

# SESSION WEEKLY



**THE END IS NEAR  
LOTS OF NEW LAWS, VETOES  
EDUCATION BILL AWAITS FINAL GRADE  
GREENE, LeMIEUR STEP DOWN**

A NONPARTISAN PUBLICATION  
MINNESOTA HOUSE OF REPRESENTATIVES • PUBLIC INFORMATION SERVICES  
VOLUME 29, NUMBER 12 • APRIL 27, 2012

# Flashback to 1992 and 2002

## Helping people keep their homes

Housing for low-and moderate-income people would become more available under a program receiving \$2 million in state bonding and an additional \$1 million in direct state appropriations this year.

Under the proposal, cities and other housing authorities could tap into the account funded by the bonding to purchase and convert neighborhood properties into affordable living units. Billed as a housing trust, occupants then would have the opportunity to buy the house while the housing authority retains title to the land.

The program would help people buy living space without the added cost of purchasing the property they occupy.

— Session Weekly April 24, 1992

## Legalizing fizzle but not the boom

Sparklers are in, but other fireworks are not part of a plan to legalize some fireworks now on its way the governor.

The bill, HF2525/SF2960\*, would allow people 18 and older to purchase certain fireworks including sparklers, snakes and glow worms, and trick noisemakers for use on private property.

"There's no rocket's red glare, There's no bombs bursting in air," said Rep. Mark Holsten (R-Stillwater), the bill's sponsor.

"It's a bill that's going to start fires. It's a bill that's going to cause injuries. It's a bill that's not good for the children in the state," said Rep. Wes Skoglund (DFL-Mpls). He added that the measure would lead to the eventual legalization of other fireworks.

— Session Weekly April 26, 2002

## Contents

- FIRST READING:** Fate unclear for bonding, taxes, stadium and more • 3-5
- AT ISSUE:** The omnibus education bill awaits gubernatorial approval • 21
- PEOPLE:** Redistricting forces Greene to move on • 22
- PEOPLE:** LeMieur steps down to focus on family • 23
- INDEX:** Strike up the band • 24

## SESSION WEEKLY

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

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

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

On the cover: Tom Schepers salutes his fallen comrades at the Vietnam Veterans Memorial on the Capitol Mall April 20. Schepers runs daily, carrying his flags in support of our troops. While serving in Vietnam, he made a promise that soldiers like those he fought with would not be forgotten.

— Photo by Paul Battaglia

## FIRST READING



PHOTOS BY PAUL BATTAGLIA

From the speaker's rostrum, House Speaker Kurt Zellers chats with, from left, House Minority Leader Paul Thissen, Senate Majority Leader David Senjem and House Majority Leader Matt Dean at various times throughout the day April 23.

# Drawing to an uncertain close

Major bills are in limbo as the end of session looms

By SESSION WEEKLY STAFF

**W**ith perhaps only a few days left before lawmakers adjourn for the biennium, the most closely watched bills this year — the bonding bill and the stadium to house the Vikings — remain in limbo at Session Weekly press time.

Legislative leaders have been meeting privately with Gov. Mark Dayton to try to hash out an agreement on key legislation, but with little sign of progress. In a departure from the usual end-of-session proceedings, House Speaker Kurt Zellers (R-Maple Grove) told Capitol reporters April 25 that this year's negotiations are unlikely to yield a "global agreement" — a catch-all deal that wraps up the session. Instead, Zellers suggested that the stadium package, the bonding bill, an omnibus tax package and other significant bills will simply have to sink or swim on their own merits.

"I don't think this year is one of those years where you'll see that here we all are standing in front of a microphone saying, 'It's done and we're moving on,'" Zellers said.

The House and Senate have been meeting in session on an almost daily basis during the past couple of weeks, passing dozens of bills to reform state government, protect vulnerable adults, boost veterans programs and improve health care and education. More controversial measures to loosen restrictions on fireworks and tighten restrictions on abortions have also passed the House floor.

Some of these measures have been signed into law; others have been met with the governor's veto pen. But the fate of the biggest bills is still in doubt. But as Dayton said during an April 25 press availability, "It ain't over 'til it's over, as Yogi Berra said."

Complicating the situation is the session's aggressive timetable. Recognizing that legislators would want to return home

quickly to campaign in their newly redrawn legislative districts, Zellers announced before the start of the 2012 session that the Legislature would adjourn no later than April 30.

Legislative leaders have remained firm on that deadline. But even if they opt to extend the session out to the May 21 constitutional adjournment deadline, it's unclear what the path forward is. As of this writing, the Legislature has already used up 110 of its 120 legislative working days, meaning they can only meet in session 10 more days this year.

All this is to say that the clock is ticking.

### Agriculture

Awaiting action by Gov. Mark Dayton, the omnibus agriculture bill would name a state soil, change requirements for labeling of landscape and garden stock and delay an ethanol mandate.

Sponsored by Rep. Paul Anderson (R-Starbuck) and Sen. Doug Magnus (R-Slayton), HF2398\*/SF2061 would designate Lester as the state soil. That would coincide with the University of Minnesota's 2013 celebration of the 100th Anniversary of the soil science program and the 40-year-old Minnesota Association of Professional

First Reading continued on page 4

### First Reading continued from page 3

Soil Scientists. (See omnibus agriculture bill story on page 6.)

### Bonding

A bill that would commit \$221 million in bonding proceeds to repair the State Capitol failed in the House April 19 on an 80-50 vote — capital investment bills must be approved by three-fifths of the body, or 81 votes.

However, a \$443.9 million bonding bill (HF1752) that includes money to restore the State Capitol and fund other capital investment projects awaits action on the House floor. Appropriations include:

- \$221 million for the Capitol repairs;
- \$102.5 million for transportation projects;
- \$60 million for Higher Education Asset Preservation and Repair (HEAPR) projects;
- \$30 million for flood hazard mitigation;
- \$20 million for wastewater infrastructure;
- \$10 million for housing programs; and
- \$433,000 for bond sale expenses.

Rep. Larry Howes (R-Walker) sponsors the bill. He has been clear that the amount remains in flux and could change with end-of-session negotiations.

DFLers would like to see more money spent on bonding because interest rates are low and the projects would help create jobs. Republicans, however, say that the state carries a large debt load, and that a nearly \$500 million capital investment bill was enacted in 2011.

Gov. Mark Dayton has said he wants a bonding bill to be in the \$775 million range. The Senate bill, SF1463, sponsored by Sen. Julie Rosen (R-Fairmont), awaits action by the Senate Capital Investment Committee.

### Education

This session has seen two key bills emerge from the House. HF2083\*/SF2492 sought to repay some of the funding owed to the K-12 schools that was withheld by the state to balance its budget and end the 2011 state government shutdown.

Rep. Pat. Garofalo (R-Farmington) and Sen. Gen Olson (R-Minnetrista) sponsor the bill that was vetoed by Gov. Dayton April 5 because he said it would shrink the state's budget reserve too much.

The omnibus education bill, HF2949\*/SF2482, awaits action by the governor. It would expand postsecondary enrollment options, make changes to pay for school employees deployed in the military, and allow

districts to withhold salaries for teachers charged with a felony. Also sponsored by Garofalo and Olson, the conference committee report was passed 119-9 by the House and 64-0 by the Senate.

The House has yet to hear the so-called "Last In, First Out" bill, which would authorize schools to base teacher layoffs on evaluations, rather than seniority alone. A conference committee agreed on a final version of the bill April 3, but the House and Senate have yet to re-pass the report. The governor opposes the proposal.

HF1870 has drawn criticism from some teachers and union officials, who say the legislation is yet another piece in the continued Republican assault on educators. Rep. Branden Petersen (R-Andover), who sponsors the bill with Sen. Pam Wolf (R-Spring Lake Park), said the bill will bring fairness to the practice of teacher layoffs.

### Environment

Republicans wanting to loosen environmental regulations got their wish when the House passed its omnibus environment bill April 5. Differences between the House and Senate versions were resolved by a conference committee, and now the report is referred back to each body for consideration.

Sponsored by Rep. Denny McNamara (R-Hastings) and Sen. Bill Ingebrigtsen (R-Alexandria), HF2164\*/SF1830 includes permit streamlining, environmental deregulation and a statewide course to identify aquatic invasive species.

Other features of the House bill would allow state parks and recreation areas and the Minnesota Zoo to remain open during a government shutdown and expedite the exchange of school trust lands in the Boundary Waters Canoe Area Wilderness for land that generates income for the trust fund, possibly nonferrous mining.

Differences between the bills are inclusion of a minor permit in the House; House language that would limit the state from paying more than 20 percent more than the tax-assessed value for land; allow shallow lakes to be drained to help fight aquatic invasive species; and remove the state Executive Council from the decision-making process in many cases, including permitting of nonferrous mining.

Conferees met April 26 and reached agreement on the bill that now returns to each body for consideration.

### Game and Fish

A conference committee is meeting to work out differences in the House and Senate omnibus game and fish bills.

Included in both bills is the proposed creation of a wolf-hunting season. Sponsored by Tom Hackbarth (R-Cedar) and Sen. Bill Ingebrigtsen (R-Alexandria), the bills would allow 400 wolves to be taken as well as a variety of related measures.

Differences between the House and Senate versions of the omnibus bill are increases in hunting and fishing license fees by the Senate; House language requiring shooting ranges that are partly or wholly owned by the public to host youth firearms safety tests four times a year; and restrictions on importing minnows into Minnesota contained in the House bill.

### Health care

Autism studies, group homes, personal care assistants and electronic benefit transfer cards are just a few of the dozens of health and human services reform policies awaiting the governor's signature in HF2294\*/SF2093, the omnibus health and human services bill, sponsored by Rep. Jim Abeler (R-Anoka) and Sen. David Hann (R-Eden Prairie).

One of the more controversial provisions of the bill would limit electronic benefit transfer card purchases to stores in Minnesota and adjacent states. The bill also adds liquor stores, tobacco stores and tattoo parlors to the list of prohibited uses. (See omnibus health and human services bill story on page 13)

### Higher Education

A bill containing bonding and provisions for the Minnesota State Colleges and Universities system and University of Minnesota awaits House and Senate action after an April 25 approval of a compromise bill by a conference committee.

Sponsored by Rep. Bud Nornes (R-Fergus Falls) and Senate President Michelle Fischbach (R-Paynesville), the major feature of HF2065/SF1573\* is increasing the bonding authority of MnSCU from \$300 million to \$405 million.

The bill provides endowment funding of up to \$25 million to create a mining, metallurgical or engineering degree program offered by the University of Minnesota at Mesabi Range Community and Technical College — and scholarships of up to \$6,500 a year for students in the program.

It also would create a textbook work group to study ways to lower textbook costs for students and a one-time \$645,000 appropriation from the university to Hennepin County Medical Center for graduate family medicine programming.

### Legacy Funding

After changes in funding levels and language, a conference committee approved \$99.9 million in Outdoor Heritage funding April 25. Passed by the Senate 61-4 April 26, it awaits action by the House.

Conferees approved \$11.3 million to fund aquatic invasive species efforts, including \$7.5 million to build Asian carp barriers on the Mississippi River and \$3.8 million in research and clean water projects for the state's lakes and rivers.

That \$4.8 million appropriation is intended to create an Aquatic Invasive Research Center at the University of Minnesota. The center would collaborate with the Department of Natural Resources to control the spread of Asian carp, zebra mussels and invasive aquatic plant species.

"The AIS was the most important part to get in," said Rep. Dean Urdahl (R-Grove City), who sponsors HF2430/SF2493\* with Sen. Bill Ingebrigtsen (R-Alexandria).

Other provisions in the conference committee report include spending \$11 million to buy the 1,882-acre Mississippi Northwoods Habitat project in Crow Wing.

Removed by conferees was House language to create a grassland grazing program.

### Stadium

The plan to build a \$975 million "People's Stadium" on the eastern edge of downtown Minneapolis, including the Metrodome site, has been changing almost by the day, in the final week of session.

As of press time, HF1485 was awaiting action on the House floor. Sponsored by Rep. John Kriesel (R-Cottage Grove), the bill initially was designed to provide tax relief to charities, but the House Ways and Means Committee amended the stadium language of HF2810 onto the bill earlier in the week.

The move was necessary because the latter, sponsored by Rep. Morrie Lanning (R-Moorhead), was thought to be dead after failing to get out of the House Government Operations and Elections Committee April 16. After that vote, Lanning said a rabbit would need to be pulled out of a hat to get a stadium bill done this session.

NFL Commissioner Roger Goodell visited with Gov. Mark Dayton and legislative leaders April 20. Although no threats were issued, Goodell indicated something must be done on the issue this session.

Under the plan, the team would cover \$427 million of construction costs; the state \$398 million; and Minneapolis \$150 million. Money from electronic pull tabs, electronic bingo and tipboard games would be used to pay the state's share of the cost. Supporters noted that charities would get tax relief and more gambling proceeds while the state also would get more revenue.

The Senate version, SF2391, sponsored by Sen. Julie Rosen (R-Fairmont), is awaiting action by the Senate Taxes Committee.

### Taxes

Republicans have been clear their goal this session has been to reduce business taxes, while DFLers said they want to protect the renters property tax credit from further erosion and bring property tax relief to homeowners.

Labeled as a vehicle for "Tax Relief and Jobs Creation," a phase-out of a state property tax levy paid by seasonal/recreational property owners and business property owners is a cornerstone of the omnibus tax bill, HF2337\*/SF1972. Sponsored by Rep. Greg Davids (R-Preston) and Sen. Julianne Ortman (R-Chanhassen), the bill passed the House 72-62 March 21, but the Senate passed a different version 34-26 nine days later.

A conference committee has held two meetings, and it is expected the bill will be part of end-of-session negotiations.

Davids said the bill's provisions are aimed at improving the state's business climate by phasing out the state property tax levy over 12 years beginning in 2014 and excluding 70 percent of the first \$150,000 value of all business property in 2013.

Critics say the tax benefit comes at the expense of renters, namely seniors and the poor through a decrease in the renters property tax credit.

The House file would also:

- freeze local government aid at 2012 amounts;
- provide targeted tax relief for homeowners equal to 90 percent of any tax increase over 12 percent for pay 2012 only;
- replace the foreign operating cooperation deduction with a tax credit;

- increase, in some cases, the research and development tax credit, as well as the angel investment credit; and
- provide a jobs credit for businesses hiring qualified veterans.

### Transportation


The 2011 and 2012 omnibus transportation policy bills have been sitting on the House Fiscal Calendar for approximately a week.

Sponsored by Rep. Mike Beard (R-Shakopee), the 2012 version, HF2685, would, in part, allow suburban opt-out transit providers to "establish a pilot program that adds a distance-based surcharge to standard transit fares." Such a surcharge could only be implemented on routes whose total length exceeds 15 miles. The pilot program would expire on Jan. 1, 2016. Metro Transit could also impose an increase on its express bus service.

Other provisions in the bill include: directing the Employment and Economic Development and Transportation departments to conduct a freight rail economic development study and broaden a "first haul" exception to vehicles that exceed weight limits by no more than 10 percent and are performing the first transport of unprocessed farm products or unrefined forest products to a location within 100 miles.

The Beard-sponsored 2011 version (HF1284), which was awaiting action on the House floor when last year's session concluded, includes provisions related to speed limit violations, online driver's education training, electronic-bicycle use and organ donation education.

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

The companion bills, SF1072 and SF2321 await action by the full Senate. Sen. Joe Gimse (R-Willmar) sponsors both. 

To find out who represents you at the Capitol . . .  
Call House Public Information Services  
at 651-296-2146 or 800-657-3550

# HIGHLIGHTS

APRIL 19 - 26, 2012

**Editor's note:** The following Highlights are coverage of select bills heard in House committees or divisions and other House activities held April 19-26. Designations used in Highlight summaries: HF-House File; SF-Senate File; Ch-Chapter; and \*- the bill version considered by the House or the bill language acted on by the governor.

## Agriculture

### Horse livestock classification

**Signed  
by  
the  
governor**

Horses are considered livestock for agricultural purposes but equine operations may mean something entirely different when it comes to assessing property taxes.

A new law, effective Aug. 1, 2012, clarifies a discrepancy between an agriculture classification and property tax laws for horse breeders.

St. Michael horse breeder David Dayon sought the clarification after he was assessed at a higher property tax rate, rather than a lower agricultural rate.

Rep. Bruce Anderson (R-Buffalo Township) and Sen. Doug Magnus (R-Slayton) sponsor the law, which states that horse training and breeding farms are considered agricultural operations and that such uses cannot be considered when determining the property's tax classification. The law was signed April 18 by Gov. Mark Dayton.

There are about 13,000 horse farms in the state, typically consisting of 20 acres, according to an equine extension specialist at the University of Minnesota.

HF539/SF396\*/CH203

— S. HEGARTY

### State soil in omnibus ag bill

Minnesota could soon have an official state soil.

Included in the conference committee report for the omnibus agriculture bill is a Senate provision to designate Lester soil as the state soil. The purpose is to help the University of Minnesota celebrate the 100th anniversary of the soil science program and in recognition of the 40-year-old Minnesota Association of Professional Soil

Scientists in 2013. Also, a Smithsonian soil exhibit is expected to come to Minnesota in 2013, according to Rep. Paul Anderson (R-Starbuck), who sponsors the report with Sen. Doug Magnus (R-Slayton).

The House adopted the conference committee report 111-20 April 24 and sent it to the Senate where it passed 66-0 on April 25. It now awaits action by the governor.

A large section of HF2398\*/SF2061 may help consumers choose hardy stock for Minnesota's extreme growing conditions by requiring new labeling.

It would define "non-hardy" as a plant that cannot be expected to survive or produce flowers in certain growing zones and would require non-hardy nursery stock to be labeled as such.

Similarly, nursery stock collected from the wild must be labeled as such when sold; unless it has been grown in nursery rows for at least two years. Additionally, vegetable and flower seed packets could list the number of seeds in the packet, instead of the net weight.

The Department of Agriculture's nursery and plant inspection and enforcement powers would expand to include the department's Wholesale Produce Dealer, Grain Buyer/Grain Storage, and Warehouse oversight responsibilities. The department could enter sites, inspect and sample products, issue commissioner's orders, and pursue administrative and criminal penalties for failure to follow the laws.

Farmers who grow feed for their own use and commercially would no longer be charged a fee on the portion they use themselves, according to the report. The provision would be retroactive from Jan. 1, 2012.

Other provisions would:

- establish a pilot microloan fund for those of a protected class who want to grow specialty crops or own livestock for production of products to market;
- establish a Dairy Research, Teaching and Consumer Education Authority; and
- enable the remaining portion of a 2010 Lutheran Social Services appropriation for disaster and mental health relief in rural communities to be expanded to more counties until spent.

The proposed legislation is also referred

Dear Readers,

Although the Legislature is constitutionally required to adjourn by May 21 this year, the expectation is that the bodies will adjourn sine die by April 30. As this issue of Session Weekly goes to press, there remain several outstanding issues.

If the Legislature does adjourn before the month's end, this would be the session's last regular issue of Session Weekly. However, if the Legislature continues well into next week, we would most likely publish a magazine May 4.

Regardless of the sine die date, we plan to publish a special 2012 Session Weekly Wrap-up issue once all bills have been acted upon by the governor. In the second year of the biennium, if a bill is passed during the last three days of session, the governor must sign and deposit it with the secretary of state within 14 days after the Legislature adjourns sine die.

To stay informed, you can:

- visit Session Daily website at [www.house.mn/hinfo/sdaily.asp](http://www.house.mn/hinfo/sdaily.asp);
- follow us on Twitter at [twitter.com/MNHouseInfo](https://twitter.com/MNHouseInfo);
- like us on Facebook at [www.facebook.com/MNHouseInfo](https://www.facebook.com/MNHouseInfo); or
- view our videos on YouTube at [www.youtube.com/user/MNHouseInfo](https://www.youtube.com/user/MNHouseInfo)

— Lee Ann Schutz  
Session Weekly editor

to as the food safety bill because it moves enforcement of food safety regulations into a new chapter of law and grants authority for the Department of Agriculture to issue civil penalties, in addition to criminal or administrative penalties.

— S. HEGARTY

## Business & Commerce

### Collection agency licensure amended

**Signed  
by  
the  
governor**

Collection agencies are required to run criminal background checks, search for locations of past residences and conduct other screening processes on applicants to determine whether they are eligible for collector registration.

Debt collectors must also give written notice to the state regarding change of address and name within 30 days. A new law will also ban those who have been convicted of identity theft or financial crime from being registered by the state.

Signed April 23 by Gov. Mark Dayton,

the law takes effect Aug. 1, 2012.

Rep. Tim Sanders (R-Blaine), who sponsors the law with Sen. Dave Thompson (R-Lakeville), said it “expands consumer protection and clarification in the debt collector industry.”

HF2335\*/SF1888/CH225

— E. SCHMIDTKE

### Alterations for insurance services

Signed  
by  
the  
governor

Insurers may obtain accident reports from the Department of Public Safety without authorization from customers.

This, along with several other changes relating to insurance, became law April 19, 2012, one day after a law was signed by Gov. Mark Dayton.

The law also permits insurance identification cards to be provided in an electronic form, if the insured person has given approval.

A third section of the law states that when insurers or insurance agents sell property or casualty insurance policies over the phone, they may provide a written notice of guaranty association coverage when the policy is delivered.

Rep. Kurt Daudt (R-Crown) said the law will allow insurers to streamline their processes of delivering services to customers. He and Sen. Gary Dahms (R-Redwood Falls) sponsor the law.

HF2307/SF1875\*/CH185

— E. SCHMIDTKE

### New window washer requirements

Signed  
by  
the  
governor

New window cleaning safety measures are now part of codes for buildings at least four stories tall.

The law requires the installation of dedicated anchorages on the exterior of the building for the purpose of suspended window cleaning. It will only apply to new buildings or those undergoing construction that exposes the structure of the roof.

The law is effective April 19, 2012, one day after it was signed by Gov. Mark Dayton.

Rep. Kirk Stensrud (R-Eden Prairie) and Sen. Ted Daley (R-Eagan) sponsor the bill. Stensrud said the law will help ensure that cleaners are not injured on the job.

HF2263/SF1964\*/CH182

— E. SCHMIDTKE

## Civil Law

### Responsibility clarification in cases

Signed  
by  
the  
governor

Clarification of responsibilities for providing public defense and appointed counsel when it comes to criminal and juvenile court is part of a new law.

In addition to statewide consistency, supporters say the law should help resolve some issues that have been outstanding for 20 or more years regarding public defense and when public defenders are appointed to a case. They say the lack of clarity has resulted in county attorneys spending a lot of time going through an appeals process of who is to provide this representation.

Rep. Kelby Woodard (R-Belle Plaine), who sponsors the law with Sen. Dan Hall (R-Burnsville), said the law is the result of discussion over the past few years between county attorneys, public defenders and the state judiciary. It also incorporates gubernatorial recommendations regarding income guidelines for public defenders.

Among its provisions, the law deletes the statutory right to counsel on sex offender end-of-confinement risk-level assignment appeals and expands the right to representation by a public defender for a person appealing a conviction of a misdemeanor crime.

Other provisions in the law include:

- specifies whether various parties in child protection cases will be represented by a public defender or court-appointed counsel at county expense;
- establishes financial responsibility for misdemeanor appeals, which the Supreme Court, in a 2011 case deemed is a state responsibility;
- in an effort to prove paternity as soon as possible and reduce social service costs, provides that a court shall appoint counsel in paternity proceedings if the party would be unable to afford counsel and limits such representation to establishment of parentage;
- pre-sentence investigation and lifetime imprisonment reports will be provided at no charge to counsel representing the defendant on appeals or post-conviction relief petitions;
- the state court administrator’s office will pay costs if a court appoints standby or advisory counsel; however, if the prosecutor has requested one, the governmental unit conducting the prosecution must pay; and

- prior to the appointment of a public defender to represent a defendant charged with a misdemeanor, the court shall inquire of the prosecutor whether the prosecutor intends to certify the case as a petty misdemeanor. If an offense is certified as a petty misdemeanor, the defendant is not eligible for a public defender.

Signed April 23 by Gov. Mark Dayton, most of the law takes effect Aug. 1, 2012.

HF2059/SF1678\*/CH212

— M. Cook

### Voter list access authorization

Signed  
by  
the  
governor

An inadvertent repeal from 2004 has been corrected.

When the state courts create a jury source list, information on driver’s license and state identification card holders is taken from the Driver and Vehicle Services Division of the Public Safety Department and merged with the registered voter lists from the Office of the Secretary of State.

When originally enacted, the law prohibited the use of voter birth dates in the jury selection process. Effective Aug. 1, 2012, a new law will permit the sharing of such information.

Rep. Ron Shimanski (R-Silver Lake) and Sen. Warren Limmer (R-Maple Grove) are the sponsors. Gov. Mark Dayton signed it into law April 23.

HF2680/SF2379\*/CH208

— M. Cook

## Consumers

### Ad regulations going to governor

Licensed health care providers would be unable to contact those injured in automobile accidents, unless they clearly provide their names and the clinics where they work.

Rep. Jim Abeler (R-Anoka) and Sen. Paul Gazelka (R-Brainerd) sponsor HF2749/SF2342\* that would require this information to be disclosed to consumers. Violating the statute could result in license revocation.

Passed 128-0 by the House April 25, the bill awaits action by Gov. Mark Dayton. It passed 63-0 in the Senate March 27.

Abeler explained that the bill would impact companies that may promise specific financial damages to those injured, or use actors posing as law enforcement to attract customers.

## NFL VISIT



PHOTO BY PAUL BATTAGLIA

**NFL Commissioner Roger Goodell talks with the media after meeting April 20 with Gov. Mark Dayton and legislative leaders about the need for a new stadium to house the Minnesota Vikings. Goodell stressed that this is the year to act on a new facility for the team.**

“When you get these people in a room for this topic, they are most comfortable sitting at the perimeter looking in, because they are so uncomfortable about what might happen to them,” he said.

While he was hoping the legislation would expand to address areas like treatment guidelines and fee schedules, Abeler said he was pleased with the bill.

“I hope this is the beginning of working together in this area. This has been hard-fought.”

— E. SCHMIDTKE

### Horse racing drug limits may change

Veterinarians would be given more authority to prescribe drugs to horses at Canterbury Park and Running Aces Harness Park, under a provision sponsored by Rep. Joe Hoppe (R-Chaska).

HF2795 would remove statutory restrictions on the concentrations of non-steroidal anti-inflammatory drugs, instead allowing the Minnesota Racing Commission to set those standards. The House passed the bill 131-0 April 24.

“The idea is that they will be able to use less of the drugs. It’s good for horses and it’s good for horse racing,” said Hoppe.

The bill now awaits action by the full Senate. Sen. Claire Robling (R-Jordan) is the Senate sponsor.

— E. SCHMIDTKE

## Economic Development

### Redevelopment loans

Local governments could apply to the state for loans to demolish old buildings and make way for economic redevelopment.

Sponsored by Rep. Bob Gunther (R-Fairmont), HF1721 would tap into a fund used for redevelopment grants in Greater Minnesota. Loans made from the fund could be used to tear down properties that pose a public safety threat and that meet certain other criteria.

“This is a way that you can take and destroy unused, unoccupied buildings, so you can make room for new taxable property by putting in light industry and other types of businesses in that property,” Gunther said.

The House passed the bill 110-14. It now now awaits action by the full Senate. Sen. Julie Rosen (R-Fairmont) is the Senate sponsor.

The bill would also create an ombudsman within state government to help small businesses navigate government regulations. The “small business advocate office” would be established within the Department of Employment and Economic Development.

According to the bill’s language, the office would provide “one-stop access” for businesses in need of information or

assistance in obtaining or renewing licenses, meeting state regulatory requirements, or resolving disputes with state agencies.

Another provision in the bill would address an issue in Albert Lea, where the city has excess sewer capacity and seeks to entice new industrial developments. It would allow the city to establish a “sewer charge rebate program” to incentivize new or expanded businesses.

Rep. Tim Mahoney (DFL-St. Paul) supported the bill, but he criticized House Republicans for not putting more funding into programs that help small businesses grow.

“This is the omnibus jobs bill for this year,” he said. “We’re not doing anything to help small businesses move forward.”

Rep. Keith Downey (R-Edina) responded that DFLers are to blame for not supporting tax relief measures that would help businesses.

“It’s really something to think that the only concept of a jobs bill on the other side of the aisle is that the state is going to pass a bunch of spending,” he said.

— N. BUSSE

## Education

### School administrator fee

School administrators who do not pay their annual fees to the Board of School



Administrators could have their licenses suspended.

Rep. Sondra Erickson (R-Princeton) and Sen. Gen Olson (R-Minnetrista) sponsor HF2759/SF2535\* that would allow the board to withhold the license until the \$75 fee is paid. The House passed the bill 128-0 April 25.

Erickson said that this was especially necessary because the board's funding is entirely fee-based. The bill also provides that the board may adjust the fee amount as it transitions from an annual to a fiscal year fee structure.

Rep. Mark Buesgens (R-Savage) successfully amended the bill to require that the board give notice of how long administrators have to pay the fee before their licenses are revoked.

As amended, the bill will now return to the Senate for concurrence.

— E. SCHMIDTKE

### District fund deposits expanded

Signed  
by  
the  
governor

School districts will now be able to deposit more than the \$250,000 FDIC-insured amount into a financial institution, such as a credit union or bank.

The financial institution may place the funds into a transaction account with another institution in excess of the insured limit. That money could be deposited throughout the country in an exchange program. The money beyond \$250,000 would be insured through another bank's FDIC account.

Rep. Tim O'Driscoll (R-Sartell), who sponsors the law with Sen. Ted Lillie (R-Lake Elmo), said this will allow schools to deposit funds without risking taxpayer money.

The law is effective April 24, 2012, one day after it was signed by Gov. Mark Dayton.

HF2174\*/SF1737/CH209

— E. SCHMIDTKE

### Transition options encouraged

Signed  
by  
the  
governor

School districts will be encouraged to help students explore their options for college and career aspirations, starting next school year.

Rep. Carol McFarlane (R-White Bear Lake) and Sen. Carla Nelson (R-Rochester) sponsor the law, which offers a plan for schools to use when assisting students in determining their interests and learning styles, with the intention that these tools

## FLAG INSPECTORS

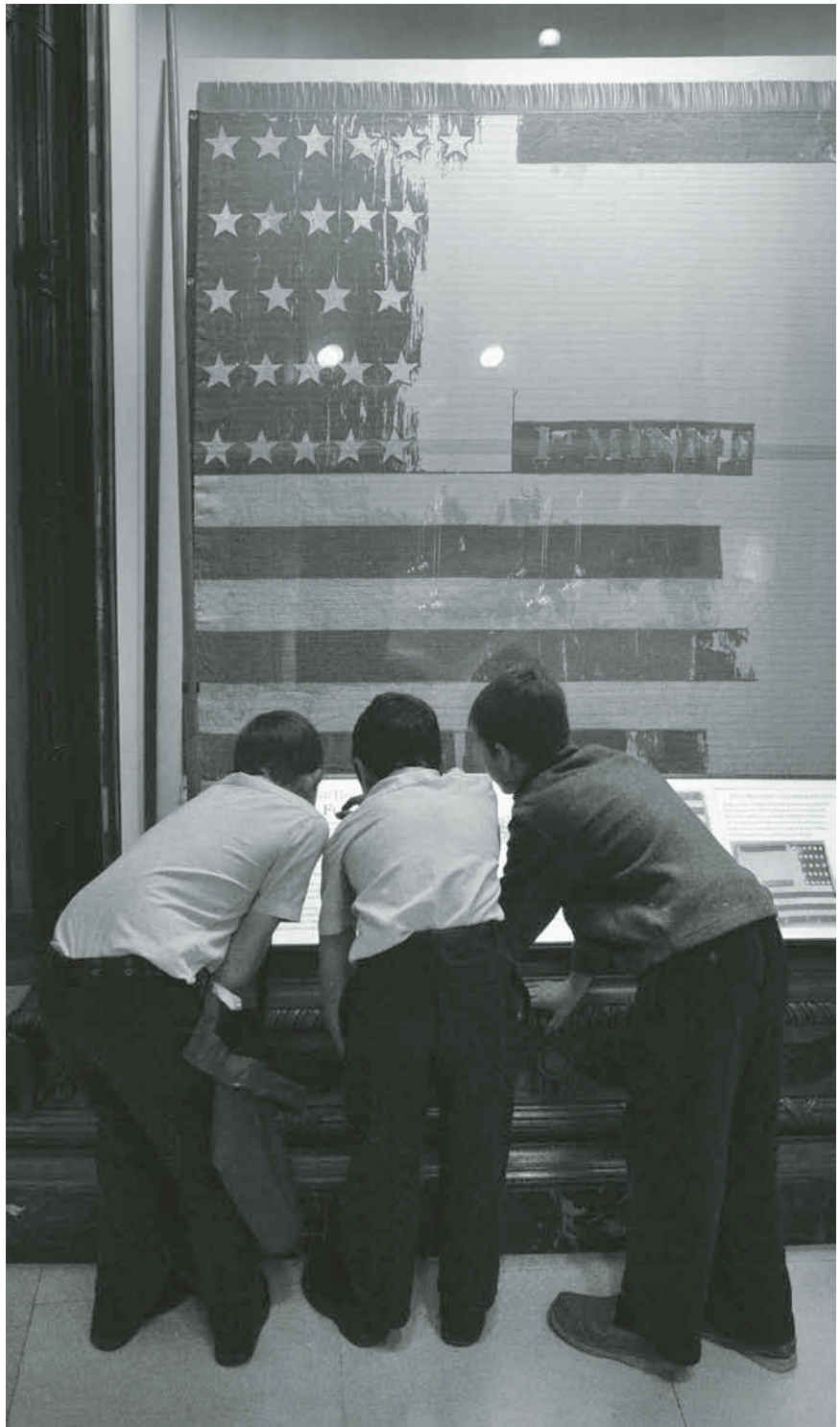


PHOTO BY ANDREW VONBANK

Students from St. Robert Bellarmine Academy in St. Cloud inspect one of the historic flags in the Rotunda after an April 20 Capitol tour.

would provide assistance when students need to make career and college-related choices.

The law will require these plans to emphasize the need for students to develop good academic habits and teamwork skills.

Plans will also need to implement programs that would increase students' and families' access to information about college and careers.

McFarlane said that this plan will be

especially helpful because it would prevent problems students may encounter following graduation from high school. She also claimed that a growing number of jobs in Minnesota require college education, which is a change the law seeks to address.

The law is effective April 24, 2012, the day after it was signed by Gov. Mark Dayton, and affects students graduating in 2014 or later. An additional portion of the law strongly encourages schools to maintain an adequate student-to-counselor ratio starting in the 2015-16 school year.

HF1272/ SF1073\*/CH207

— E. SCHMIDTKE

### School spending flexibility allowed

Signed  
by  
the  
governor

School districts will no longer be required to use a particular formula to determine how they distribute staff development revenue.

The new law strikes previous language that mandated schools spend 50 percent of that revenue at each school site, 25 percent for district-wide efforts and 25 percent on grants for sites to use on best practice methods.

The law is intended to give schools increased flexibility in how they spend state funds. The Legislature previously suspended this requirement for the biennium; the law will make that suspension permanent.

This new statute also requires that schools provide one-time, hands-on CPR training to students in grades 7-12, starting in the 2014-15 school year. The training must include automatic external defibrillator, or AED, instruction.

The portion of the law pertaining to CPR is effective April 24, 2012, one day after the law was signed by Gov. Mark Dayton. The section relating to spending is effective July 1, 2012.

Rep. Jenifer Loon (R-Eden Prairie) and Sen. Carla Nelson (R-Rochester) sponsor the law.

HF2506\*/SF2059/CH206

— E. SCHMIDTKE

### Trust lands reform progresses

The conference committee report of a bill that seeks to overhaul management of school trust lands awaits gubernatorial action.

When it became a state, Minnesota received the lands from the federal government with the requirement of using, selling or leasing the land to fund education. Critics say that isn't actually happening.

Sponsored by Rep. Tim O'Driscoll (R-Sartell), HF2244 would provide that responsibility of overseeing trust lands be removed from the Department of Natural Resources, which proponents say has missed opportunities to maximize profit for the schools.

The bill would transfer land oversight to a school trust lands director and a Permanent School Fund Commission, which would equally represent the minority and majority parties with members from the House and Senate. Along with the input of the commissioner of natural resources, the legislative commission and director would review bills related to the lands and ensure the lands are managed efficiently to increase economic returns.

Following the 110-21 vote, the bill passed the Senate 42-20 on April 25. Sen. Benjamin Kruse (R-Brooklyn Park) is the companion sponsor.

"It has been said over and over again, but it is so true: we can't change the past, but we can change the future. We can return the inheritance of the trust lands back to the children through a director who can give undivided loyalty to the beneficiaries of the state," said Rep. Denise Dittrich (DFL-Champlin).

Rep. Jean Wagenius (DFL-Mpls) opposed a provision within the bill regarding lakeshore lands owned by the state.

"It is not necessary for the purposes of your bill to change the law to say the Legislature no longer has to approve the sale of lakeshore lands. It looks to me like there are other interests that are piggybacking on your bill," she told O'Driscoll, who said that provision was added on the request of the Senate in the conference committee.

— E. SCHMIDTKE

### Education rule enforcement vetoed

Vetoed  
by  
the  
governor

Gov. Mark Dayton has vetoed a bill aiming to render unenforceable any unadopted policies, guidelines or other pronouncements fitting the description of official rules from the commissioner of education.

In a statement issued along with the April 20 veto, Dayton criticized what he called an attempt to interfere with the Department of Education's jurisdiction.

"This bill is a disappointing attempt to strip away the powers expressly granted to the executive branch by the Minnesota Constitution," he wrote.

Dayton also expressed concern that the bill would prevent the department from stepping in to advocate on behalf of students in schools.

Rep. Connie Doepke (R-Orono) said that the change was needed to prevent "chaos" in Minnesota schools by clarifying the requirements for rule enforcement. She and Sen. Dave Thompson (R-Lakeville) sponsor the bill.

HF2596/SF2183\*/CH191

— E. SCHMIDTKE

## Elections

### Disclosure requirements removed

Conferees removed a number of proposed lobbyist disclosure requirements from a bill after the state's top campaign finance official testified against them.

Gary Goldsmith, executive director of the Campaign Finance and Public Disclosure Board, testified in support of HF2684/ SF2334\*, but warned that several provisions added as amendments on the House floor were problematic and potentially unconstitutional.

Sponsored by Rep. Joyce Peppin (R-Rogers) and Sen. Ray Vandever (R-Forest Lake), the bill would allow public utility companies to itemize their disclosure reports rather than report a single dollar amount. Goldsmith said the bill would help clarify how much money utilities are spending on actual lobbying vs. certain work they do with the Public Utilities Commission.

Requirements that lobbyists report will include:

- spending related to efforts to influence recommendations of a legislative council or commission;
- spending on industry conventions, facility tours, travel arrangements, private jets and other hospitality-related expenses; and
- spending on efforts to promote or defeat a ballot question or a candidate for public office.

Goldsmith said that in each case, the disclosure requirements were already covered by current law. Moreover, he said the language of the amendments is confusing and could lead to possible constitutional challenges.

"I'm not sure what the purposes of these amendments are," he said.

The House repassed the bill 126-1 as amended by conference on April 26, after

the Senate re-passed it 61-0 one day earlier. It now goes to the governor.

— N. BUSSE

## Employment

### Housekeeping changes

Signed  
by  
the  
governor

A handful of policy changes are included in a new law that makes housekeeping and federal conforming changes relating to the state's unemployment insurance system.

Rep. Bob Gunther (R-Fairmont) and Sen. John Pederson (R-St. Cloud) sponsor the law, which represents the work of the Unemployment Insurance Advisory Committee. The bipartisan group works under the umbrella of the Department of Employment and Economic Development.

Policy changes in the law include:

- requiring that penalties and interest payments be deposited in the UI trust fund rather than the administration account (effective July 1, 2013);
- clarifying when the tax rate for "new employers" applies (effective July 1, 2012);
- reducing from 55 percent to 50 percent the amount of weekly employment earnings that can be deducted from an applicant's weekly benefit amount in cases where their earnings are less than their benefits (effective July 1, 2013);
- providing that overpayment, penalty and interest balances must be canceled after 10 years instead of 15 years (effective July 1, 2012); and
- banning agreements whereby employers agree not to contest payment of benefits in exchange for certain concessions from the employee (effective July 1, 2012).

The federal conforming changes in the law deal with penalties levied against employers who fail to provide requested information on unemployment applicants' eligibility for benefits, resulting in overpayment of benefits. These changes mostly take effect July 1, 2013.

The law also includes a number of noncontroversial housekeeping provisions that replace obsolete references, clarify statutes and make technical changes. These take effect July 1, 2012.

HF2582/SF2224\*/CH201

— N. BUSSE

## Energy

### Renewable account management

Signed  
by  
the  
governor

A new law clarifies oversight of an account by the Public Utilities Commission, which approves renewable energy grants and removes \$5 million a year from the University of Minnesota's Initiative for Renewable Energy & the Environment.

Xcel Energy pays \$19.5 million a year into the renewable account. Payment into the account is based on the number of nuclear fuel casks stored near the utility's Monticello and Prairie Island nuclear power plants. It has paid more than \$180 million into the fund since 1999.

Sponsored by Rep. Mike Beard (R-Shakopee) and Sen. Julie Rosen (R-Fairmont), the new law is effective April 24, one day after it was signed by Gov. Mark Dayton.

The law specifies that renewable account funds be spent to increase market penetration of renewable energy; promote the start-up, expansion of renewable energy projects; stimulate research and development of renewable electric technology; and develop renewable electric and infrastructure projects that enhance delivery of renewable energy.

The law specifies that the account is to be managed by Xcel, which must consult with an advisory group representing Xcel ratepayers and other interests determined by the commission. While Xcel can apply for a grant, an independent third-party must evaluate grant applications. Xcel must attempt to reach agreement with the advisory group regarding projects to be funded, but has sole authority to make funding recommendations to the commission.

HF2650/SF2181\*/CH196

— B. GEIGER

### Lights on for transmission law

Signed  
by  
the  
governor

As wind and solar energy increasingly are integrated into the electric grid, the rights of public utilities to build transmission lines carrying 100 kilovolts will be more clearly defined.

A new law, signed April 18 by Gov. Mark Dayton, establishes the right of first refusal for Minnesota utilities for transmission lines connecting to their facilities. It takes effect Aug. 1, 2012.

State action was needed after the July 2011 transfer of regional high-voltage transmission lines to individual states by the Federal Energy Regulatory Commission. The law does not limit the rights of transmission lines carrying less than 100 kilovolts. Those lower voltage transmission lines commonly are from wind and solar energy installations.

In addition to transferring transmission oversight to states, the law requires transmission owners to give the Public Utilities Commission 90-days notice on whether they intend to build a transmission line and 18 months to file a certificate of need for the line.

If the commission does not receive notice, it may determine whether the existing utility or another entity should build the transmission line.

Rep. Tom Hackbarth (R-Cedar) and Sen. David Brown (R-Becker) sponsor the law.

HF1989/SF1815\*/CH179

— B. GEIGER

## Health & Human Services

### Child care accreditation modified

Signed  
by  
the  
governor

A handful of national programs are named in state law to grant accreditation of child care centers, in order for the center to be paid more than non-accredited centers for taking care of children on public child care assistance.

Rep. Joyce Peppin (R-Rogers) said that resulted in the state picking winners and losers and "excluded other high quality (programs)."

Peppin and Sen. Benjamin Kruse (R-Brooklyn Park) sponsor a new law that modifies who can serve as an accrediting agency. The law was signed April 18 by Gov. Mark Dayton. It takes effect Aug. 1, 2012.

The law directs the commissioners of health, human services and education to collaborate on developing a new application and approval process for child care accreditation. A report on their progress is due Feb. 15, 2013, to the legislative committees on early childhood issues.

The current list of accrediting programs will remain in place until the new criteria is established.

HF2097/SF1621\*/CH177

— S. HEGARTY

## HOKEY POKEY STAR



PHOTO BY PAUL BATTAGLIA

Rayah Evelyn Toles does the Hokey Pokey on the Star of the North during the Voices for Children Advocacy Day rally in the Capitol Rotunda April 24. This year's theme, "Step Up for Kids," focused on physical development and wellness.

### Guest license for charity dental care

**Signed  
by  
the  
governor**

Visiting dentists who plan to volunteer their services at an Aug. 17-18, 2012, event in Mankato will be able to obtain a guest license to practice in Minnesota.

Rep. Greg Davids (R-Preston) and Sen. John Carlson (R-Bemidji) sponsor the law, which will allow the visiting dental professionals to provide charity care, including free fillings, cleanings and extractions. Signed April 18 by Gov. Mark Dayton, the law will grant a guest license to a dentist, dental hygienist or dental assistant to provide free dental services for up to 10 days annually in Minnesota. It takes effect Aug. 1, 2012.

For a fee, the Board of Dentistry will grant guest licenses that expire annually. The Minnesota Dental Foundation has agreed to pay the license fee for the August event.

HF1972/SF1553\*/CH180

— S. HEGARTY

### Loan forgiveness problem fixed

**Signed  
by  
the  
governor**

The omnibus health and human services law passed during the 2011 special session changed the definition of "designated rural area" for purposes of the Health Professional Education Loan Forgiveness Program.

As a result, about seven individuals who had been accepted to the loan forgiveness program were suddenly disqualified because the areas they served no longer qualified as "designated rural areas."

Rep. Pat Garofalo (R-Farmington) and Sen. Amy Koch (R-Buffalo) sponsor a new law to fix the effective date of the definition so those individuals accepted into, and later dropped from, the program can still have their loans forgiven.

Gov. Mark Dayton signed the law April 18. The law is retroactive to July 21, 2011.

HF2587/2360\*/CH189

— S. HEGARTY

### Ambulance, EMT regulations

New sanitation rules for ambulances will be required under a law that also updates emergency medical service definitions to conform to federal terms.

Ambulances will need to be equipped with a two-way radio that is programmed and operating according to the statewide radio board. Procedures for periodic equipment testing must be developed and used equipment must be kept in a container until disposed of or recycled for reuse.

The Emergency Medical Services Regulatory Board will have more detailed dates for those wishing to register as an emergency medical responder. The board will also have more power to suspend, deny or revoke a responder's registration, including if the person violates controlled substance laws; engages in sexual behavior, including verbally, with a patient; and if the responder engages in other unprofessional conduct. Similar rules will apply to paramedics.

In addition to current requirements, emergency medical technician instructors will be required to complete eight hours

of continuing education every two years.

Rep. Duane Quam (R-Byron) and Sen. Gretchen Hoffman (R-Vergas) sponsor the law, which was signed April 18 by Gov. Mark Dayton. It has various effective dates.

HF2128\*/SF1876/CH193

— S. HEGARTY

### Licensing for social workers

Signed  
by  
the  
governor

Licensure and training requirements for Minnesota social workers will change, under a law that will require licensing and background checks for anyone wanting to work as a social worker after July 1, 2016. Until that time, current unlicensed social workers can voluntarily apply to be considered “grandfathered in” to licensure.

Under current law, a social work license is required to practice in Minnesota, except for individuals employed by city, county and state agencies.

Social workers currently exempt from licensure can voluntarily obtain a license from the Board of Social Work and may be charged a fee for the board to perform a background check on the licensee. Those voluntarily seeking a license have between Jan. 1, 2013, and Dec. 31, 2014, to submit an application and the required fee.

Newly hired social workers at city or state agencies will be required to be licensed after July 1, 2016, in order to work as a social worker. County social workers will remain exempt. City, county and state agencies will still be allowed to employ licensed or unlicensed social workers.

The new law applies to persons seeking licensure as a licensed graduate social worker, a licensed independent social worker, a licensed independent clinical social worker and temporary licensees. Most of the law is effective Aug. 1, 2012, and after July 1, 2016, no one may represent themselves as a “social worker” without a valid license or if employed by a county in social work.

The law also creates a new statutory chapter and recodifies rules related to the regulation of alcohol and drug counselors. The Board of Behavioral Health and Therapy has been working on the language for alcohol and drug counselors for the past five years to replace outdated language.

Rep. Jim Abeler (R-Anoka) and Sen. Julie Rosen (R-Fairmont) sponsor the law, which was signed April 18 by Gov. Mark Dayton.

HF1191/SF753\*/CH197

— S. HEGARTY

### Child support reciprocity

Signed  
by  
the  
governor

A constituent of Rep. Joe Hoppe (R-Chaska) may finally get the back child support owed her from her ex-husband who lives in Bermuda.

Hoppe sponsors a new law with Sen. Julianne Ortman (R-Chanhassen) that will allow the commissioner of human services to enter into a reciprocal agreement with Bermuda for the enforcement of child support obligations.

Hoppe’s constituent told a House committee last year that her ex-husband owes more than \$53,000 in child support payments for her two sons. Larger countries have reciprocity with the United States, but the federal government leaves it up to each state to share reciprocity with smaller countries, he said.

The law, signed by Gov. Mark Dayton on April 23, takes effect when Bermuda provides written agreement to enforce reciprocal child support orders. The law will expire Dec. 31, 2013, if Bermuda officials decline or fail to accept enforcement of Minnesota child support orders.

HF795\*/SF639/CH204

— S. HEGARTY

### Pharmacy audit framework set

Signed  
by  
the  
governor

Beginning Aug. 1, 2012, entities that audit pharmacies will have new parameters for conducting the audits.

Rep. Rod Hamilton (R-Mountain Lake) and Sen. Gretchen Hoffman (R-Vergas) sponsor the new law, which provides a framework for audit procedures, an appeals process and prescribes who holds onto funds in question during the audit proceedings.

Pharmacists in Hamilton’s district said up to \$6,000 in state and federal Medicaid payments were withheld from one rural pharmacist. Another pharmacist said a \$200 claim was not paid because the prescription was faxed into the pharmacy, but the pharmacy attendant had checked that it was called in on the phone.

Newly established audit standards will require:

- giving a pharmacy 14 days notice before an initial on-site audit is conducted;
- consulting with the licensed pharmacist when the audit involves clinical or professional judgments;
- applying the same audit standards and parameters to each pharmacy;

- limiting an audit period to no more than 24 months;
- establishing a written appeals process and reporting back within specific timeframes; and
- disclosing the audit claims and returning any recouped funds to the employee benefit plan or plan sponsor.

The law was signed by Gov. Mark Dayton April 23.

HF1236\*/SF973/CH215

— S. HEGARTY

### Radiation therapy disclosure

Signed  
by  
the  
governor

A moratorium in the 14-county metropolitan area on the construction of radiation therapy facilities that are not owned or operated by a hospital will expire Aug. 1, 2014; but those wishing to construct a facility must meet a new set of criteria.

A new law sponsored by Rep. Rod Hamilton (R-Mountain Lake) and Senate President Michelle Fischbach (R-Paynesville) will require proposed facilities to be built at least seven miles from an existing radiation therapy facility and be under common control with a hospital.

Effective July 1, 2012, a physician within the 14-county area who refers patients to a facility must give the patient a list of all radiation therapy locations within the 14-county area. Physicians with a financial interest in a radiation therapy facility must disclose that to the patient.

The law is needed, said proponents, because physicians were referring patients to locations that they had a financial interest in and that caused financial loss for hospitals.

The law also appropriates \$137,000 in fiscal year 2013 from the health care access fund for a study of the needs capacity for radiation therapy locations. Results of the study are due to the Legislature by March 15, 2013.

The law also allows HealthEast to move existing radiation therapy equipment from its Maplewood location to its Woodbury location.

HF383/SF248\*/CH217

— S. HEGARTY

### Omnibus bill focuses on reforms

Autism studies, group homes, personal care assistants and electronic benefit transfer cards are just a few of the dozens of health and human services reform policies in a conference committee report passed by the House.

As part of HF2294\*/SF2093, the omnibus health and human services bill, an autism study of the Somali community would be conducted to determine why one in 27 Somali children are diagnosed with autism at birth. Another autism study would consider early intervention therapies and their projected outcomes.

A mandatory requirement to close a foster care bed when a resident no longer needs it would be delayed until 2013, and instead a needs determination model would indicate where bed closures are most available. Also, a four-bed adult foster care home could accept a fifth person for temporary respite care, in some circumstances.

Legislators decided last year to help balance the state budget by paying Minnesotans who are employed as personal care assistants for family members 20 percent less than their non-related counterparts. The rate cut was temporarily blocked by the courts and the Department of Human Services put off spending the savings. Under the report, the 20 percent cut would be delayed until July 1, 2013.

One of the more controversial provisions of the bill focuses on increased restrictions for the use of electronic benefit transfer cards that are issued to those who meet low-income requirements.

A provision proposed by Rep. Kurt Daudt (R-Crown) would limit the card purchases to stores in Minnesota and adjacent states. Opponents said the measure would prevent cardholders from using the funds to pay for food and shelter expenses when attending family events in other states.

The bill also would add liquor stores, tobacco stores and tattoo parlors to the list of prohibited uses.

Other provisions would:

- exempt Healthy Minnesota Contribution Program enrollees from the Minnesota Comprehensive Health Association six-month residency requirement;
- amend how patients may give permission to release their medical records;
- require postpartum information to be available at WIC locations; and
- restore emergency Medical Assistance for chemotherapy and dialysis.

Rep. Jim Abeler (R-Anoka) and Sen. David Hann (R-Eden Prairie) sponsor the bill, which the House re-passed 128-2. The Senate approved it 64-0. It now goes to Gov. Mark Dayton for action.

— S. HEGARTY



PHOTO BY ANDREW VONBANK

**Rep. Jim Abeler, top left, and Sen. David Hann, chairs of the respective health and human services committees, listen to members discussion during the April 20 meeting of the Omnibus Health and Human Services Conference Committee.**

### Health care compact bill advances

Barring a gubernatorial veto, HF2339/SF1933\* would enable the state to join a health care compact, contingent upon congressional approval.

Rep. Steve Gottwalt (R-St. Cloud) and Sen. David Hann (R-Eden Prairie) sponsor the bill, which passed the House 70-58 April 25 and the Senate 37-28 on April 26. It now goes to Gov. Mark Dayton for action.

Assuming congressional approval, the federal government would then return an estimated \$13.5 billion in state health care contributions and allow the state to spend it without federal strings attached.

“This is the ultimate global waiver,” Gottwalt said.

“We need this compact to do pilot programs and to experiment on how to deliver health care more effectively and efficiently and to get higher reimbursements,” said Rep. Glenn Greunhagen (R-Glencoe).

Opponents said the bill is an attempt to avoid designing a health insurance exchange as mandated by the federal Patient Protection and Affordable Care Act and that it may have the opposite effect by requiring Minnesota

to adopt a federal health insurance exchange in lieu of designing its own.

“There are some things you just don’t mess with, and you don’t mess with my momma’s Medicare,” said Rep. Joe Atkins (DFL-Inver Grove Heights).

Gottwalt said the bill would apply to Medicaid and MinnesotaCare.

Rep. Thomas Huntley (DFL-Duluth) said the way the bill is written, it would include Medicare, as well; Gottwalt said that was a mischaracterization.

“Minnesota already belongs to a compact. It’s called the United States of America,” said Rep. Tina Liebling (DFL-Rochester). “Contact your congressman; contact your senator, vote them out ... that’s our process that we have. We don’t need this bill,” Liebling said.

— S. HEGARTY

### Union dues receives veto

**Vetoed by the governor**

A bill that would have prevented state deductions from child care assistance payments to pay union dues was vetoed by Gov. Mark Dayton.

Minnesota does not currently have a child care union, but Dayton signed an executive order last November calling for an election to decide whether providers wanted a union. However, the vote was stalled when a Ramsey County judge issued a temporary restraining order.

“This legislation is completely unnecessary because no union representation of child care providers exists in the State of Minnesota,” Dayton wrote in his April 20 veto letter.

Child care providers supported the provision, saying they could opt for direct payment of union dues from their business checking accounts, rather than garnishing their state reimbursement checks.

Rep. Kathy Lohmer (R-Lake Elmo) and Sen. Ted Lillie (R-Lake Elmo) sponsor the bill.

HF1766\*/SF1630/CH190

— S. HEGARTY

## Housing

### Motor home title process eased

**Signed by the governor**

Motor home owners can affix their vehicles to land and change the property designation from “vehicle” to “real estate.”

Owners can even get a mortgage on the house. But they have found it difficult to change back to “vehicle” status and sell their motor homes.

That process will be simplified under a new law signed April 20 by Gov. Mark Dayton. Effective Aug. 1, 2012, owners will be able to receive a title from the state when un-affixing their motor homes.

Rep. Mark Murdock (R-Ottertail) and Senate President Michelle Fischbach (R-Paynesville) sponsor the law. Murdock said the measure is intended to create a process that did not previously exist for those planning on selling their motor homes.

HF1595/SF1416\*/CH198

— E. SCHMIDTKE

## Local Government

### HRA jurisdictions clarified

Signed  
by  
the  
governor

A pair of housing redevelopment authorities — one in Anoka County and the other in Washington County — asked lawmakers to clarify their respective jurisdictions.

A new law will do that.

Sponsored by Rep. Kathy Lohmer (R-Lake Elmo) and Sen. Ray Vandever (R-Forest Lake), the law will make a series of technical changes to clarify that both of the HRAs have the authority to operate countywide. Supporters say the change is needed to preserve the status quo. It takes effect upon approval by the local governing bodies.

There is one difference between the counties: whereas the Washington County HRA will have the authority to operate even in those areas of the county where another HRA exists, the Anoka County HRA will be allowed to operate only where there is no other HRA.

Gov. Mark Dayton signed the law April 20.

HF2132\*/SF2050/CH199

— N. BUSSE

### Insurance changes vetoed

Vetoed  
by  
the  
governor

Teachers and other local government employees won't have to get permission from their employers to join a statewide health insurance program.

Gov. Mark Dayton vetoed a bill April 23 that would have required local governments' approval before their employees could join the

## VIKINGS VISIT



PHOTO BY PAUL BATTAGLIA

Minnesota Vikings running back Adrian Peterson, left, and linebacker Chad Greenway tour the Capitol after meeting with Gov. Mark Dayton and legislative leaders April 25 about a new stadium to house the team.

Public Employees Insurance Program. PEIP is an optional medical, dental and life insurance plan administered by the state and available to local government employees statewide.

Under current law, public employee unions can decide whether to join PEIP. Critics, including school boards, counties and municipal governments, say employers should have a say in what insurance plan their employees choose since it impacts them financially.

In his veto letter, Dayton wrote that the ability for small numbers of employees to join a much larger insurance pool has generated “millions of dollars in savings” for both the employees and their employers. He said the ability to join PEIP freely also generates more competitive bids by health insurance providers.

“Creating a new step in the approval process for police officers, teachers, maintenance workers, and local employees, as they attempt to access affordable health care is ill-advised,” Dayton wrote.

Rep. Joe Hoppe (R-Chaska) and Sen. Gary Dahms (R-Redwood Falls) are the sponsors.

HF371/SF247\*/CH213

— N. BUSSE

## Military & Vet. Affairs

### Private business vet preference

Signed  
by  
the  
governor

A private employer will be able to give veterans preference in hiring and promotion practices, effective Aug. 1, 2012.

Rep. John Kriesel (R-Cottage Grove) and Sen. Ted Daley (R-Eagan) sponsor the new law, which makes the veteran's preference voluntary for private employers, who could also extend the benefit to the spouse of a disabled or deceased veteran. Some publicly funded agencies currently are allowed to give veterans hiring preference.

Kriesel, a veteran himself, said the law will help returning veterans obtain employment.

Although the federal Civil Rights Act considers voluntary veteran's preference in employment as discriminatory, it is permitted if allowed under state or local laws.

Gov. Mark Dayton signed the law April 18.

HF2100/SF1599\*/CH186

— S. HEGARTY

## State immunity waiver amended

Signed  
by  
the  
governor

The Uniformed Services Employment and Reemployment Rights Act ensures that veterans are not fired or discriminated against at their civilian jobs because of their absence during military service.

However, these protections did not apply to employees who work in Minnesota, but live in another state and were mobilized by another state's governor.

Rep. Glenn Gruenhagen (R-Glencoe) and Sen. Al DeKruif (R-Madison Lake) sponsor a law that amends the civilian job protections of National Guard members employed in Minnesota, even if they don't live here.

It provides a waiver of immunity for veterans to sue the state as an employer in court for USERRA violations. The new law, effective April 19, 2012, was signed one day earlier by Gov. Mark Dayton.

State law is also amended so that a guard member who is convalescing due to injuries or disease resulting from active service may qualify for a leave of absence without pay, provided the required documentation is presented.

HF1416/SF1689\*/CH192

— S. HEGARTY

## Awards for the non-military

Signed  
by  
the  
governor

Current state law allows the governor to award medals for valor, distinguished service, and good conduct, as well as certain marks of distinction to officers and enlisted personnel who served in war or other declared emergencies, provided the honor does not overlap with federal service medals.

A new law will allow the governor to also issue suitable awards to non-military individuals for distinguished service or support to military forces of the state.

Rep. Bruce Anderson (R-Buffalo Township) and Sen. Al DeKruif (R-Madison Lake) sponsor the law, which is effective Aug. 1, 2012. Gov. Mark Dayton signed it April 18.

HF2494/SF2271\*/CH202

— S. HEGARTY

## Veteran-owned small business bids

A construction bid program that allows up to a 6 percent bid preference to veteran-owned small businesses would be expanded under a bill passed as amended by the House April 25.

Sponsored by Rep. Bob Dettmer (R-Forest

Lake) and Sen. Al DeKruif (R-Madison Lake), HF1821/SF1597\* would enable the transportation commissioner to designate a construction contract to be awarded only to veteran-owned small businesses, if at least three such businesses are likely to bid.

The purpose is to help veterans transition from military to civilian life and to "keep that pool of talent here in Minnesota," Dettmer said during a previous House hearing.

While most of the work awarded has been in the area of manual labor, the bill would expand bid preferences for construction-related goods and services. That may mean that veteran-owned architectural and design businesses could be included in the program.

Counties could create a similar hiring preference program.

Goals would be set by the commissioner for prime contractors to subcontract to small targeted businesses, such as veteran-owned companies. The prime contractors may receive financial incentives for exceeding the set goals.

A report would be due every other year to the Legislature giving a summary of the program and recommendations for any suggested changes.

The bill, amended with two technical changes, passed 125-0. The Senate re-passed the bill 63-0. It now awaits action by the governor.

— S. HEGARTY

## Public Safety

### Fingerprint taking of an arrestee

Signed  
by  
the  
governor

Law enforcement will be permitted to take fingerprints from offenders for any offense if they are needed to resolve a file that is in suspense.

A file is in suspense when the Bureau of Criminal Apprehension is unable to link a record with a booking because law enforcement did not collect an offender's fingerprints during a previous booking.

When a person is arrested for a felony, gross misdemeanor or targeted misdemeanors they are required to be fingerprinted. Sometimes the fingerprinting does not occur or there is no arrest, but someone is charged. If the person does not have their fingerprints taken, there's a bad set of prints or some data inconsistencies, the record can end up in suspense.

Supporters note that fingerprints are important in building a person's criminal history and linking crimes together. For example, a person could use different names for different crimes, but their fingerprints do not change.

Authorities will not be permitted to pick up someone if it is discovered their file is in suspense; the person must first re-offend.

Rep. Tony Cornish (R-Vernon Center) and Sen. Bill Ingebrigtsen (R-Alexandria), sponsor the law that is effective Aug. 1, 2012. It was requested by the governor, who signed the law April 23, and public safety commissioner.

HF2160\*/SF2108/CH211

— M. COOK

### Filing a false lien penalty

Signed  
by  
the  
governor

The number of people for which it is a five-year felony to file a false lien against will expand to include sheriffs, deputy sheriffs and county recorders.

Prosecutors, defense attorneys or officers of the court already have this protection.

Rep. Tony Cornish (R-Vernon Center), who sponsors the law and Sen. Bill Ingebrigtsen (R-Alexandria), said there are now people who when they do not like a sheriff's decision will, in retaliation, encumber their property by filing frivolous liens against property and land totaling millions of dollars in order to cause all sorts of financial problems for the law enforcement official. It also wastes court time.

Under current law, fraudulent lien filing against anyone is a gross misdemeanor.

Supporters said the tougher penalty is needed because sheriffs, deputy sheriffs and county recorders should not have to be harassed simply for doing their job, be it a sheriff's sale of real property or filing a lien placed on real property.

Signed April 23, by Gov. Mark Dayton, the law takes effect Aug. 1, 2012.

HF2373\*/SF1874/CH210

— M. COOK

### Gang activity definition expands

Signed  
by  
the  
governor

An expansion of the 2009 criminal gang injunction law will close a loophole exploited by some adult gang members who use younger members to hold their firearms as a way to avoid additional criminal charges.

Sponsored by Rep. Carol McFarlane



(R-White Bear Lake) and Sen. John Harrington (DFL-St. Paul), the law will expand the list of offenses that constitute gang activity to include unlawful possession of a firearm by a minor. It takes effect Aug. 1, 2012.

According to McFarlane, a criminal gang that continuously or regularly engages in gang activity is considered a public nuisance, and a prosecutor can seek, and a court can enter, an order enjoining a person from engaging in gang activity.

The law was brought forth by Ramsey County Attorney John Choi and is supported by the law enforcement community, cities and public event organizers who've had trouble with gang activity.

Youth legally carrying a firearm for hunting or target practice would not be affected by the change.

HF1245/SF1123\*/CH200

— M. Cook

### Restraining order charge locale

Signed by the governor

The venue options for charging violators of harassment restraining orders will expand.

Effective Aug. 1, 2012, a person who commits a violation in two or more counties can be prosecuted in either jurisdiction for all of the acts.

The new law also provides that if the harassment is done through wireless or electronic communication, such as by phone, text message or through social media sites, the perpetrator can be charged in the county from where the information was sent or where the victim resides.

Sponsored by Rep. Tony Cornish (R-Vernon Center) and Sen. Bill Ingebrigtsen (R-Alexandria), the law further requires the Department of Corrections to post on its website at least 30 days before a hearing to consider the release of an inmate sentenced to life imprisonment for first-degree murder involving the killing of a peace officer or correction facility guard information about the hearing.

Signed April 23 by Gov. Mark Dayton, the law is effective Aug. 1, 2012.

HF738\*/SF1000/CH218

— M. Cook

### Going after gas drive-offs

Signed by the governor

With gas prices increasing, so does the number of people filling up and fleeing.

Sponsored by Rep. Chris Swedzinski (R-Ghent) and

Sen. Scott Newman (R-Hutchinson), a new law will help small businesses streamline the process of collecting money from motor fuel drive-offs.

The law will allow a trade association acting on behalf of member organizations and retailers to serve notice and collect payments within current collection statutes. It will also help local law enforcement by allowing the association to do an inference as to whether the person driving off meant to steal the fuel.

The Minnesota Petroleum Marketers Association, which represents many of the mom-and-pop or smaller convenience stores across the state, brought forth the proposal.

When a customer now drives off without paying, a station employee either contacts local police right away or they contact the trade association to determine the address, name, phone number of the individual that stole it based on the vehicle's license plate.

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

Signed April 18 by Gov. Mark Dayton, it takes effect Aug. 1, 2012.

HF2333\*/SF1870/CH173

— M. Cook

### Restraining order jurisdiction

Signed by the governor

Changes to the state's harassment restraining order are designed to clear up state statute and remove an administrative barrier for victims.

Sponsored by Rep. Glenn Gruenhagen (R-Glencoe) and Sen. Roger Chamberlain (R-Lino Lakes), the law will allow an application for a harassment restraining order to be filed in the county of residence of either party or in the county where the alleged harassment occurred. Signed April 23 by Gov. Mark Dayton, it takes effect Aug. 1, 2012.

Because current statute doesn't clearly give direction to the courts about filing a restraining order, this has led to inconsistent handling of requests, especially in Greater Minnesota. Advocates working with victims found they would appear in one county to help their clients file an order for petition, only to be told that they would have to go to another county to seek court protection.

Supporters said it will help in cases like when a victim tried to file the petition in a county of residence, but was told by a court

clerk she had to file for a petition in the county where the incident took place. When the petitioner went to the second county, she saw the perpetrator who had harassed her.

Courts will be permitted to waive filing fees for certain restraining order petitions. The fee can now be waived if the alleged acts would constitute criminal sexual conduct or gross misdemeanor or felony stalking. In order to be eligible for federal grants to combat violence crimes against women, states must certify their laws do not require victims of sexual assault, stalking or domestic violence bear the cost of filing for a protection order.

HF469\*/SF574/CH223

— M. Cook

### Sex offender grid calculation fix

Signed by the governor

A mathematical rounding error has resulted in incorrect presumptive sentences on the sex offender grid.

Requested by the Sentencing Guidelines Commission and supported by the judicial branch, a new law corrects the problem to ensure courts do not sentence someone beyond the presumptive range and potentially avoid lawsuits.

The change is needed so the commission can publish a new grid out of sequence, otherwise the change would not happen until next summer.

A person's criminal sexual misconduct sentence is determined by the severity of the offense and the person's criminal history score. When the lines are matched up on a grid, it shows the presumptive sentence for that offense. The commission is statutorily ordered to put a range — 15 percent below or 20 percent above the presumptive sentence — on the grid that a judge can sentence within.

When the grid was created in 2006 the math calculations were performed incorrectly, leaving some of the ranges off by one month. Once the error was discovered, the calculations were changed to be correct, and the grid was reissued. However, the commission's enabling legislation prevents it from officially putting the grid out until after its 2013 report to the Legislature. Those proposed modifications would be scheduled to take effect Aug. 1, 2013.

The new grid will apply to cases from the effective date forward. The commission has identified all offenders incorrectly sentenced. For offenders sentenced at the lower end of

## FLURRY OF ACTIVITY



PHOTO BY ANDREW VONBANK

The area outside the House Chamber sees a flurry of activity April 23 in this 6-second exposure.

the range nothing will change because a court can't increase a sentence once it's been imposed. For offenders affected on the high end, there is a rule of criminal procedure allowing the courts to correct that sentence.

Rep. Doug Wardlow (R-Eagan) and Sen. Warren Limmer (R-Maple Grove) sponsor

the law that took effect April 24, 2012, one day after it was signed by Gov. Mark Dayton.

HF2896/SF2464\*/CH229

— M. COOK

If you have Internet access, visit the Legislature's Web page at: [www.leg.mn](http://www.leg.mn)

## Felony DWI technical fix

Signed  
by  
the  
governor

A legislative oversight from five years ago has been corrected.

Sponsored by Rep. Kurt Daudt (R-Crown) and Sen. Sean Nienow (R-Cambridge),

the law fixes some problems when legislative changes were made to allow enhanced sentences for DWI offenses.

In particular, a statutory reference was misstated and has since caused some legal problems.

When the law was changed and the statute was renumbered, reorganized and relisted some of the criminal vehicular operation offenses used different numbers, but that didn't carry over to the felony DWI statute.

The law is effective April 24, 2012, one day after it was signed by Gov. Mark Dayton.

HF2246\*/SF1825/CH222

— M. COOK

## State Government

### Revisor allowed to clean up language

Signed  
by  
the  
governor

Each session, a bill is needed to allow the Office of the Revisor of Statutes to clean up statute language that could include erroneous, ambiguous, and omitted text and obsolete

references.

Gov. Mark Dayton signed a law April 18 that gives that permission. Commonly known as the "revisor's bill," this year's law is sponsored by Rep. Doug Wardlow (R-Eagan) and Sen. Warren Limmer (R-Maple Grove).

The law has various effective dates.

HF2770/SF2060\*/CH187

— L. SCHUTZ

### 'Back office' consolidation proposed

The state recently consolidated all of its information technology functions under a single agency. It might soon do the same for "back office" functions like accounting and payroll.

Rep. Keith Downey (R-Edina) sponsors HF418 that would fund a benchmarking study on the efficiency and effectiveness of the state's accounting, finance, procurement and human resources operations across state agencies. The Department of Administration would contract for the study and report back to the Legislature

with a plan to implement any recommended changes.

Downey, who sponsored the legislation that led to the IT consolidation under the Office of Enterprise Technology, hopes the bill might help get the ball rolling on a similar consolidation of the back office functions of government.

“These are the functions of government that frankly aren’t adding value. They aren’t essential to the program functions. They’re just the day-to-day work that has to be done,” Downey said.

He noted that the state recently implemented new standardized accounting software (Statewide Integrated Financial Tools, or SWIFT) that should make consolidation easier.

Passed 75-56 by the House, the bill passed the Senate 47-15. Sen. Ted Daley (R-Eagan) is the sponsor.

Some members raised concerns about the bill’s funding mechanism, which proposes using potential cost savings generated by the results of the study itself or savings gained from the IT consolidation. Critics argued that amounted to spending imaginary money.

“I think it’s basically a good idea, but I think it would be a better idea if we had a way of paying for it,” said Rep. Phyllis Kahn (DFL-Mpls).

Downey said the funding mechanism might be revised if the bill goes to conference committee.

He also successfully offered an amendment that would allow the study to include the Legislature, if the Legislative Coordinating Commission requests it.

— N. BUSSE

### Gainsharing award raised

Signed by the governor

State employees who find ways to save the taxpayers’ money will be eligible for a slightly larger one-time bonus.

A new law increases the maximum award provided by the state’s gainsharing program for state workers. The program was hatched in 2011 as a way to encourage employees to find more cost-effective ways of conducting government business. Workers whose suggestions or involvement in a project results in documented cost savings to the state are eligible for the award.

Previously, participating employees were eligible for one-time bonus compensation of up to 10 percent of the savings achieved

in the first fiscal year, up to a maximum of \$1,000 per individual or \$2,500 per group of employees. Effective Aug. 1, 2012, the cap will be raised to \$50,000 for either individuals or groups.

Gov. Mark Dayton signed the law April 23. Rep. Keith Downey (R-Edina) and Sen. Julianne Ortman (R-Chanhassen) are the sponsors.

HF1850\*/SF2253/CH205

— N. BUSSE

### Helping agencies become efficient

Signed by the governor

The Department of Administration has a master list of contractors that state agencies can call upon at their discretion to help improve things like state building efficiency, tax collection methods and vehicle fleet management. A new law will add one more category.

Signed April 23 by Gov. Mark Dayton, the law will allow state agencies to contract with private vendors to look for efficiencies in their management structure. The department will provide a list of contractors who are eligible to perform those services.

The law is permissive, and does not require agencies to take advantage of the contractors’ services. The department is directed to report back to the Legislature next year on how agencies have utilized the program.

Rep. Mike Benson (R-Rochester) previously said that the bill would give agencies a tool to “flatten” their internal management structure to eliminate layers of bureaucracy.

The law takes effect Aug. 1, 2012. Benson and Sen. Carla Nelson (R-Rochester) are the sponsors.

HF1813\*/SF1650/CH220

— N. BUSSE

### Judges can serve past 70

Signed by the governor

Administrative law judges and compensation judges will no longer face mandatory retirement at age 70.

Signed April 23 by Gov. Mark Dayton and effective April 24, 2012, a new law repeals the age ceiling for administrative law and compensation judges. The change was necessitated after the U.S. Equal Employment Opportunity Commission deemed the law unfair, and the Office of the Attorney General determined that the state would probably lose a potential court challenge.

Rep. Tim Mahoney (DFL-St. Paul) and Sen. Ted Lillie (R-Lake Elmo) sponsor the law.

HF2614\*/SF2227/CH224

— N. BUSSE

### Rulemaking oversight passed

Lawmakers might soon be taking a closer, more critical look at the administrative rules promulgated by state agencies.

Rep. Mike Beard (R-Shakopee) sponsors HF2169/SF1922\* that would provide for greater legislative oversight of administrative rules, which have the full force and effect of law but which are created by state agencies rather than elected legislators. Sen. John Pederson (R-St. Cloud) is the Senate sponsor.

The bill proposes several measures to increase legislative oversight, including:

- requiring agencies to assess the cumulative effect of proposed rules with existing state and federal regulations;
- requiring a number of state agencies to issue reports describing the rationale behind their existing rules and any recommended changes;
- requiring agencies to notify the Legislative Coordinating Commission of their intent to adopt any proposed rules; and
- requiring agencies to submit their rulemaking docket for the year and the previous year’s rulemaking record to the relevant legislative committees.

The bill in its current form has been scaled down from its original version, which proposed much tighter legislative oversight of rulemaking. Beard said he narrowed the bill’s scope in hopes of getting it signed by Gov. Mark Dayton.

The House passed it 88-40. The Senate passed 50-12 on April 19. It now goes to the governor’s desk.

Rep. Mark Buesgens (R-Savage) unsuccessfully offered an amendment that would have required the governor to sign off on administrative rules in order for them to take effect. The governor currently has the option to veto administrative rules but does not have to approve them.

Supporters said the governor, as an elected official, should take greater responsibility for the rules created by his own agencies.

“Things that do have the force and effect of law should be signed off on by an elected official,” said Rep. Mindy Greiling (DFL-Roseville).

Opponents included Rep. Tim Mahoney (DFL-St. Paul), who said that complicated regulations like building codes are better left

to “professionals” rather than politicians. The amendment failed on a vote of 54-74.

— N. BUSSE

### Outsourcing bill vetoed

Vetoed  
by  
the  
governor

The Department of Administration will not be allowed to contract for waste removal if state employees are able and available to do the work themselves.

Gov. Mark Dayton vetoed a bill April 23 that would have provided for an exemption to a state law allowing agencies to outsource work to private vendors only if state workers can't already do it. Supporters had hoped to allow the department to contract out for waste-hauling services for the Capitol Complex.

The work is currently performed by a pair of employees of the department who also perform other functions.

In his veto letter, Dayton wrote that the current arrangement enables the department to “keep multiple business units adequately staffed without additional fulltime employees.”

Dayton said the bill would also send the wrong signal to public workers.

“Public employees have done remarkable jobs serving the people of Minnesota during difficult economic times. Unfortunately, there are too many in the legislature, who refuse to either recognize or appreciate that valuable work state employees perform,” he wrote.

Rep. Kirk Stensrud (R-Eden Prairie) and Sen. Paul Gazelka (R-Brainerd) are the sponsors.

HF1812\*/SF1846/CH214

— N. BUSSE

### E-Verify bill vetoed

Vetoed  
by  
the  
governor

New state employees won't have to submit to a federal background check, after all.

Gov. Mark Dayton vetoed a measure April 24 that would have required all new hires in state government to submit to a check through the E-Verify system, which confirms whether an individual is legally authorized to work in the United States.

E-Verify is run by the U.S. Department of Homeland Security, and cross-checks data from federal agencies. In his veto letter, Dayton cited a recent study from the Government Accountability Office that found “significant problems with

fraud vulnerabilities and data accuracy” in the system. He noted that the errors “disproportionately affect particular segments of the population.”

“Requiring use of the E-Verify system would result in an inefficient and duplicative process, which could create appearances of unfair treatment and, thereby, cause an increase in employment litigation,” Dayton wrote.

He also noted that the legislation is opposed by a number of groups, including the Minnesota Chamber of Commerce, which has stated their preference for a federal solution to immigration issues.

Rep. Ernie Leidiger (R-Mayer) and Sen. Al DeKruif (R-Madison Lake) are the sponsors. HF1976\*/SF1842/CH221

— N. BUSSE

## Taxes

### Obsolete tax provisions cleaned up

This session's omnibus tax bill awaits final action in conference committee, but a tax bill passed 109-20 by the House April 24 would clean up some technical and obsolete issues enacted in previous sessions' tax bills.

Sponsored by Rep. Greg Davids (R-Preston), HF2690 would clean up language to the 2011 market value exclusion provision, which impacts calculation of city debt limits and tax capacity. These changes could cost the General Fund \$400 million in fiscal year 2014 and the same amount in the next fiscal year.

Other provisions in the bill include:

- repeal of the International Economic Development Zone program provisions that were enacted in 2005 to permit development of an airfreight zone in Rosemount. The zone was not designated and the promoters have abandoned the idea;
- elimination of provisions related to pre-1979 tax increment finance districts. These districts were grandfathered by the 1979 TIF Act and were required to be decertified by 2009. As of the end of 2011 all of these districts have been decertified;
- expands the permitted facilities and expenditures that may be financed with county capital improvement program bonds to include public works facilities, fairgrounds buildings, records and data storage facilities; and
- shortening from 14 to 10 days the

minimum number of days notice must be published before the public meeting on issuance of CIP bonds.

The bill now awaits action on the Senate floor. Sen. Julianne Ortman (R-Chanhassen) is the Senate sponsor.

— L. SCHUTZ

## Transportation

### New Scott County registrar

Signed  
by  
the  
governor

A new library being built in Elko New Market will include a deputy registrar's office.

Sponsored by Rep. Mark Buesgens (R-Savage) and Sen. Claire Robling (R-Jordan), the law will require the Public Safety Department to open the facility.

Supporters say now is the time for the legislation because the office can be incorporated into the building, and the next closest registrar is approximately 10 miles away in the rapidly growing area of Scott County.

Signed April 23 by Gov Mark Dayton, the law takes effect Aug. 1, 2012.

HF1175\*/SF929/CH219

— M. COOK

**Note:** This past week HF3007-HF3031 were introduced. Short descriptions of the bills will be published in the next Session Weekly. Bill information is available on the House website [www.house.mn](http://www.house.mn).

To find out who represents you at the Capitol . . .  
Call House Public Information Services  
at 651-296-2146 or 800-657-3550

### Minnesota's U.S. Senators in Washington D.C.

#### Senator Amy Klobuchar (DFL)

302 Hart Senate Office Building  
Washington, D.C. 20510  
202-224-3244  
Fax: 202-228-2186

#### Senator Al Franken (DFL)

309 Hart Senate Office Building  
Washington, D.C. 20510  
202-224-5641  
Fax: 202-224-0044



PHOTO BY PAUL BATTAGLIA

Rep. Pat Garofalo, standing, discusses his bill on the House floor April 23.

# Waiting for the governor's final grade

## Omnibus education bill nears finish line

BY ERIN SCHMIDTKE

**C**hanges related to veteran's military pay, postsecondary enrollment options and payment to teachers charged with a felony are awaiting gubernatorial approval.

Sponsored by Rep. Pat Garofalo (R-Farmington) and Sen. Gen Olson (R-Minnetrista), the bill would require school districts to pay employee salary differential to those who have been deployed in the National Guard or other reserves. Funds remaining at the end of the year could be used to pay for substitutes for the deployed employees. Current law often results in partial payment to service members.

HF2949\*/SF2482 also seeks to expand postsecondary enrollment options, as well. Currently, high school juniors and seniors may take classes at certain colleges while still completing high school. The bill would extend PSEO to 10th grade students. If a student receives a "C" or better in the class, he or she would be able to take additional credits at the school.

Under bill provisions, teachers with

felonies would also be impacted. Those under that type of investigation could be suspended without pay, pending the conclusion of a hearing. If the educator is found to be not guilty, he or she would be reinstated and repaid.

Proponents say this is necessary because it would authorize schools to withhold salaries from those who may be dangerous to students. Garofalo said this would allow more choices for all districts where an employee has been charged with a felony, instead of limiting that to cities of the first class, which are cities with 100,000 residents or more.

Rep. Carlos Mariani (DFL-St. Paul) praised the report's approach to student testing as a measure of achievement. For the current and upcoming school years only, students who have not passed the basic skills test by the end of last school year may instead meet the requirement by retaking the math GRAD test, while continuing to complete graduation requirements in their schools. Mariani said this would positively affect a small group of struggling students, many of whom are immigrants.

"I think it is illustrative of our need to be much more multi-dimensional, much more flexible, much more fair, quite frankly, to our

students," he said.

The bill would also facilitate transportation and enrollment of homeless students. Under the bill, if a homeless student's parent moves to another district, the student would still be allowed to attend class in the original district.

Districts would be responsible for the transportation of homeless students, even if their residence within the district cannot be verified.

Another part of the bill provides for an individualized learning agreement for districts that would allow schools to work with students to develop their own curriculum based on their unique interests and strengths.

A measure within the bill would allow charter schools to enter into two-year collaboration agreements with school districts to promote student learning.

A controversial section of the bill reserves \$250,000 for a parent-child home program designed to help children obtain literacy skills. This measure generated debate in various committees and on the floor this session because it would draw that money from a fund already intended to be used for early childhood learning. 🗣️

# Greene exits House after one term

## Redistricting costs early childhood advocate a seat at the Capitol

By **BOB GEIGER**

Call her Rocky, without the gloves.

After a single session in the House, Rep. Marion Greene (DFL-Mpls) is stepping down after court-drawn redistricting mapped her into the same district as five-term Rep. Frank Hornstein (DFL-Mpls).

Greene ran against Hornstein for the DFL endorsement in the new District 61A, but bowed out after the third ballot. “We could have gone to a fourth ballot, but why bother?” she said, reflecting the conciliatory tone of the endorsement contest.

Her 2010 election meant that the first-term lawmaker entered the House in the minority caucus.

With state finances tight, Greene

chuckled when asked to name her biggest accomplishment during her lone House term.

“The things that give me the most personal satisfaction are conversations I’ve had about early childhood education, and trying to advance that issue,” Greene said.

Several legislators worked on that issue, but didn’t generate a ton of bills because they would stand little chance of passage, she said.

“If I were to come back in the majority, I would like to see some real investment in early childhood education. There are all these studies – I feel I’m like the same broken record that Art Rolnick is,” Greene continued.

Rolnick, a senior fellow at the University of Minnesota’s Humphrey School of Public Affairs, is a strong proponent of early childhood education.

Funding such programs is difficult for a variety of reasons, including partisan gridlock on many issues, which contributes to the frustration Greene has experienced since she took office, she said.

“There have been a lot of different times when I’ve been gripped by this sense that we can make positive change as a part of this group. I know when I come up the west stairs of the Capitol, I always feel like Rocky running up the steps of the Philadelphia Art Museum. It’s like it’s so great and there’s so much possibility,” Greene said.

But after reaching the Capitol’s second floor, she said, “I don’t want to say, ‘I keep my boxing gloves on,’ but maybe I do.” Greene’s feeling is rooted in the time-consuming, often-contentious exchanges on the House floor.

“The tenor right now is not one in which it’s easy to find a group

that wants to find a middle ground to move something forward,” Greene said. “That’s what everybody that I’ve spoken to out there says they want, yet here it’s just persistent partisanship. I think we’re going to have to hit bottom on that before we can find a way out.”

The biggest change in the legislative process during Greene’s term is that few changes have been made. “I suppose what I’ve been able to see is the evolution of a confident majority two years ago and, now, we haven’t been able to get anything done.”

Minnesota’s recession-strapped budget hasn’t helped the situation. Nor has an absence of getting together after session adjourns to get to know each other over a sandwich or beverage.

“I used to work at the New Mexico Legislature as a staff person, and that was so much the glue of how things got done,” said Greene.

Greene’s advice to her successor — she assumes it will be Hornstein — is to “keep doing what he’s doing. He has a fantastic track record and I think more of the same is great. The district was 70 percent mine (in area), but Frank is loved and well-known and we’ve always viewed ourselves as shared legislators.”

As for other incoming House members, Greene said, “I probably have more interesting advice for new legislators, which would be to get things done based on your relationships. So make that a measureable part of your experience.

“The second thing is pick an area of interest and passion that hopefully overlaps with the interest and passion of people in your district and go deep on that,” Greene added.

She has not yet defined her future in politics and plans to keep working in the medical industry. She worked for St. Jude Medical and Boston Scientific before being elected in 2010.

If she did return to the House, Greene said, “I’d love to be in the majority.” 🙏



PHOTO BY ANDREW VONBANK

**Rep. Marion Greene says partisanship has hampered legislative productivity.**

# Going home to put out different fires

LeMieur plans to spend more time with sons

By ERIN SCHMIDTKE

After a single, busy term in the House, Rep. Mike LeMieur (R-Little Falls) has decided it's time to return home.

He is the father of twin boys, Isaac and Nicholas, 11, and son, Elijah, 13. LeMieur said that because they are at an "impressionable age," he wants to spend more time with them.

"They're growing up so fast. I believe the right thing to do now is to be at home to spend more time with my family and be there when my boys are growing up," he said.

Once the legislative session ends, LeMieur will go back to his life as the co-owner of the family business, Home Furnace Co. in Little Falls. He is also a volunteer firefighter with the Little Falls Fire Department, which he has been a part of for over 20 years.

LeMieur said it has been a struggle to balance that along with his legislative priorities. To get credit as a volunteer, LeMieur has spent his time outside of session fighting fires.

On top of those duties, LeMieur has focused on one of his top priorities as a lawmaker: pro-life legislation.

"It's always been a very important part of why I came here, to protect unborn life," he said.

LeMieur worked in support of bills that would place restrictions on abortion in Minnesota, including illegalizing taxpayer funding of abortions and banning human cloning. He calls the end result of that effort his biggest disappointment while in office. Those pieces of legislation were ultimately vetoed by the governor.

LeMieur has also seen some of his bills succeed during his term in office.

During the 2011 session, one of his first bills sought to change the Rural Preserves and Green Acres programs, which provide tax relief to farmers who own non-productive rural vacant land and productive agricultural land. His bill, which the governor signed into law, removes requirements for farmers looking to enroll in the Rural Preserves



PHOTO BY ANDREW VONBANK

**Once session ends, Rep. Mike LeMieur will return fulltime to the family business in Little Falls, where he also serves as a volunteer firefighter.**

program.

For the small remainder of the session, LeMieur plans to keep supporting issues that matter to him. Following the settlement of the state government shutdown last session, he said accomplishing that has been easier this year.

"We can concentrate on policy ... with less pounding on the doors," LeMieur said. He added he especially would like to see the Capitol bonding renovation bill become law.

At times, LeMieur admits he was surprised by the partisan nature of the House, but has also seen the good intentions of his fellow legislators. During the last two years, his relationships with his colleagues have turned into friendships.

"There are a lot of great people on both sides of the aisle. We might not agree on a lot of things, but we all want to make Minnesota a better place. ... I made a lot of friendships here I'll take with me," he said.

This becomes immediately apparent as Rep. Joe McDonald (R-Delano) steps off the House floor during the interview to make an interjection.

"This is a great guy," McDonald said of LeMieur.


LeMieur also expressed admiration for other state workers who assist in the day-to-day operations of government.

"The people behind the scenes, the state workers that take care of the Legislature, are wonderful people. Every one of them deserves our respect," he said.

Serving in the Legislature is not LeMieur's first time in politics. He previously spent time on the Little Falls City

Council as president. Despite having been elected to both local and state government, when asked if he had advice for his successor, he responded with a laugh: "No."

Although LeMieur approaches the end of his term in the House, this might not be the end of his political career.

"I'll never close the door on it, that's for sure. But it'd have to be a few years down the line." 

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

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

## Session Weekly

### Director

Barry LaGrave

### Editor/Assistant Director

Lee Ann Schutz

### Assistant Editor

Mike Cook

### Art & Production Coordinator

Paul Battaglia

### Writers

Nick Busse, Bob Geiger, Susan Hegarty,  
 Erin Schmidtke

### Chief Photographer

Paul Battaglia

### Photographer

Andrew VonBank

### Staff Assistants

Christy Novak, Samantha Langenbach

- To have Session Weekly mailed to you, subscribe online at [www.house.mn/hinfo/subscribesw.asp](http://www.house.mn/hinfo/subscribesw.asp) or call 651-296-2146, 800-657-3550.
- Session Weekly Online is available at [www.house.mn/sessionweekly](http://www.house.mn/sessionweekly).
- If you enjoy Session Weekly, please consider helping to defray production and mailing costs with a voluntary donation for the 2012 session.

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

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

# MINNESOTA INDEX

## Strike up the band

Year Chatfield Brass Band and Music Lending Library was established.....	1853
Year the first marching band was organized in Chatfield .....	1883
Pieces of music collected and cataloged at the library .....	30,000
Years considered to be the "Golden Age of Bands" .....	1870-1930
Year University of Minnesota Marching Band was founded .....	1892
First year a halftime show was presented during the Gopher football season.....	1910
Year women first entered the university's concert band .....	1934
Number of University of Minnesota band directors from 1892-2006 .....	18
Year "Hail! Minnesota" (rouser) debuted .....	1904
First Vikingland Band Festival in Alexandria .....	1985
Date of this year's event that is always held the last Sunday in June .....	24
Number of high school marching bands participating in last year's completion.....	19
Number of high school marching bands participating in the daily mall parade at the 2011 Minnesota State Fair.....	42
Number of participating Minnesota State High School League schools with a band program in 2011 .....	418
Number of band participants in 2011 .....	4,126
Number of members comprising the 65-year-old Minnesota Brass corps, which features brass, drum and color guard components.....	128
Last year the corps took home the top prize at an world annual drum corps competition .....	2011
Year the Minnesota Police Pipe Band was founded .....	1963
Year St. Paul Police Band, formed in 1923, was inducted into the <i>Minnesota Music Hall of Fame</i> .....	2008
Year the marching-band themed "The Music Man" became a hit movie.....	1962
Year John Phillip Sousa assumed leadership of the U.S. Marine Band.....	1880
Year Sousa started his first civilian band .....	1892
Year Sousa wrote "The Stars and Stripes Forever".....	1896
Year "Semper Fidelis" was written by Sousa and is now considered the official march of the United State Marine Corps .....	1888
Number of marches written by Sousa .....	136

— L. SCHUTZ

**Sources: Chatfield Brass Band and Music Lending Library, University of Minnesota, Minnesota State Fair, Library of Congress, Minnesota History Center.**