



Minnesota State Colleges & Universities

Mandates and Curiosities

2008 Mandates and Curiosities

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OMNIBUS BONDING BILLView online: [H.F. 380 \(Chapter 179\)](#)

Note: Chapter 179 represents the bill as presented to the governor. It does not represent the official 2008 session law, which includes governor vetoes. Due to this, section numbering may change when the final law is available summer 2008.

SUMMARY: The omnibus bonding bill contains language to fund construction of state financed facilities, as well as remodeling and renovation of existing buildings. The 2008 Legislature passed a \$925 million bonding bill early April, which included \$280.9 million in capital line-item projects and asset preservation work authorized for the Minnesota State Colleges and Universities system. Gov. Tim Pawlenty line-itemed vetoed the bonding bill for a total amount of \$717 million in general obligation bonding. The system's total after the line-item vetoes is \$234 million, which is the largest bonding number the system has received. The System will self-finance \$57 million of the \$234 million authorization, yielding a net state bonding support of \$177 million. Four institutional projects and two system-wide initiatives were part of the governor's vetoes.

Also included in the bonding bill under the Employment and Economic Development section was funding for the National Hockey Center at St. Cloud State University. The bill also includes policy language affecting the Minnesota State Colleges and Universities system. The Board of Trustees is to transfer the horticultural center at Anoka Technical College to the Anoka-Hennepin School District, and Owatonna will now be designated as a campus in state statute. Lawmakers approved an increase in the debt authority of the Revenue Fund from \$150 million to \$200 million and language was included that gives authority to the Board to declare state funded improvements on non-state land as surplus property.

Section***Omnibus Bonding Bill***

3	Minnesota State Colleges and Universities	
	Subd. 1. Total Appropriation	\$234,225,000
	Subd. 2. Higher Education Asset Preservation and Replacement	\$55,000,000
	Subd. 3. Alexandria Technical College	\$10,500,000
	Complete design and construct a new Law Enforcement Center and related classroom renovation.	
	Subd. 4. Anoka Ramsey Community College, Coon Rapids	\$3,800,000
	Design, construct, furnish and equip an academic addition for classrooms and offices.	
	Subd. 5. Bemidji State University	\$8,900,000
	Construct, furnish and equip an addition to and renovation of Sattgast Hall for biology and chemistry labs.	
	Subd. 6. Century College	\$7,900,000
	Design, renovate, furnish and equip Phase 2 of the science and library project to renovate existing space for	

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classrooms, labs and offices.	
Subd. 7. Dakota County Technical College	\$200,000
Design the relocation and renovation of transportation and emerging technologies classrooms, laboratories, and related space.	
Subd. 8. Hennepin Technical College	\$2,400,000
Design, renovate, furnish and equip existing space at the Eden Prairie campus for science labs and shared classrooms, and to design a renovation of existing space at the Brooklyn Park and Eden Prairie campuses for a library and student services.	
Subd. 9. Inver Hills Community College	\$13,200,000
Construct, furnish and equip a classroom addition to and renovation of the Fine Arts Building. College funds may be added to this appropriation up to a total project cost of \$13,450,000.	
Subd. 10. Lake Superior College – VETOED	\$11,000,000
Complete design and construct, furnish and equip an addition to the Health and Science Center.	
Subd. 11. Mesabi Range Community and Technical College, Eveleth – VETOED	\$5,000,000
Construct, furnish and equip shop space for the industrial mechanical technology and carpentry programs.	
Subd. 12. Metropolitan State University	
a) Smart Classroom Center – VETOED	\$4,980,000
Construct, furnish and equip renovation of two floors of technology-enhanced classrooms and academic offices in the power plant building.	
b) Law Enforcement Training Center	\$13,900,000
Complete design of and construct, furnish and equip, in cooperation with Minneapolis Community and Technical College, a co-located Law Enforcement Training Center on the campus of Hennepin Technical College in Brooklyn Park.	
Subd. 13. Minneapolis Community and Technical College	\$400,000
Design renovation of instructional space, support space and infrastructure for workforce programs.	
Subd. 14. Minnesota State University, Mankato	\$25,500,000
Construct, furnish and equip a renovation of south and center sections of Trafton Science Center.	
Subd. 15. Minnesota State University Moorhead	
a) Lommen Hall Renovation	\$13,100,000
Complete design of and construct, furnish and equip renovation of Lommen Hall and construct an addition to the basement.	
b) Livingston Lord Library	\$400,000

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Design renovation of the Livingston Lord Library.	
Subd. 16. Minnesota West Community and Technical College, Worthington	\$450,000
Design renovation of and an addition to the Fieldhouse.	
Subd. 17. Minnesota State Community and Technical College, Moohead	\$2,500,000
Design, construct, furnish and equip an addition for the mechanical construction trades, and design a classroom-library addition.	
Subd. 18. Normandale Community College	\$7,000,000
Complete design of and construct, furnish, and equip an addition to and renovation of the Health and Wellness Building for classrooms, laboratories, and related offices. Renovate, furnish and equip the Athletics Building for classrooms and related space.	
Subd. 19. North Hennepin Community College	
a) Center for Business and Technology – VETOED	\$13,300,000
Construct, furnish and equip an addition to the Center for Business and Technology and renovate the center for classrooms and related space.	
b) STEM Facilities	\$900,000
Design for construction and renovation of facilities at both North Hennepin Community College and Anoka Ramsey Community College, Coon Rapids to support Science, Technology, Engineering and Math (STEM) initiatives.	
Subd. 20. Northland Community and Technical College, East Grand Forks	\$7,800,000
Construct, furnish and equip a nursing addition and renovate spaces for allied health laboratories, library, learning resource center, student commons, bookstore, classrooms, ancillary spaces and boiler system expansion.	
Subd. 21. Owatonna College and University Center	\$3,500,000
Acquire the Owatonna College and University Center Building in Steele County, including the purchase of adjacent vacant land.	
Subd. 22. Ridgewater College, Willmar	\$3,500,000
Design, construct, furnish and equip new instructional space, including “smart” classrooms. Includes funds to demolish outdated structures.	
Subd. 23. Rochester Community and Technical College	\$200,000
Design an addition to the Heintz Center for co-location of a workforce center, a career and technical education center, and for classroom renovation. The college may use additional resources to complete the design.	

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Subd. 24. South Central College, Faribault	\$400,000
Design demolition of obsolete space, a small addition, and renovation of remaining spaces for classrooms, a learning resource center and laboratories.	
Subd. 25. St. Cloud State University	
a) Brown Science Hall Renovation	\$14,800,000
Complete design of and construct, furnish and equip renovation of Brown Hall for classrooms, science laboratories and other spaces.	
b) Science and Engineering Lab	\$900,000
Design an integrated science and engineering laboratory and student and academic support building.	
Subd. 26. St. Cloud Technical College	\$200,000
Design renovation of the Allied Health Center.	
Subd. 27. Saint Paul College	\$13,500,000
Construct, furnish and equip the renovation of classrooms, the transportation and applied technology and trades laboratories on the ground floor, and an expansion of the truck mechanics shop.	
Subd. 28. Southwest Minnesota State University	
a) Science and Hotel and Restaurant Laboratories	\$9,000,000
Complete design of and construct, furnish and equip renovation of laboratories in the Science and Technology Building, laboratories and a classroom in the Science and Math Building, and hotel and restaurant industries teaching laboratories in the Individualized Learning Center.	
b) Science Laboratory Renovation	\$200,000
Design renovation of the science laboratories and an addition to the Plan Science Learning Center in the Science and Math Building.	
Subd. 29. Winona State University	\$8,400,000
Construct, furnish and equip an addition to Memorial Hall and renovation of vacated spaces at Gildemeister Hall. Non-state money may be used for the remainder of the cost of construction.	
Subd. 30. Systemwide Initiatives	
a) Science Laboratory and Classroom Renovation	\$5,775,000
Design, renovate, furnish, and equip teaching laboratories and classrooms for science and applied technology for Alexandria Technical College; Anoka Technical College; Anoka Ramsey Community College, Cambridge; Bemidji State University; Central Lakes College, Brainerd; Century College; Inver Hills Community College; Hennepin Technical College, Brooklyn Park and Eden Prairie; Vermilion	

Community College; and Ridgewater College, Willmar.

b) **Classroom Renovation – VETOED** **\$3,625,000**

Design, construct, furnish and equip renovation of classroom and academic space at Central Lakes College, Brainerd; Minnesota State Community Technical College, Moorhead and Wadena; Minnesota West Community and Technical College, Pipestone; Northland Community Technical College, Thief River Falls; Pine Technical College; and Rochester Community and Technical College.

c) **Property Acquisition – VETOED** **\$8,805,000**

Acquire real property adjacent to the campus at Bemidji State University; Dakota County Technical College; Fond du Lac Tribal and Community College; Minnesota State University Moorhead; and Vermilion Community College.

Subd. 31. **Debt Service.** The Board of Trustees is to pay the debt service on one-third of the principal amount on the projects authorized in this section with the exception of higher education asset preservation and replacement and expansion of Memorial Hall at Winona State University.

Subd. 32. **Anoka Technical College; Anoka Hennepin School District Partnership.** By June 30, 2008, the Board of Trustees is to enter into a memorandum of understanding with the Anoka-Hennepin School District on new and expanded joint programs to be offered for the secondary technical education program currently based at Anoka Technical College. The programs may be offered at the horticultural center under the control of the college. By July 31, 2008, the Board of Trustees is to transfer the horticultural center to the Anoka-Hennepin School District for \$1.

Subd. 33. **Unspent Appropriations.** Upon completion of a project, any remaining funding may be used for HEAPR at the same campus as the project for which the original appropriation was made. The Board of Trustees is to report to the Legislature of any such action by February 1 of each even-numbered year.

21 Employment and Economic Development

Subd. 3. **Bioscience Business Development Public**

Infrastructure Grant Program **\$9,000,000**

\$3.5 million of the appropriation is for public infrastructure including land acquisition, to support a private research park within a designated bioscience subzone adjacent to and complementary to research facilities of a college or university.

Subd. 10. **Mankato Theater and Hockey Center – VETOED** **\$975,000**

Grant to the city of Mankato to design a performing arts theater and Southern Minnesota Women’s Hockey Exposition

Center attached to the Mankato Civic Center for use by
Minnesota State University, Mankato.

Subd. 15. **St. Cloud State University National Hockey
Center**

\$6,500,000

Design, construct, furnish and equip the renovation of the
National Hockey Center.

- 29 Onsite energy generation from renewable sources.** This section requires state agencies preparing a pre-design for a new building to consider meeting at least 2 percent of the energy needs of the building from renewable sources located on the building site. While technically not applicable to Minnesota State Colleges and Universities, the spirit and intent of the law will be observed during development of future capital projects.
- 30 Sustainable building guidelines.** This section expands state sustainable building design and construction guidelines to cover major renovations in addition to new buildings.
- 40 Designation.** This section designates the Owatonna site as a Minnesota State Colleges and Universities campus.
- 41 Disposition of surplus property.** This section expands the authority of the Minnesota State Colleges and Universities Board of Trustees to dispose of surplus lands to provide for disposal of improvements on non-state property.
- 42 General authority; construction; improvements.** This section raises the threshold for legislative review of construction projects at Minnesota State Colleges and Universities campuses from \$50,000 to \$1.5 million.
- 43 Issuance of bonds.** This section increases the revenue bond debt cap for the Minnesota State Colleges and Universities to \$200 million from \$150 million. The principal of bonds issued to pay for revenue-producing buildings at state universities cannot exceed the statutory cap.
- 65 Redevelopment account.** This section amends the definition of a city of Winona project originally funded in 2006 to provide that it is a multipurpose events center and arena for the Beethoven Festival and Winona State University events, as well as the Shakespeare Festival.
- 76 Effective date.** Except as otherwise provided, this article is effective the day following final enactment.

BONDING BILL #2

View Online: [H.F. 4072 \(Chapter 365\)](#)

SUMMARY: Lawmakers were able to pass a second bonding bill at the final hour that was tied in with the global agreement between the governor and legislative leaders. The second bonding bill totaled \$105.5 million and included \$70 million for the Central Corridor light rail between St. Paul and Minneapolis, \$20 million to acquire land for Lake Vermilion State Park, \$10 million for the Minneapolis Veterans Home, \$3.4 million for capital asset preservation and replacement, and \$2 million for the removal and replacement of the old Cedar Avenue bridge in Bloomington.

Language was included in the bill that allows both Metropolitan State University and St. Cloud State University to use university money for part of their bonding projects. The projects were part of the first bonding bill signed by the governor early April 2008. This language was also included in the Revisor's bill (2008 session laws, chapter 370).

Section

Bonding Bill #2

- 17 Subd 12. Metropolitan State.**
 - b) Law Enforcement Training Center.** This section authorizes Metropolitan State University or Minneapolis Community and Technical College to use up to \$2,000,000 of college or university money for the Law Enforcement Training Center.

- 22 Subd. 15. St. Cloud State University - National Hockey Center.** This section authorizes St. Cloud State University to use university and non-state money for the remainder of the cost of the construction to the project.

- 27 Effective Date.** The bill is effective the day following final enactment.

HIGHER EDUCATION POLICY BILL**View Online: [S.F. 2942 \(Chapter 298\)](#)**

SUMMARY: The higher education policy bill includes statutory and language changes that affect Minnesota State Colleges and Universities, the University of Minnesota and the Office of Higher Education. Included in the policy changes is the authority to share data between the Minnesota Department of Education and the Office of Higher Education, adding two-year colleges as potential users of the revenue fund and a change in the make-up of the Board of Trustees to include one labor member. The bill also establishes a working group to develop recommendations and proposed legislation for the education and regulation of oral health practitioners. A complete summary of the bill can be found below.

Section***Higher Education Policy Bill***

- 1 Private data; when disclosure is permitted.** This section authorizes the disclosure of information authorized under the federal Family Educational Rights and Privacy Act, or FERPA. The disclosure of information includes information provided under the Jacob Wetterling Crimes Against Children and Sexually Violent Offender Registration program, the results of any disciplinary action following a crime of violence or nonforcible sex offense, and disclosure to parents, if a student has signed a waiver to release the information, of alcohol and drug violations by students under the age of 21.
- 2 Data sharing; improving instruction.** This section authorizes the Minnesota Office of Higher Education and the Minnesota Department of Education to share data to analyze instruction in school districts for certain purposes. Any reports are to be in summary form.
- 3 Resident student.** This section makes spouses and dependents of veterans who are Minnesota residents, eligible for the state grant program.
- 4 Surplus appropriation.** This section makes permanent the use of a surplus in the state grant program in the second year of the biennium for living and miscellaneous expense increases.
- 5 Indian scholarships.** This section adds language clarifying eligibility requirements for undergraduate and graduate students applying for an Indian Scholarship, defines the cost of attendance for the purpose of receiving a scholarship and specifies the formula used to calculate the scholarship amount, the maximum and minimum award amounts a recipient may receive each academic year, and the maximum number of years a student may receive an award.
- 6 Achieve scholarship program.** This section amends Achieve Scholarship

language adopted in the 2007 session and includes language that provides for the awarding of the Achieve Scholarship within the limits of the appropriation. The section also requires the submission of additional documentation, as needed, to verify the student has completed the coursework necessary to receive the scholarship, adds the requirement that a student must be enrolled for at least three credits to be eligible to receive the scholarship, and clarifies the maximum scholarship amount a student may receive is \$1,200.

- 7 **Administration.** This section authorizes the use of five percent of the TEACH grant for administrative expenses.
- 10 **Requirements for degree and non-degree program approval.** This section adds to the requirements schools offering degree and non-degree programs must meet in order to operate in Minnesota.
- 12 **Conditional approval.** This section provides for the granting of conditional approval of degrees and names for new schools.
- 14 **Unauthorized representations.** This section clarifies that no school shall advertise or represent that is it approved or accredited by the Office of Higher Education of the state of Minnesota unless authorized.
- 16 **Membership.** This section requires student trustees on the Minnesota State Colleges and Universities Board of Trustees to be enrolled at least half-time, and provides for one board member to be a labor representative.
- 17 **Recommendations.** This section amends the activities of the Minnesota State Colleges and Universities Board of Trustees Candidate Advisory Council consistent with the appointment of a labor representative to the board.
- 18 **Labor organization board member selection process.** This section directs the Minnesota AFL-CIO to recruit and screen qualified labor candidates to be recommended to the governor for appointment to the Minnesota State Colleges and Universities Board of Trustees beginning in 2010. This section also states that the governor is not bound by the recommendations of the AFL-CIO.
- 19 **Maximum credit for graduation; waiver reporting.** This section directs Minnesota State Colleges and Universities to report to the Legislature programs that are granted a waiver from the 60 or 120 program credit cap based on the Board of Trustees policy.
- 20 **Duties.** This section authorizes two-year colleges to fund various activities financed through the revenue fund.

- 25 Creation of account.** This section clarifies the teaching requirement for health professional loan forgiveness program participants.
- 26 Oral health practitioner.** This section authorizes oral health practitioners who meet assorted qualifications and conditions, to practice after January 1, 2011, if a nationally accredited oral health practitioner program, meeting certain criteria, is established.
This section is effective July 1, 2009.
- 27 Transfers.** This section adds the Indian Scholarship Program to the programs administered by the Office of Higher Education, to which and from which the office can transfer unencumbered balances.
- 29 Oral practitioner work group.** This section establishes an oral practitioner work group to develop recommendations and propose legislation for the education and regulation of oral health practitioners. This section also specifies the membership of the work group, provides guidelines the group must follow in developing its recommendations, and provides for coverage of expenses arising from the group's activities.
- 30 Enrollment pattern study.** This section directs the Office of Higher Education to examine the attendance patterns of low-income students as part of the office's report that reviews the state grant program.
- 31 2010 appointments to Board of Trustees.** This section provides for the appointment of Minnesota State Colleges and Universities board members to be made in 2010, which is consistent with changes made to the selection process.

OMNIBUS SUPPLEMENTAL BUDGET BILL

View Online: [H.F. 1812 \(Chapter 363\)](#)

SUMMARY: Lawmakers rolled all supplemental finance bills into one large supplemental budget bill this session. The main issue was to solve the \$935 million state budget deficit for fiscal year 2009. All areas of state government were part of the solution. Cuts in the bill for the Minnesota State Colleges and Universities system were held at \$7.6 million with an additional \$1 million one-time cut to be taken from the central reserves. Other provisions in the bill that have some impact on the Minnesota State Colleges and Universities system, such as E-12 education, energy, veterans affairs and economic development are summarized below.

ARTICLE 2

Early Childhood through Grade 12 Education

Section

- 2 Teachers' and administrators' licenses; fees.** This section includes language that states an eligible teacher candidate may use licensure via portfolio to obtain an initial licensure consistent with the Board of Teaching licensure rules. A candidate for initial licensure must submit to the Educator Licensing Division portfolios that demonstrate pedagogical competence and content competence. There is a \$300 fee for the first portfolio submitted for review and a \$200 fee for any portfolio thereafter. Language allows for a waiver or reduction in the fee based on financial need.
- 13 State Advisory Council on Early Childhood Education and Care.** This section adds members to the State Advisory Council on Early Childhood Education and Care and adds additional duties assigned to the council along with modest funding for administrative costs.
- 14 State total adult basic education aid.** This section changes one aspect of the adult basic education funding formula.
- 15 General Education Development (GED) test fees.** This section increases the limit for fee reimbursement for eligible individuals by the Commissioner of Education from \$20 to \$40.
- 34 Preadvanced placement, advanced placement, international baccalaureate, and concurrent enrollment programs.** This section allows for any balance from fiscal year 2008 to be used in fiscal year 2009.

36 College-level examination program (CLEP). This section reduces the amount available for the CLEP program from \$1.65 million in fiscal year 2008 to \$850,000. In fiscal year 2009, the program amount is reduced from \$1.65 million to \$500,000. The language also provides for the funding to be one-time instead of base dollars.

**41 Appropriations; Department of Education.
Subd. 2. Department**

(l) This section appropriates \$50,000 one-time money in fiscal year 2009 for an advisory task force to determine how the educational achievement of low-income students and students of color is impacted by education issues related to rigorous preparation and coursework, educators' professional development, English language learners, special education, GRAD tests, and the use of valid and reliable data on student preparation for postsecondary academic and career opportunities. The Department of Education is to match the appropriation with non-state funds.

**ARTICLE 4
Higher Education**

Section

1 Summary of appropriations. This section reduces appropriations to the Office of Higher Education, the Minnesota State Colleges and Universities and the University of Minnesota a total of \$21.561 million for the 2008-2009 biennium.

2 Appropriations. This section provides that additions and reductions in appropriations are from the amounts in the 2007 higher education finance bill.

3 Minnesota Office of Higher Education.

Subd. 1. Total Appropriation. This section reduces the total Office of Higher Education appropriation, including programs, by \$1.381 million in fiscal year 2009.

Subd. 2. Interstate Tuition Reciprocity. This section reduces the interstate tuition reciprocity program by \$250,000 in fiscal year 2009.

Subd. 3. Minnesota College Savings Plan. This section reduces the College Savings Plan by \$1.020 million in fiscal year 2009.

Subd. 4. Agency Administration. This section reduces the Office of Higher Education budget by \$111,000 in fiscal year 2009.

Subd. 5. Cancellation. \$90,000 appropriated in fiscal year 2008 for the Office of Higher Education software upgrade is to be canceled back to the general fund by June 30, 2009.

Subd. 6. Transfers In. This section provides for the transfer of unused funds.

- 4 Board of Trustees of the Minnesota State Colleges and Universities.**
- Subd. 1. Total Appropriation.** This section reduces the Minnesota State Colleges and Universities system \$1 million one-time in fiscal year 2008 and \$6.88 million base funding in fiscal year 2009. The FY 2009 general reduction is actually \$7.6 million to the system, but after the new appropriation of \$600,000 for the Power of You program and \$120,000 for the Teachers of Diverse Backgrounds program, the net cut is \$6.88 million in the second year of the biennium.
- Subd. 2. General Reduction.** This section specifies how the cuts are to be made. \$5 million is to come from technology, \$1 million is to come from the central reserves and the remaining cut is to come from the Office of the Chancellor's budget not resulting in any cuts to campuses. The Board is also to reallocate \$9 million of state appropriation to keep student tuition increases to 2 percent at state colleges and 3 percent at universities.
- This section also states that the Legislature's goal over the next eight years is to begin progress on achieving a two-thirds state share and one-third student share of educational costs as specified in M.S.135A.01.
- This section also requires the Board of Trustees to allocate funding from the appropriation in 2007 to campuses that lost revenue as a result of the decision in 2007 to eliminate non-resident undergraduate tuition at specified campuses.
- Subd. 3. Power of You Program.** This section appropriates \$600,000 one-time funds for the continuation of the Power of You program at Metropolitan State University, Minneapolis Community and Technical College and Saint Paul College. The funds are to be used for financial aid for eligible students. The three institutions are to match the appropriation with non-state money.
- Subd. 4. Teachers of Diverse Backgrounds financial aid pilot program.** This section appropriates \$120,000 one-time funds for a teachers of diverse backgrounds financial aid pilot program to be implemented by Winona State University in partnership with the Rochester school district and St. Cloud State University in partnership with the Robbinsdale school district. The goal is to increase the diversity of teachers in school districts with a significant concentration of minority students and attain the state's interest in enhancing the academic achievement of diverse student populations. Grants are to be made to eligible students for their junior and senior years in a teacher preparation program up to \$5,000 each year.
- Subd. 5. System base reduced.** This section specifies that the tails going into the next biennium, fiscal years 2010-11, equate to a base cut of \$7.7 million a year, or a biennium total of \$15.4 million.
- 6 Resident student.** This section makes spouses and dependents of veterans who are Minnesota residents, eligible for the state grant program.

- 7 **Surplus appropriation.** This section makes permanent the requirement to use surplus appropriations for the state grant program to increase the living and miscellaneous expense allowance.
- 8 **Power of You Program.** This section establishes in statute a tuition assistance program at Minneapolis Community and Technical College, Saint Paul College and Metropolitan State University for eligible high school graduates of St. Paul and Minneapolis public schools who meet enrollment, participation and income eligibility criteria. As part of the Power of You program, each campus is to develop partnerships with high schools and school districts as part of the program.
- 9 **Matching grant qualification.** This section permanently shifts the payment date for the matching grant in the Minnesota college savings plan program from June 30 to July 1 beginning with payments due July 1, 2009.
- 10 **Eligibility.** This section makes clarifying changes to the peace officer survivor education benefit grant program and expands the age eligibility to 30 years for a dependent child who serves in the military.
- 11 **State grants.** This section increases the living and miscellaneous expense allowance in fiscal year 2009 from \$5,900 to \$6,200.

ARTICLE 6

Energy, Commerce, Utilities

Section

- 12 **Green Jobs task force.**
Subd. 1. Task force. This section establishes a Green Jobs task force to advise the governor and legislature regarding activities to advance the state's economy, and to develop a statewide action plan. One member of the task force is to be from the Minnesota State Colleges and Universities.
Subd. 2. Duties. This section requires the task force to develop and present a statewide plan to optimize the growth of the green economy with legislation and budget requests. The plan must include an analysis of business opportunities created by those policies and corresponding labor force needs, and an inventory of business and labor resources available to respond to the opportunities identified. The report is to be submitted to the Legislature by January 15, 2009.
Subd. 3. Expiration. The task force is to expire June 30, 2009.

ARTICLE 8
Veterans Affairs

Section

3 Veterans Affairs.

Subd. 1. Total appropriation. Language in this section provides for \$220,000 in fiscal year 2009 to be added to the base for operations of the LinkVET telephone line service for veterans. For purposes of efficiency, the commissioner of Veterans Affairs is to combine the services available through the toll-free higher education call center for veterans with those available through LinkVET.

ARTICLE 9
Military Affairs

Section

9 Usage of tuition and textbook reimbursement grant program by spouse permitted. This section authorizes the spouse of a veteran to use up to 12 semester hours annually of a National Guard member's unused benefits, if the member has completed eight or more years of service.

ARTICLE 10
Economic Development

Section

3 Employment and Economic Development.

Subd. 5. Cancellations. This section states that by July 31, 2008, the Finance Commissioner is to cancel \$2 million of the Jobs Skills Partnership balance back to the general fund.

11 Partnership program. This section requires all Minnesota State Colleges and Universities institutions to disseminate results of Jobs Skills Partnership grant-funded projects throughout the system. This includes information about curriculum and all supporting materials developed in conjunction with the grant.

12 Use of funds. This section authorizes the Job Skills Partnership Board to use some of its funds for information collection and dissemination to plan for the statewide distribution of the results of grant-funded projects.

19 Iron Range higher education account. This section increases the amount distributed to the Iron Range higher education account from two cents per ton to five cents per ton.

- 29 Biomass heating grants and loans pilot project.** This section directs the commissioner of the Department of Employment and Economic Development to make grants and loans for installation of a biomass heating project in a publicly owned facility including higher education buildings.
- 33 Office of Science and Technology.** This section establishes an office with the Department of Employment and Economic Development to coordinate multiple efforts including working with non-profit organizations including the University of Minnesota, the Minnesota State Colleges and Universities and the Mayo Clinic to promote collaborative efforts to respond to federal funding opportunities and coordinate technical assistance for business with the University of Minnesota and the Minnesota State Colleges and Universities.

This section also requires the Office of Science and Technology to establish several programs and provide various types of assistance to Minnesota firms, including a technology partnership program to assist small business in competing for federal small business innovation research awards by matching them with prime contractors; collaborate to commercialize programs to help small business through a federal high-risk investment program aimed at the development of new technologies; provide technology matchmaking assistance to firms in finding qualified suppliers and vendors through a network of Minnesota companies; and provide commercialization assistance to firms that have received specific federal grants and are working on phase II proposals.

The commissioner of the Department of Employment and Economic Development is to report to the Legislature on the activities of the Office of Science and Technology by June 30, 2009.

**OMNIBUS PENSION BILL
H.F. 3082 (Chapter 349)**

SUMMARY: The pension bill contains various provisions related to pension of an administrative nature, as well as provisions with some policy substance. Minnesota State Colleges and Universities administers all or part of several pension programs, and employees currently participate in no less than seven plans, including deferred compensation and tax sheltered annuity programs. Those provisions that affect Minnesota State Colleges and Universities are listed below.

***ARTICLE 1
Postretirement Provisions***

Section

- 7** **Teacher retirement benefits.** This section requires the Legislative Commission on Pensions and Retirement to review issues related to Minnesota teacher benefit adequacy and compare the level of teacher pension benefits in Minnesota and other states. The commission is to report to the Legislature by January 15, 2009.

***ARTICLE 3
Phased Retirement or Return to Employment Provisions***

Section

- 1** **Definition.** This section clarifies the Postretirement Option Program definition to make it clear the provision applies to retired (terminated) employees rather than active employees.
- 2** **Eligibility.** This section clarifies the Postretirement Option Program eligibility, including clarification that PERA length-of-separation requirements and return-to-work agreement prohibitions do not apply if the individual is at least age 62.
- 3** **Annuity reduction not applicable.** This section clarifies the Postretirement Option Program annuity reduction waiver provision.
- 4** **Appointing authority discretion.** This section states that in conformance with federal law, if the individual is under age 62, no initial offer of a Postretirement Option Program position can be made until at least 30 days after termination of service.
- 5** **Duration.** This section requires in conformance with federal law, that if the individual is under age 62, no offer to continue an individual in a Postretirement Option Program position can be made until at least 30 days after the end of the individual's previous PRO position.

- 6 **Copy to fund.** This section clarifies Postretirement Option Program acceptance of employment.
- 7 **Termination of teaching service.** This section on the Teachers Retirement Association's termination of teaching is revised by specifying that a valid termination has not occurred if the individual is under age 62 and has entered into a contract to return to employment.
- 8 **Resumption of teaching service after retirement.** This section states that TRA's re-employed annuitant maximum exempt income limit is increased from the maximums permitted under Social Security law to \$46,000.

ARTICLE 4

Mandatory Joint and Survivor Benefit Form

Section

- 1 **Surviving spouse benefit.** This section revises the MSRS survivor benefit to require a signed waiver by the spouse before a survivor benefit can be paid to a different beneficiary.
- 4 **Surviving spouse optional annuity.** This section revises the PERA survivor benefit to require a signed waiver by the spouse before a survivor benefit can be paid to a different beneficiary.
- 7 **Application for retirement annuity; procedure for electing annuity form; mandatory joint and survivor optional annuity form.** This section applies to Minnesota public pension plans, except volunteer firefighter relief associations, and states that retirement plan annuities are payable as a 50 percent joint and survivor benefit form covering the participant's spouse, rather than as a single life annuity form, unless the spouse signs a notarized waiver.

ARTICLE 5

Administrative Provisions

Section

- 2 **Purchase procedure.** This section revises the MSRS leave period service credit purchase procedure by requiring that purchase occurs prior to termination of service, and by giving individuals who terminate during a leave 30 days to make payment.

- 3 **Duties and powers of board of directors.** This section revises the MSRS board by clarifying its authority to oversee the health care savings plan.
- 8 **Plan created.** This section clarifies that the MSRS health care savings account can be used by all public employees if authorized in personnel policy statements.
- 9 **Contracting authorized.** This section clarifies the MSRS health care savings account by stating that the MSRS executive director, rather than the MSRS system, administers the plan.
- 10 **Contributions.** This section clarifies language in the MSRS health care savings account and removes authority for MSRS to determine how an account should be invested if requested by an employee and the employer.
- 11 **Reimbursement for health-related expenses.** This section clarifies language in the health care savings account expense reimbursement.
- 12 **Fees.** This section clarifies that the MSRS executive director, and not the MSRS plan, sets the MSRS health care savings account administrative fees.
- 13 **Surviving spouse coverage term certain.** This section applies to the MSRS unclassified plan and eliminates five- and six-year term-certain annuity options and adds a ten-year option.
- 15 **Salary.** This section applies to PERA employees and revises the salary definition to include employer paid amounts to supplemental plans that would otherwise be paid in wages, and to exclude any salary paid from federal or state grants that prohibit using grant money to cover pension plan contributions, unless the contributions to the plan are made from other unrestricted sources.
- 16 **Termination of public service.** This section applies to PERA employees and revises the termination of public service language by specifying that a valid termination has not occurred if the member has an agreement to return to the employer as an employee, independent contractor, or employee of an independent contractor.
- 17 **Uncredited military service credit purchase.** This section applies to PERA employees and re-establishes a military service credit full actuarial value purchase provision for those who served before becoming public employees, or who failed to use other service credit purchase provisions in a timely manner. This section is effective

through July 1, 2013.

- 18 Purchase procedure.** This section applies to PERA employees and revises the leave of absence service credit purchase to base the procedure on monthly salary rather than hourly salary rates, to permit payment up to 30 days after termination if payment is made within one year of the leave, and to specify that for payments after one year, for which a full actuarial value payment is required, payment must be made prior to termination of public service.
- 19 Limitation on additional plan coverage.** This section applies to PERA employees and prohibits those receiving disability benefits from receiving service credit in another PERA plan for employment unless the individual waives continued receipt of disability benefits.
- 20 Treatment of periods before initial coverage date.** This section applies to PERA employees and revises the treatment of periods before initial coverage date language by clarifying that, in situations where a full actuarial value service credit payment is required, service may be purchased anytime prior to termination of public service.
- 21 Benefits paid under workers' compensation law.** This section applies to PERA employees and revises the benefits payable under workers' compensation language to not off-set certain permanent partial disability payments of retraining payments.
- 28 Payment.** This section revises the TRA family leave payment language to use the general TRA leave of absence service credit payment procedure.
- 29 Retirees not eligible for federal benefits.** This section revises the TRA retiree federal benefits language by removing a cross-reference proposed for repeal.
- 30 Purchase procedure.** This section revises the TRA leave of absence/strike period purchase procedure language for clarity, and specifies that interest will be charged from June 30 until paid, rather than from the last day of the leave or strike period.
- 31 Payment.** This section applies to MSRS, PERA and TRA and revises the re-employed annuitant savings account distribution language to permit distribution to the individual one year after the re-employment ends, rather than at age 65 or 13 months after the re-employment ends, whichever is later.

- 32 Determination.** This section applies to all plans and revises the full actuarial value service credit purchase by specifying that the minimum payment is equal to the contributions that would have been made plus 8.5 percent interest, rather than an amount equal to contributions based on current contribution rates and current salary; and adds a requirement that full actuarial value payments must be made before retirement.
- 34 Maximum annual addition limitation.** This section applies to MSRS unclassified employees and the PERA defined contribution plan and revises the limitation on public employee salaries for pension purposes language by adding limitations applicable to defined contribution plans, with a limit of 100 percent of compensation or \$40,000, whichever is less, as adjusted under the Internal Revenue Code.
- 35 Effective date.** This section makes permanent the TRA temporary strike period service credit purchase that was to expire in 2002. The language is retroactive to July 1, 2002.

ARTICLE 8

Retirement – Related State Aid Programs

Section

- 1 Special direct state aid to first class city teachers retirement fund associations.** This section applies to TRA and the first class city teacher plans and revises the direct state aid to the first class city teacher plan by reinstating the Duluth Teachers Retirement Fund Association into the aid allocation and giving it \$346,000 annually, funded by a comparable reduction in aid received by TRA on behalf of the former Minneapolis Teachers Retirement Fund Association. This section applies retroactively to aid payable in 2007 and 2008.
- 2 Termination of supplemental contributions and direct matching and state aid.** This section applies to TRA and the first class city teacher plans and revises the supplemental contributions and direct state matching aid provision by stating that aid to TRA must continue until TRA is fully funded or until 2037, whichever is earlier.
- 4 Repealer.** This section repeals the direct state aid to first class city teacher plan provision (Section 1) and the supplemental contributions and direct state matching aid provision when the St. Paul Teachers Retirement Fund Association and TRA become fully funded.

ARTICLE 9
MnSCU – IRAP and Related Changes

Section

- 1 Unclaimed plan account amounts.** This section adds an unclaimed plan account amount definition to the Higher Education Individual Retirement Account Plan (IRAP). Accounts of any plan participant who has terminated employment by the Minnesota State Colleges and Universities System or who has died, or of the surviving spouse, beneficiary, or estate of the participant if the plan administrator is unable to locate the applicable recipient in accordance with Internal Revenue Service due diligence requirements.
- 2 Individual retirement account plan administrative expenses.** This section states that IRAP administrative expense charges to plan members must be reduced by earnings on plan reserve accounts and unclaimed accounts.
- 3 Disposition of abandoned public pension amounts.** This section states that unclaimed IRAP accounts will transfer to a reserve account six months after unsuccessful attempts to locate members or survivors. If a valid claim is established for any account in excess of \$25, the account must be re-established.
- 4 Administrative expenses.** This section states that the Higher Education Supplemental Retirement Account plan administrative expense charges to plan members must be reduced by earnings on plan reserve accounts and unclaimed accounts.
- 5 Unclaimed plan account amounts.** This section states that Section 3 also applies to the Higher Education Supplemental Retirement Account Plan.
- 6 Prohibition on loans or pretermination distributions.** This section states that Higher Education Supplemental Retirement Account plan assets may be accessed while individuals are in a phased retirement program. Otherwise, access is not permitted until the termination of employment.
- 7 Actuarial impact study; MnSCU-tenured faculty retirement plan coverage change.** This section states that TRA must conduct an actuarial study of the implications of permitting Minnesota State Colleges and Universities employees to elect TRA within one year of attaining tenure. The report is to be filed with the executive director of the Legislative Commission on Pensions and Retirement on or before January 15, 2009.

ARTICLE 10
Financial and Actuarial Reporting

Section

- 7 Actuary retention.** This section affects MSRS, PERA and TRA and states that these pension plans will no longer have a jointly retained actuary. Each plan system is authorized to retain its own actuary to provide the actuarial valuation and related actuarial services.
- 8 Reporting to Commission.** This section affects MSRS, PERA and TRA and states that a copy of the actuarial valuation prepared by the actuary retained by the play system must be filed with the Legislative Commission on Pensions and Retirement.
- 10 Definitions.** This section affects MSRS, PERA and TRA and states that the actuarial valuations and experience studies section definition is revised for conformity with Sections 7 and 8, by removing the requirement that an approved actuary must have at least 15 years experience with major public pension funds and plans.
- 13 Interest and salary assumptions.** This section affects various plans and states that the select portion of the MSRS and PERA salary increase assumption is reduced from 10 years to 5 years for its period of application and increased from 0.3 to 0.6 percent for the additional percentage. The ultimate salary increase rate is reduced by 0.5 percent at each age for MSRS, PERA and TRA, and the payroll growth assumption is reduced by 0.5 percent for MSRS and TRA, and by 1.5 percent for PERA.
- 15 Establishment of actuarial assumptions.** This section affects various plans and states that after 2010 the current statutory salary increase and payroll increase assumptions would shift to the same status as the current demographic assumptions, to be set by the retirement plan governing bodies with the Legislative Commission on Pensions and Retirement approval. If the Commission fails to act on the assumption change request within one year of submission, for all non-statutory actuarial assumptions, the assumption would take effect without explicit approval by the Commission.
- 16 Definitions.** This section affects MSRS, PERA and TRA and states that cross-references in the MSRS, PERA and TRA appeals procedure are revised as a conforming change.
- 19 Effective date.** All sections in this article are effective June 30, 2008 and apply to annual financial reports and actuarial valuations prepared after June 1, 2008.

ARTICLE 11
Retirement Savings Programs

Section

- 3 Minnesota state deferred compensation plan.** This section recodifies the MSRS deferred compensation program with added authorization to permit MSRS to offer Roth IRAs and Roth 457 plan accounts.
- 6 Restriction; exceptions.** This section revises the language that permits exceptions to the prohibition against employer contributions to supplemental plans by requiring all included investment vehicles to disclose all fees and historic rates of return in an easily comprehended document not to exceed two pages. The language also revises the maximum employer contribution to one-half the total elective deferral permitted per employee under Internal Revenue Code rather than \$2,000. This section also permits employer matches to any 457 deferred compensation plan rather than just to the MSRS deferred compensation plan or to 403(b) plans.
- 7 Definitions.** This section revises the definition in the pension plan appeal procedure for MSRS, PERA and TRA to cross-reference the recodified MSRS deferred compensation provision.
- 9 Scope of application.** This section revises contract bidding language to cross-reference the recodified MSRS deferred compensation provision.
- 11 Public pension plan.** This section revises the marriage dissolution chapter definition of public pension plan to cross-reference the recodified MSRS deferred compensation provision.
- 12 Repealer.** This section repeals the existing MSRS deferred compensation plan, along with various Minnesota Rules applicable to that provision.

ARTICLE 15
Membership Dues Withholding

Section

- 1 Voluntary membership dues deduction.** This section provides for MSRS and PERA annuitants to request dues to be withheld from the annuity, payable to any labor organization that is an exclusive bargaining agent representing public employees or an organization representing retired public employees. The organization must reimburse the pension fund for the cost of the withholding. The dues are prohibited from being used for political purposes.

ARTICLE 16
Small Group Provisions

Section

4 Teachers Retirement Association coverage election for certain MnSCU faculty members. This section permits a Minnesota State Colleges and Universities faculty member who was not notified of the retirement election opportunity to elect TRA coverage and transfer past service credit.

**STATE EMPLOYEE LABOR AGREEMENT RATIFICATION BILL
H.F. 3138 (Chapter 194)**

SUMMARY: This bill provides legislative ratification of the state employee labor agreements for the period of July 1, 2007 through June 30, 2009. The bill includes the ratification of the AFSCME, MAPE, MMA, IFO and MSCF contracts, as well as the Minnesota State Colleges and Universities administrator plan, commissioner's plan, and managerial plan.

The Board of Trustees and the Minnesota State University Association of Administrative and Service Faculty, or MSUAASF, have reached a contract settlement, but due to timing, were not included in this bill. When the Legislature is not in session, the Legislative Coordinating Commission Subcommittee on Employee Relations is empowered to review and accept contract settlements conditionally pending formal legislative approval by the full Legislature in 2009.

Section *State Employee Labor Agreement Ratification Bill*

- 4 Labor Agreements and Compensation Plans**
- Subd. 1. AFSCME.** American Federation of State County and Municipal Employees, Council 5.
- Subd. 2. MAPE.** Minnesota Association of Professional Employees.
- Subd. 3. AFSCME.** American Federation of State County and Municipal Employees, Council 5, Unit 8.
- Subd. 4. AFSCME.** American Federation of State County and Municipal Employees, Council 5, Unit 225.
- Subd. 5. State Residential Schools Education Association.**
- Subd. 6. Minnesota Government Engineers Council.**
- Subd. 7. MMA.** Middle Management Association.
- Subd. 9. Commissioner's Plan.** Commissioner of employee relations for non-managerial state employees who are not represented by a union.
- Subd. 10. Managerial Plan.**
- Subd. 12. IFO.** Inter Faculty Organization.
- Subd. 13. MnSCU Administrators.** Personnel plan for Minnesota State Colleges and Universities administrators who are not represented by a union.
- Subd. 14. Office of Higher Education.**
- Subd. 15. MSCF.** Minnesota State College Faculty.
- 5 Effective Date.** Section 4 is effective the day following final enactment.

**STATE GOVERNMENT ADMINISTRATION AND OPERATION POLICY BILL
H.F. 3494 (Chapter 318)**

SUMMARY: The state government policy bill makes numerous statutory language changes which have potential impact on various agencies in the Executive Branch. The Minnesota State Colleges and Universities system is affected by some of these language changes as noted below.

*ARTICLE 1
State Government*

Section

- 1 Subcommittee on Government Accountability.** This section creates a Subcommittee on Government Accountability to review recommendations from the commissioners of finance and administration on how to improve the use of Minnesota Milestones and other statewide goals and indicators in state planning and budget documents. The subcommittee shall consider testimony from representatives with many organizations and agencies, including higher education institutions.
- 2 Performance measures for change items.** This section requires that to the extent possible, proposed budget change items requesting new or increased funding, must identify relevant Minnesota Milestones and other statewide goals and indicators relating to the proposed initiative.
- 3 Notice to agencies; determination of surplus.** This section modifies procedures for sale of state land by striking the duty of the Commissioner of Administration to annually review certifications of state agencies.
- 4 Survey, appraisals, and sale.** This section increases from \$40,000 to \$50,000 the threshold at which the Commissioner of Administration must have lands appraised before offering them for sale. The language also requires that appraisals be conducted by licensed appraisers and that appraisals be in conformity with uniform standards. Language strikes requirements that appraisers subscribe an oath before undertaking duties, and requires notice of sale to be published at least 30 days before the sale in a newspaper of general circulation in the county where the property is located, striking the requirement for publication once a week for four weeks in a legal newspaper. This section also strikes the requirement that each tract or parcel must be sold separately.
- 5 Terms of payment.** This section requires a purchaser of state land to pay ten percent at the time of sale and the remainder within 90 days. Language also provides for rights to terminate upon default.

- 6** **Quitclaim deed.** This section strikes provisions dealing with purchases by contract for deed.
- 15** **Working group for Minnesota Milestones process and indicators.** By September 1, 2008, the commissioner of administration shall convene a working group of state agency staff, legislative staff, and other interested parties to assist in the use of Minnesota Milestones. The working group shall consider collaborative opportunities with community organizations and higher education institutions.

AGRICULTURE AND VETERANS POLICY BILL
S.F. 3683 (Chapter 297)

SUMMARY: The agricultural and veterans policy bill makes policy changes that largely affect both the Department of Agriculture and the Department of Veterans Affairs. Financial implications to the above departments are included in the omnibus supplemental budget bill (Session Law 2008, Chapter 363). Changes to the bill that affect the Minnesota State Colleges and Universities system can be found below, including changes to the NextGen Energy Board, of which the Minnesota State Colleges and Universities system has representation, as well as changes to higher education veteran policy.

ARTICLE 1
Agriculture Policy

Section

- 21** **NextGen Energy.** This section gives the governor authority to appoint an eighth member to the NextGen Energy Board. Minnesota State Colleges and Universities currently has representation on this Board. The Board is to research and report to the commissioner of agriculture and to the Legislature recommendations as to how the state can invest its resources to most efficiently achieve energy dependence, agricultural and natural resources sustainability, and rural economic vitality. The language also extends the work of the Board to June 30, 2014.

ARTICLE 2
Veterans Policy

Section

- 14** **Definitions.** This section increases the cost of attendance multiplier for undergraduate students from 1.1 to 1.2 which increases the targeted benefit amount for a qualified veteran. To calculate the cost of attendance for graduate students, full time is eight credits or more per term or the equivalent. This section also permits the use of military medals as an indicator of eligibility for the Minnesota GI Bill program.
- 15** **Eligibility.** This section deletes language to no longer require that the veteran has been a resident at the time, or within 6 months, of entering the military to be eligible for educational assistance. The language also specifies that a veteran applying for educational assistance has to have completed the Free Application for Federal Student Aid (FAFSA) form.

- 16** **Benefit amount.** This section increases the maximum annual benefit amount for veteran educational assistance from \$2,000 to \$3,000 annually. Other limits remain at \$1,000 per semester, and \$10,000 lifetime.
- 27** **Study of veterans employment in state government.** By October 1, 2008, each appointing authority in the executive branch of state government, including the Minnesota State Colleges and Universities, must report to the commissioner of finance on the incidence of employment, recruitment, retention, and retirement of veterans in their non-elected workforce for fiscal year 2008.

- 28-39** Sections 28 through 39 strike reference to DOER and inserts reference to commissioner of administration in the workers compensation law.
- 40** **Duties and powers of the board.** In a law governing duties of the board of the Public Employees Retirement Association, this section strikes a reference to rules and policies of DOER.
- 41** **Projection valuation requirements.** In a law governing valuation of public pension plans, this section strikes a reference to consulting with the commissioner of DOER.

EMERGENCY MANAGEMENT BILL
H.F. 3099 (Chapter 167)

SUMMARY: This bill requires that certain executive branch employees complete an emergency management curriculum prepared by the Division of Emergency Management. Each state agency that is assigned a role as a disaster or emergency response organization in the state emergency operations plan must have at least one employee who has successfully completed the training. Minnesota State Colleges and Universities is included in the state's emergency planning.

Section

Emergency Management Bill

- 1** **Emergency management training.** This section requires that emergency management training courses are available to state employees whose essential job duties involve emergency management. The commissioner of public safety is to report to the Legislature annually regarding compliance with the training requirements contained in this bill.

OMNIBUS ENERGY BILL
S.F. 3337 (Chapter 296)

SUMMARY: The energy bill makes multiple policy changes as they relate to utilities. Of interest to the Minnesota State Colleges and Universities system is the provision that provides standards for state-funded outdoor lighting fixtures as noted below.

ARTICLE 2
Outdoor Lighting

Section

- 1 Standards for state-funded outdoor lighting fixtures.** This section provides that an outdoor lighting fixture may be installed or replaced using state funds under specified circumstances. The section does not apply if a state agency or local unit of government determines that compliance with this section would: require an increased use of electricity; increase the construction cost of a lighting system more than 15 percent over the construction cost of a lighting system that does not comply with this section; increase the cost of operation and maintenance of the lighting system more than 10 percent over the cost of operating and maintaining the existing lighting system over the life of the lighting system; or result in a negative safety impact.

SUSTAINABLE BUILDINGS BILL**S.F. 2706 (Chapter 278)**

SUMMARY: The sustainable buildings bill requires all major renovations to state buildings to conform to the state's sustainable design guidelines. The guidelines had formerly only applied to new buildings. The bill applies to Minnesota State Colleges and Universities since college and university buildings are considered "state buildings." Further, it is important to note the direction the state of Minnesota is heading in relation to the development and application of building energy usage performance standards.

Section***Sustainable Buildings Bill***

- 1 Sustainable building guidelines.** This section requires the Commissioners of Administration and Commerce to periodically review the sustainable building design guidelines and, as soon as practical, to revise the guidelines based upon performance standards developed under Section 3 (Building performance standards; Sustainable Building 2030).

These guidelines also will now include air quality, lighting standards, and must specify ways to reduce material costs and consider long term operating costs.

A major change in this category is that the guidelines are to encompass and apply to any "major renovation" from bonding proceeds after February 1, 2009. This includes any project greater than 10,000 square feet and also includes any replacement (if greater than 10,000 square feet) of mechanical, ventilation, or cooling system of the building or section of the building.

- 2 Applied research and development grants.** This section requires the Commissioner of Commerce to annually assess and grant up to \$500,000 for the purpose of Section 3 (Building performance standards; Sustainable Building 2030).

3 Building performance standards; Sustainable Building 2030.

Paragraph (a) provides that the goal of the subdivision is to establish cost-effective, energy-efficiency performance standards for new and substantially reconstructed commercial-industrial and institutional buildings that can substantially reduce carbon emissions and overall energy demand. The standards will be referred to as Sustainable Building 2030.

Paragraph (b) requires the Commerce Commissioner to contract with the Center for Sustainable Building Research at the University of Minnesota to coordinate the development and implementation of energy-efficiency performance standards, strategic planning, research, data analysis,

technology transfer, training, and other activities related to the purposes of Sustainable Building 2030. This section also requires the commissioner and the Center to work with utilities and experts in building design and technology to develop an implementation plan.

Paragraph (c) provides that the performance standards should be designed to achieve 60 percent reduction in energy consumption and carbon emissions in 2010, 70 percent reduction in 2015, 80 percent reduction in 2020, and 90 percent reduction in 2025. The performance standards must also recognize the carbon reductions required by the renewable energy standard. This section also specifies how the performance standards should be measured and requires them to be updated every three to five years to incorporate all cost-effective measures.

Paragraph (d) appropriates an annual contract amount of up to \$500,000 with the Center for Sustainable Building Research. No more than \$150,000 each year can be for administration, coordination, and oversight activities. The balance of the contract funds must be spent for subcontracts with not-for-profit energy organizations, architecture and engineering firms, and other qualified entities to undertake technical projects and activities.

Paragraph (e) requires the Commerce Commissioner to require utilities to develop and implement Conservation Improvement Programs that are expressly designed to advance the Sustainable Building 2030 policy goal. Language also specifies the offerings that must be included in the programs.

Paragraph (f) requires the Commerce Commissioner to report to the legislature every three years on the cost-effectiveness and progress of implementing the 2030 standards and recommendations on continuing the program.

- 4 **Effective date.** This section provides that sections 1 to 3 are effective the day following final enactment.

CONSTRUCTION CODES BILL
H.F. 3034 (Chapter 337)

SUMMARY: The construction codes bill makes technical and clarifying changes to construction codes passed by the Legislature in 2007 related to electrical, plumbing, water conditioning, boiler and pressure vessels, high pressure piping, manufactured housing, and residential building contractors and remodelers.

Section

Construction Codes Bill

- 1** **Effective date of rules.** This section clarifies that amendments to the state building code are effective 180 days after the rules are filed with the secretary of state unless the rule provides for a later effective date. The new language provides that the rule may provide for an earlier effective date if it is necessary to protect the public health and safety.

- 9** **Journeyman electrician.** This section clarifies that the Board of Electricity, rather than the commissioner, adopts rules related to experience credit for successful completion of a two-year post high school electrical course.

- 38** **Content.** This section authorizes continuing education courses for residential home contractors and remodelers to include materials that are included in the licensing exams.

ENERGY IMPROVEMENT BILL

S.F. 3096 (Chapter 356)

SUMMARY: The energy improvement bill, among other things, creates programs for government energy conservation investments and creates a Green Jobs Task Force of which Minnesota State Colleges and Universities has representation. Legislation of particular interest to the system is noted below.

Section

Energy Improvement Bill

- 1 **Definitions.** This section defines “energy improvement project” as a project to improve energy efficiency in a building or facility, including the design, acquisition, installation, construction, and commissioning of equipment or improvements to a building or facility owned or operated by a state agency. “Energy project study” is defined as a technical and financial study of one or more energy improvement projects. “Financing agreement” is defined as a tax-exempt lease-purchase agreement entered into by the commissioner of administration and a financial institution under a standard project financing agreement, and “state agency” is defined as any office, board, commission, authority, department, or other agency of the executive branch of state government.

- 2 **Energy improvement financing program for state government.** This section authorizes a state agency to enter into contracts with the commissioner of administration and participating financial institutions, and specifies that technical services and construction contracts are subject to procurement procedures set in statute.

The section provides that state agency participation in the program is voluntary, and authorizes the commissioner of administration to prioritize and target technical services to state agencies with buildings or facilities that offer the greatest potential to improve energy efficiency or reduce use of fossil-fuel energy. The commissioner of administration is also authorized to require full or partial reimbursement of costs for technical services provided to a state agency.

The section also specifies the conditions under which the commissioner of administration may approve an energy improvement project and enter into a financing agreement. Program costs that are not reimbursed or paid directly under a financing agreement may be paid with funds available to the commissioner of administration from the Petroleum Violation Escrow Fund.

This section authorizes a utility or association to count energy savings

resulting from its investment in an energy improvement project toward its energy savings goals.

3 Coordinating economic development and environmental policy.

This section provides for the Commissioner of Employment and Economic Development and the Jobs Skills Partnership Board to cooperate in promoting job training that complements green economy business development.

- 15 Green Jobs Task Force.** This section creates a Green Jobs Task Force to advise and assist the governor and legislature by January 15, 2009, regarding activities to advance the state's economy, and to develop a statewide action plan. Included on the task force are seven representatives from state agencies and institutions appointed by the governor, one of which is a member from the Minnesota State Colleges and Universities system.

The plan must include necessary draft legislation and budget requests and may include administrative actions of governmental entities, collaborative actions, and actions of individuals and individual organizations.

The task force expires June 30, 2009.

VOTER REGISTRATION BILL
H.F. 1546 (Chapter 165)

SUMMARY: Voter registration is an important activity on Minnesota State Colleges and Universities campuses during election years. This bill modifies the procedures for processing voter registration notices that are returned as undeliverable due to a lack of a valid address, and establishes procedures for the secretary of state to collect address information from the U.S. Postal Service and distribute it to county auditors for purposes of updating the statewide voter registration system.

Section***Voter Registration Bill***

- 1 Proper registration; verification by mail; challenges.** This section modifies the procedure for handling registration verification notices returned as undeliverable by the postal service.
 - Subd. 2. Moved within state.** If a notice is returned as undeliverable, but includes a permanent forwarding address in Minnesota, the county auditor may change the voter's status to "inactive" in the statewide registration system. The county auditor is required to notify the voter's appropriate new county auditor. The new auditor must update the voter's address in the statewide system, and also mail the voter a notice of registration. The notice must include the voter's name, address, precinct, and polling place, and advise the voter that the voter's address has changed and that the voter must notify the county auditor within 21 days if the new address is not where the voter resides.
 - Subd. 3. Moved out of state.** If a notice is returned as undeliverable and the forwarding address indicates that the voter has moved out-of-state, the county auditor must mail the voter a notice advising the voter that the voter's status will be changed to "inactive" unless the voter notifies the county auditor within 21 days that the voter intends to keep the Minnesota address as the voter's address of residence. If the voter does not notify the county auditor within 21 days, the auditor must change the voter's status to "inactive."
 - Subd. 4. Challenges.** If a notice is returned as undeliverable with no forwarding address provided, the county auditor must change the voter's registration status to "challenged," requiring the voter to comply with the procedures necessary for challenged voters to be permitted to vote, as described in Minnesota Statutes 204C.12. 204C.12 requires a challenged voter to swear to answer questions truthfully about the voter's eligibility to vote and requires the election judge to ask the voter questions to test the voter's residence and right to vote.

- 2 Use of change of address system.** This section requires the secretary of state to obtain a monthly list of individuals in Minnesota who have filed a permanent change of address with the U.S. Postal Service. If a voter has moved to a new address in Minnesota, the secretary of state must

electronically notify the county auditor of the voter's new county, and the auditor must update the statewide registration system and send the appropriate registration notice to the voter.

If a voter has moved out-of-state, the voter's former county auditor must be notified. The auditor must send the appropriate notice to the voter's new address and change the voter's status to "inactive" if the voter does not respond within 21 days indicating an intention to retain the Minnesota address as the voter's address of residence.

- 3** **Effective date.** The bill is effective the day following final enactment, once the secretary of state has certified that the statewide voter registration system has been tested and shown to accurately update records and prepare appropriate notices.

ABSENTEE VOTER BILL
S.F. 1218 (Chapter 190)

SUMMARY: This bill makes it easier for the military and citizens overseas to vote by absentee ballot. The bill allows blank ballots to be sent overseas to absentee voters via email while still requiring the voter to print out the ballot and return it by U.S. mail. This law will be helpful for students studying abroad who want to participate in elections held in Minnesota.

Section

Absentee Voter Bill

- 1 **Restricted data.** This section adds a military identification number or passport number to the data included in the statewide voter registration system that cannot be included on the public list of registered voters.

- 2 **Required information.** This section permits absentee voters to put down their Minnesota driver's license or state identification card number, or the last four digits of the voter's social security number or, if they do not have access to any of these documents, the voter or other individual requesting an absentee ballot may attest to the truthfulness of the contents of the application under penalty of perjury.

- 3 **Recording applications.** This section requires the county auditor to record in the statewide voter registration system the voter's military identification card number, passport number, Minnesota driver's license number, or state identification card number.

- 5 **Mailing of ballots; return.** This section authorizes absentee ballots to be sent electronically rather than by mail if requested by the voter.

- 6 **Back of return envelope.** This section requires the return envelope to include a space for the voter to fill in their current e-mail address, if they have one. It also allows for space for a Minnesota driver's license or state identification card number, or the last four digits of the voter's social security number as provided on the absentee ballot application.

- 7 **Mailing ballots.** This section allows an overseas voter to request a replacement ballot for one that has been spoiled or lost in transit, just as other voters may do under Minnesota Statutes, section 203B.06, subdivision 3. It also permits a replacement ballot to be sent to an overseas voter whose mailing address has changed after the date on which the original application was submitted.

- 8 Transmitting and returning ballots.** This section permits a voter to request electronic transmission of the ballots, instructions, and a certificate of voter eligibility. The ballot and certificate of voter eligibility must be returned to the county auditor in a sealed envelope.
- 9 Write-in absentee ballot.** This section permits an eligible voter who will be outside the United States during the 180 days before the general election to use a state write-in absentee ballot to vote in any federal, state, or local election. In a state or local election, a vote for a political party without specifying the name of a candidate cannot be counted.
- 10 Absentee ballot board.** This section requires the county auditor to establish an absentee ballot board for military and overseas absentee ballots. The board may consist of staff trained and certified as election judges, in which case, the board is exempt from the laws requiring party balance in appointment of election judges and the duties to be performed by judges of different major political parties.
- 12 Election day special procedures.** This section provides direction to election judges on what to do about persons who cast a vote in person after having requested an absentee ballot, or who submit more than one absentee ballot.
- 13 Separate record.** This section requires the election judges in each polling place to keep a record of absentee ballots received from the absentee ballot board marked "accepted" that were not counted at the polling place.
- 15 Effective date.** This bill is effective for elections held after June 1, 2008.

ELECTION BILL

S.F. 1298 (Chapter 244)

SUMMARY: The election bill deals with election laws including a section that prohibits using residential housing lists prepared by postsecondary institutions for any other purpose other than election day registration. For students studying abroad who want to participate in elections held in Minnesota, there are also changes to the absentee voting laws as noted below.

ARTICLE 1
Elections and Voting

Section

- 1 Residential housing list.** This section states that a residential housing list prepared by postsecondary institutions of current students enrolled in the institution and residing in the institution's housing or within ten miles of the institution's campus, and includes each student's current address, may not be used or disseminated by a county auditor or the secretary of state for any other purpose other than election day registration.
- 2 Prohibited methods of compensation; penalty.** This section prohibits individuals from being compensated for their voter registration efforts by a method that depends on the number of registration applications submitted.
- 6 Return and ballot envelopes; directions to voters.** This section states that the county auditor or municipal clerk shall provide first class postage for the absentee ballot return envelope.
- 7 Locations for absentee voting in person.** This section requires that at least one electronic ballot marker be available in each polling place designated by the county auditor for voting by absentee ballot during the 30 days before the election.
- 11 Authority; location.** This section increases from 3,000 feet to one mile the distance outside a precinct where a polling place may be located.
- 12 Procedure.** This section increases from 20 days to 30 days before the election the time when the county auditor must mail ballots for an election conducted by mail. It requires a second mailing of ballots no later than 14 days before the election to voters who registered to vote after the first mailing but before the 20th day before the election. The county auditor or municipal clerk may appoint election judges to examine the return envelopes and mark them "accepted" or "rejected" during the 30 days before the election. If an envelope has been rejected at least five days before the election, the ballots in the envelope must be considered spoiled

ballots and the auditor or clerk must provide the voter with a replacement ballot and return envelope in place of the spoiled ballot.

- 25** **Effective date.** Unless otherwise noted, all sections in this article are effective on June 1, 2008.

PRECINCT CAUCUS DATE BILL
H.F. 3066 (Chapter 263)

SUMMARY: This bill allows each political party to establish the date of their precinct caucus, eliminating the statutory requirement that the caucus be held on the first Tuesday in March. Minnesota Statute 202A.19, subd. 3 provides that state colleges and universities are prohibited from scheduling any event, including classes, which will take place after 6:00 p.m. on the day of a major political party precinct caucus unless approved by the Board of Trustees.

Section

Precinct Caucus Date Bill

- 1 Time and manner of holding; postponement.** This section allows the chairs of the two largest major political parties to jointly determine the date on which the two parties will hold their precinct caucus. The chairs are to submit the date to the secretary of state no later than March 1 of each odd-numbered year. If the date is not submitted by March 1, the secretary of state will consider the first Tuesday in February to be considered the major political party precinct caucus day.

- 2 Time.** This section provides a cross reference to the new provisions established in section 1 of the bill.

REVISOR'S BILL

S.F. 3823 (Chapter 370)

SUMMARY: The Revisor's bill is intended to correct miscellaneous oversights, inconsistencies, ambiguities, unintended results, and technical errors. The language allowing both Metropolitan State University and St. Cloud State University to use university money for part of their projects was an oversight in the bonding bill. The language was corrected in the Revisor's bill.

Section

Revisor's Bill

- 5 Subd. 12. Metropolitan State University**
b) Law Enforcement Training Center. This section authorizes Metropolitan State University or Minneapolis Community and Technical College to use up to \$2,000,000 of college or university money for this project.
- 6 Subd. 15. St. Cloud State University - National Hockey Center.** This section authorizes St. Cloud State University to use university and non-state money for the remainder of the cost of the construction to the project.

**OMNIBUS TAX BILL
H.F. 3149 (Chapter 366)**

SUMMARY: While the tax bill contains many items pertaining to state taxation, including modifying property taxes, there are provisions in Articles 7, 10 and 16 of the bill that are of particular interest to Minnesota State Colleges and Universities as noted below.

ARTICLE 7
Sales and Use Taxes

Section

- 9 Use of revenues.** This section changes the authorized use of the existing Mankato local sales tax by eliminating the use for operations and expanding the allowed construction purposes to include a performing arts theatre and women's hockey center attached to the Mankato convention center for use by Minnesota State University, Mankato.
- 16 City of Mankato, local taxes authorized.** This section allows Mankato to impose by ordinance up to a one percent food and beverage tax and up to a one percent entertainment tax. Revenues from these taxes would be used to fund the operation and maintenance of the Mankato Civic Center, including the performing arts theatre and the Southern Minnesota Women's Hockey Exposition Center, attached to the Mankato Civic Center for use by Minnesota State University, Mankato

ARTICLE 10
Minerals

Section

- 9 Iron Range higher education account.** This section increases the distribution of production tax revenues to the Iron Range higher education account from 2 cents to 5 cents.

ARTICLE 16
Department Miscellaneous

Section

- 1 Debt.** This section extends the definition of debts that are eligible for referral to the Commissioner of Revenue for collection to include debts owed to Minnesota State Colleges and Universities. This section applies to the collection services provided by the Department of Revenue under chapter 16D, and not to the revenue recapture program under chapter 270A.

- 2 **Referring agency.** This section extends the definition of agencies that may refer debts to the Commissioner of Revenue for collection to include Minnesota State Colleges and Universities. This section applies to the collection services provided by the Department of Revenue under chapter 16D, and not to the revenue recapture program under chapter 270A.

- 3 **Agency participation.** This section authorizes the Commissioner of Revenue to determine if a debt referred to the commissioner for collection under chapter 16D is uncollectible.

**OMNIBUS TECHNICAL CORRECTIONS TAX BILL
H.F. 3201 (Chapter 154)**

SUMMARY: The technical corrections tax bill contains language regarding the membership of the Iron Range Higher Education Committee and adds the president of the Northeast Higher Education District as a member.

ARTICLE 8
Minerals

Section

- 4 Iron Range Higher Education Committee; membership.** This section changes the make-up of the Iron Range Higher Education Committee membership from two members being appointed by the IRRRB to four members. It also adds the president of the Northeast Higher Education District or its successor as a member of the committee.

- 9 Iron Range higher education account.** This section increases the distribution of production tax revenues to the Iron Range higher education account from 2 cents to 5 cents.

**LEGISLATIVE-CITIZEN COMMISSION ON MINNESOTA RESOURCES
FUNDING BILL**

S.F. 2492 (Chapter 367)

SUMMARY: The Legislative-Citizen Commission on Minnesota Resources (LCCMR) reviewed and recommended funding for multiple projects that will protect and improve habitat and water quality, collect essential natural resource information, and provide environmental education. Appropriations for 72 individual projects across the state were funded for a total of nearly \$23.5 million, primarily from the Environment and Natural Resources Trust Fund. Included in the bill is funding for student-focused grants to high schools, colleges and universities to identify their carbon footprints as described below.

Section

LCCMR Funding Bill

2 Minnesota Resources

Subd. 6. Environmental Education

(b) Global Warming - Reducing Carbon Footprint of Minnesota Schools. This section appropriates \$750,000 to the commissioner of the Pollution Control Agency to provide student-focused grants to high schools, colleges, and universities to identify their carbon footprints and develop and implement innovative plans to reduce carbon emissions. The appropriation is available until June 30, 2011.

DATA PRACTICES BILL
S.F. 3235 (Chapter 315)

SUMMARY: The Government Data Practices bill regulates data. Those changes that affect the Minnesota State Colleges and Universities system are summarized below, including the authority for the Minnesota Office of Higher Education and the Department of Education to share data.

Section

Data Practices Bill

- 3 Action for damages.** This section increases the penalty for violating the Minnesota Government Data Practices Act. The penalty is increased from not less than \$100 to not less than \$1,000, and from not more than \$10,000 to not more than \$15,000 for each violation.

- 6 Data sharing; improving instruction.** This section authorizes the Minnesota Office of Higher Education and the Minnesota Department of Education to share data to analyze instruction in school districts for certain purposes. Any reports are to be in summary form.

- 7 Prohibition on use of social security number on face of mailings.** This section states that a government entity, including the Minnesota State Colleges and Universities, must not mail or deliver, or require or request a person to mail or deliver, an item that displays a Social Security number on the outside of the item or in a manner where the Social Security number is visible without opening the item.

- 10 Applicants for appointment.** This section applies to the Board of Trustees and states that data about applicants for an appointment to a public body is private data except for; name, city of residence except when the appointment has a residency requirement that requires the entire address to be public, education and training, employment history, volunteer work, awards and honors, prior government service and any data required to be provided or that is voluntarily provided in an application.

Once an individual is appointed to a public body, residential address and either a telephone number or an e-mail address where the appointee can be reached, or both at the request of the appointee, become public data.

OMNIBUS HEALTH CARE BILL
S.F. 3780 (Chapter 358)

SUMMARY: The omnibus health care bill establishes, among other things, a statewide health improvement program and requires a workforce shortage study to examine the changes necessary in health professional licensure and regulation to ensure full utilization of advanced practice registered nurses, physician assistants, and other licensed health care professionals in the health care home and primary delivery system.

ARTICLE 2
Health Care Homes

Section

- 5 Workforce shortage study.** This section states that to address health care workforce shortages, the commissioner of health, in consultation with the health licensing boards and professional associations, shall study changes necessary in health professional licensure and regulation to ensure full utilization of advanced practice registered nurses, physician assistants, and other licensed health care professionals in the health care home and primary delivery system. A report is to be submitted to the Legislature from the commissioner of health by January 15, 2009.

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HEALTH AND HUMAN SERVICES POLICY BILL
H.F. 3222 (Chapter 326)

SUMMARY: The Health and Human Services policy bill includes language regarding community health workers who have received a certificate from the Minnesota State Colleges and Universities system approved community health worker curriculum as noted below.

ARTICLE 1
Health Care

Section

32 Community health worker. This section amends Minnesota Statute 256B.0625, which states that medical assistance covers the care coordination and patient education services provided by a community health worker if the community health worker has received a certificate from the Minnesota State Colleges and Universities system approved community health worker curriculum, or has at least five years of supervised experience with an enrolled physician, registered nurse, or an advanced practice registered nurse.

New language is added that states that medical assistance covers the care coordination and patient education services provided by a community health worker who has had at least five years of supervised experience by a certified public health nurse who works under the direct authority of an enrolled unit of government.

This section also allows community health workers to work under the supervision of a certified public health nurse who operates under the direct authority of an enrolled unit of government.

OPEN MEETING LAW BILL
H.F. 3367 (Chapter 335)

SUMMARY: This bill is related to the Open Meeting Law and requires closed meetings to be recorded. The bill also grants attorney fees in certain cases. The Board of Trustees of the Minnesota State Colleges and Universities complies with the Open Meeting Law.

Section

Open Meeting Law Bill

- 1 General principles.** This section amends the open meeting law to provide that all closed meetings, except those closed as permitted by the attorney-client privilege, shall be recorded at the expense of the public body. Unless otherwise provided by law, the language requires the tapes to be preserved for at least three years after the date of the meeting.
- 2 Other remedies; requirements; limits.** This section provides that a court shall award reasonable attorney fees to a prevailing plaintiff if the government entity did not act in conformity with a prior written opinion of the commissioner of administration, and the court finds that the opinion is directly related to the cause of action being litigated and that the government entity did not act in conformity with the opinion.