage payments for in-district constituent work would cease July 1, 2006 and not resume until the day after the November election.

The panel also approved a bill, S.F. 3780, making technical corrections to bills passed this session. Chief Author Don Betzold (DFL-Fridley) said the bill is traditionally held until late the last day of session in order to correct drafting, spelling, cross-reference and punctuation errors caught by the Office of the Revisor or an author on bills already passed. He said that thus far, no errors have been found, but it is necessary to have the bill sent to the floor in case it is needed.

Finally, members sent to the floor, without recommendation, a resolution authorizing the Senate counsel to file an amicus brief in an appeal of a suit brought by a number of Legislators protesting the expenditure of funds without legislative approval last summer. Sen. Thomas Neuville (R-Northfield), sponsor of the resolution, said the case is one of separation of powers and that, even though the appeal is going forward, it would bring added gravitas to the suit to have the Senate file an amicus brief.

Civic education DVD created

Senate Media Services has produced a DVD consisting of several short videos informing the public about the Minnesota Senate and the legislative process. The DVD provides an excellent tool to support presentations about the legislative process to help citizens become involved in their government. These short videos, which are televised during legislative coverage and often incorporated into Capitol Report, focus on various topics, including the branches of government, political party differences, how to read a bill, how to testify before a committee, effective ways to communicate with legislators, where to obtain information, the Senate Chamber, and the role of the professional and citizen lobbyist. For more information about the DVD, contact Senate Media Services at (651) 296-0264.

Educational Videos Available

Three videos, "Discover the Capitol," "Power in the Process: The Anti-Hazing Law," and "Rules, Laws and the Process," can be accessed at <http://www.leg.mn/leg/youth/video.htm>

These videos are excellent sources of information on the history of the State Capitol, how laws are made in Minnesota and how even the state's youngest citizens can get involved in the legislative process.

MyBills system available

The MyBills personalized bill tracking system is now available. Users can add House and Senate bills to their lists by bill number, subject, or author, and view the legislative status of their bills, with items with significant current floor action highlighted. Users can modify their lists at any time. The MyBills system is available from the Legislative website at: <http://www.house.mn/leg/billslogin.asp>

Summer Senate activity

Senate committees and Legislative commissions may hold hearings and other meetings during the interim. However, since the 84th Legislative Session has adjourned, no legislation can be acted upon. The 85th Legislative Session will convene Wed., Jan. 3, 2007. A directory of Senators-elect will be available Wed., Nov. 8, the day after the general election. Additional information about the organization of the Senate for the 85th Legislative Session will be available to the public

as the Senate organizes during the months of November and December.

Schedule available online

The schedule for the rest of the year is available at <http://www.senate.mn/schedule/2006/>



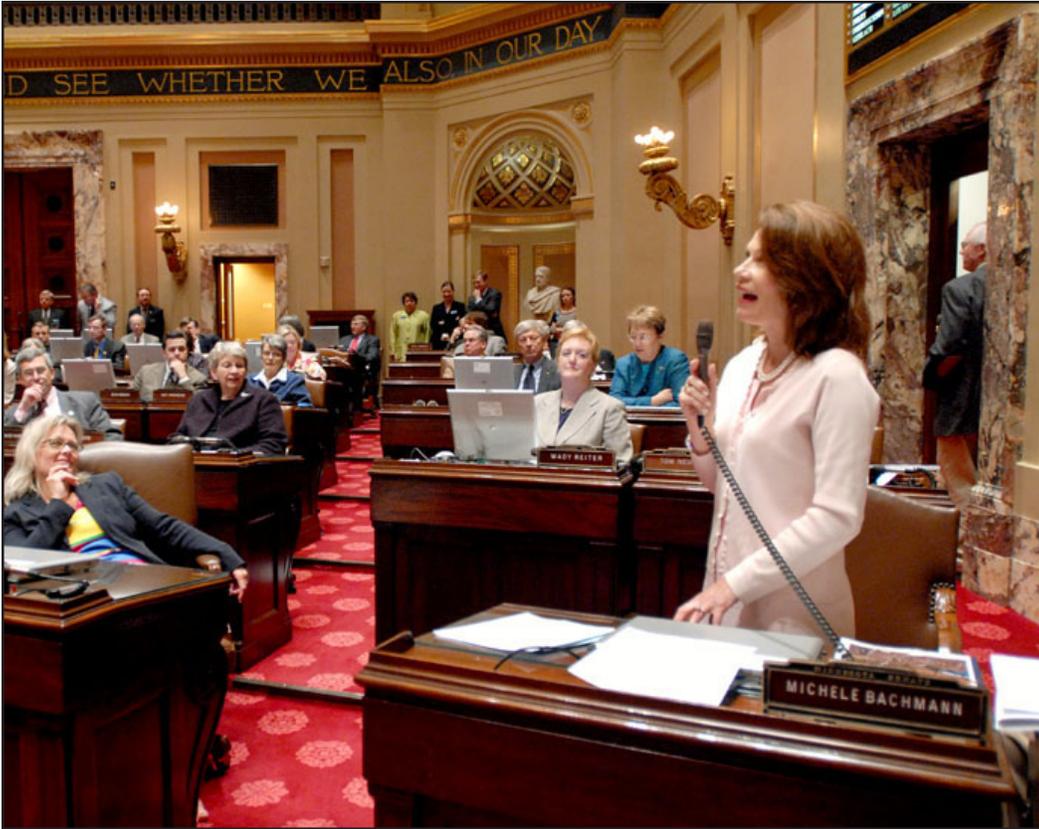
Site wins digital government award

The Center for Digital Government announced in October 2005 that the Minnesota Legislature's website won a Digital Government Achievement Awards (DGAA). The national program recognizes outstanding agency and department web sites and applications that enhance information interactions, transactions or services. The DGAA is produced in conjunction with the Center's annual Best of the Web (BOW) awards program. BOW recognizes the most innovative, user-friendly state and local government portals, while the DGAA showcases some of the nation's most creative, advanced government Web sites and applications. The Center received more than 250 entries for the program this year.

"Public agencies of all sizes and from all levels of governments are using digital tools to serve citizens in the digital age," said Cathilea Robinett, executive director of the Center for Digital Government. "The quality and quantity of interactions between citizens, business and their government has reached new levels of service."

The Legislature's site won in the government-to-government category. Five other sites were recognized in the category, representing government agencies and offices at the federal, state and local levels across the country.

Retiring Senators



Sen. Michele Bachmann (R-Stillwater) delivers her retirement speech, Sun., May 21.

Photo by David J. Oakes

Sen. John Hottinger (DFL-St. Peter) reflects on his Senate career during his retirement address.



Photo by David J. Oakes

Sen. Bob Kierlin (R-Winona), pictured in a Senate Briefly file photo, is retiring from the Senate after nine years.



Photo by David J. Oakes



Sen. Sheila Kiscaden (DFL-Rochester) says farewell to her Senate colleagues.

Photo by David J. Oakes

Retiring Senators

Sen. Becky Lourey (DFL-Kerrick) receives a hug from Sen. Sandra Pappas (DFL-St. Paul) after Lourey delivered her retirement remarks.



Photo by David J. Oakes



Sen. Jane Ranum (DFL-Mpls.) addresses her colleagues one final time.

Photo by David J. Oakes

Sen. Sharon Marko (DFL-Cottage Grove) rips up her prepared comments as she begins her retirement speech.



Photo by David J. Oakes



Sen. Wesley Skoglund (DFL-Mpls.) reflects on his 30 years of Legislative service.

Photo by David J. Oakes