

## **Request for City Council Committee Action from the Department of Intergovernmental Relations**

Date: September 18, 2008  
To: Chair Betsy Hodges and IGR Committee Members

**Subject: 2009 Legislative Agenda**

**Recommendation: Review the proposed 2009 Legislative Agenda Schedule; begin review of 2008 Agenda.**

Prepared by: IGR Staff

Approved by: Gene Ranieri, IGR Director \_\_\_\_\_

Presenters in Committee: IGR Staff

**Background Information:** To begin the 2009 Legislative Agenda staff will review the 2008 agenda. The purpose of the review is to identify issues that have been accomplished and/or provide the status of other issues. It is anticipated that committee discussion could lead to researching other issues that could be included in the 2009 agenda. At subsequent meetings city departments will discuss their 2009 legislative proposals.

## 2009 State Legislative Agenda Work Plan

**Introduction.** The Session begins on January 6, 2009. To prepare for the Session the following tentative work plan is offered for your review and comment.

1. **Check-in meetings with city departments.** (June through August). Most of the meetings have occurred. We will schedule a meeting with the City Clerk to discuss major issues of data privacy, election law and publications. Sharon will arrange the meeting.
2. **Staff meeting: review the check-in meetings and legislative agenda format.** (Prior to August 8). The purpose of the meeting is to list the issues identified at the meetings. The list will be the basis for further discussion and possible inclusion in the preliminary research.

The agenda discussion, at this meeting, will be focused on format. We need to decide if the agenda is too long, should be refreshed (graphics, color) or reformatted (relate to city goals). The distribution list also needs to be reviewed.

3. **Requests for legislative proposals.** (August 25 to September 15). The request letter will be distributed on August 25 to city elected officials, and department directors. The letter will be revised to suggest that staff can meet with department staff or elected officials to develop a proposal, and identify the staff assigned to the department. The letter will also indicate that during the month prior to the submission deadline, e-mail reminders will be sent to all recipients.
4. **Suggested changes to agenda.** At the September 23 meeting we will review the 2008 legislative agenda and recommend changes that resulted from legislative action. In addition committee discussion could direct staff to research issues.
5. **Presentation of proposals to IGR Committee.** (October 7 to November 4). We will have three meetings to review proposals. If we don't need three meetings, we can start mark-up on November 4.
6. **Mark-up.** (November 4 to December 9). The committee will review and amend the agenda.
7. **Council Adoption.** (December 12).

**TO:** Chair Hodges and Committee Members

**FROM:** IGR Staff

**DATE:** September 23, 2008

**RE:** Review 2008 Legislative Agenda

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In preparation for the 2009 session, IGR staff has prepared the following review of the 2008 agenda. In addition to a summary of legislative status, the review also recommends possible committee staff direction at this or a future committee meeting.

<b>LOCAL GOVERNMENT FINANCE</b>		
<b>Issue</b>	<b>Legislative Status</b>	<b>Direction</b>
LGA – set appropriation at 2003 amount adjusted for inflation.	Appropriation increased from annual amount of \$484.0 million to \$526.0. Amount below 2003 amount of \$586.0 million (unadjusted for inflation). Adjusted amount exceeds \$700 million.	
LGA – annual inflation factor included in formula.	In 2010, LGA appropriation to increase by 2% and by 4% in 2011.	
LGA- flexible; no expenditure limits.	Proposal to limit LGA increases to public safety was offered by the Governor but it was not adopted.	
LGA-amend formula to reflect measures of city's service levels, needs and demands.	Several formula changes considered; changes adopted that resulted in additional funding to metropolitan suburbs. Study commission authorized to study the formula and make recommendations to the legislature by December 2010.	
LGA – formula modified to limit wide variation in annual payments.	Measure proposed by the League of Minnesota Cities was adopted.	Could be deleted.
Limited Market Value continued.	Amendment adopted in House Tax Subcommittee but deleted in House Tax Committee.	

Diversify revenue sources.	House tax bill contained amendment to limit new local sales tax; several proposals for street utility or other similar measures were not part of either tax bill.	
Repeal state sales tax on local governments.	League of Cities sponsored legislation to repeal the tax but it was not included in the tax bill; cost is a factor.	
Prospective repeal of relative homestead property tax classification.	Bill introduced and included in House tax bill; another bill required registration of homes that were rented. Registration is voluntary. Registration bill enacted but prospective repeal was not in the final bill.	Retain policy.
Park dedication fee (special law) to permit fee to include commercial and industrial property and allow use of fee for trails.	Special bill passed and adopted by city council.	Could be deleted.

### CAPITAL BONDING

Issue	Legislative Status	Direction
	Of the seven projects pursued by the city in 2008, three received funds in the bonding bill passed by the legislature; parkway lighting, St. Anthony Parkway Bridge and SEMI/University Research Park infrastructure (via the bioscience funds). The lighting and bridge funds were vetoed by the governor.	2009 is a non-bonding year although there will likely be a very small bonding bill to do emergency funding and maybe fund some of the vetoed projects. Because of the vetoes of our projects, and because additional funds will continue to be needed for SEMI/University Research Park, our recommendation would be to leave the bonding section unchanged for 2009.

### PUBLIC SAFETY

Issue	Legislative Status	Direction
General funding.	Funding for the entire public	No change. Support

	safety system, including such critical functions as police, fire, prosecutors, public defense, communication systems, probation and the courts and victim services.	restoration of significant cuts to public safety budgets in 2008, including corrections, courts, and public defenders. Work to prevent additional cuts.
Traffic – “Stop on Red” initiative (priority issue for City Attorney in 2009).	Secure legislative authority for the “Stop on Red” initiative.	No change. Continue to work with partners to advance legislation. Bring in new stakeholder, get support of non-metro legislators.
Traffic – talking/texting on cell phones while driving	Prohibiting the use of hand held cell phones for phone calling or text messaging by all drivers.	Update from 2008: legislation making texting while driving a primary offense was passed in 2008.
Trespassing at emergency sites (priority issue for City Attorney in 2009).	Issue emerged from I-35W bridge collapse. Agenda language proposed for 2009 is broader and more flexible than 2008 agenda.	Update from 2008: amend Minn. Stat. § 609.605 (trespass) or another statute, or create an independent statute, to prohibit people from crossing into areas marked by clearly labeled police tape that forbids such crossings.
Trespassing Signs. Priority issue for City Atty. in 2009.	Trespassing signs must comply 7 specific requirements. Compliance is rare and difficult. This is more important now given the foreclosure crisis.	Addition to 2008: Amend Minn. Stat. § 609.605, Subd. 1(a)(v), the definition of “posted” by removing 3 of the 7 requirements.
Offender Reentry Funding	Continued funding for re-entry programs enacted in 2007 and efforts to coordinate the programs with existing opportunities.	Update from 2008: Re-entry programs such as Sentence to Serve were reduced in 2008. Support reinstatement of funds.
Victim’s Rights Statute. Priority issue for City Atty. in 2009. Priority issue for City Atty. in 2009.	Amending the Victims’ Rights Statute to allow prosecutors to obtain victims’ input on potential terms of plea agreements prior to attendance in court, so that court proceedings are not delayed.	Update from 2008: Amend Minn. Stat. § 611A.03 to require prosecutors to obtain victims’ input in with certain crimes, and to allow prosecutors to

		obtain victims' input as to the terms of potential plea agreements <i>prior</i> to attendance in court. Alternatively, amend Minn. Stat. § 611A.03 to incorporate either of the above proposals independent of the other.
Livability Crimes	Initiatives to address livability crimes, including continued and increased state funding for restorative justice programs.	No Change: maintaining this item on the agenda will allow us reasonably broad authority to support a range of policies that are not specifically identified in other agenda items.
Firearms	The Lost or Stolen Firearm Reporting Act and Universal Background Check Act.	Direction to be determined. Internal discussions about the feasibility of this item are ongoing.
Crime Lab Priority item for MPD in 2009	Bonding proposal offered in 2008 and not funded. The City fully supports exploring the combinations of the Crime Lab functions of the City of Minneapolis and Hennepin County. Conversations between Hennepin County and the City are ongoing.	No Change.
Domestic Violence Priority issue for City Atty. in 2009.	Strengthening the criminal code and other appropriate statutes.	Update from 2008: City Attorney advises specific amendments to enhance the criminal and other statutes related to domestic violence. (Minn Stat. § 518B.01, subdivision 22 (violation of a domestic abuse no contact order), and Minn. Stat. § 609.78, subdivision 2 (interference with an emergency call); § 518B.01, subdivision

		<p>2(b) (section of the Domestic Abuse Act defining “family or household members”); § 518B.01, subdivision 22 (violation of a domestic abuse no contact order); § 609.2242, subdivision 2 (domestic assault, gross misdemeanor), §609.02 (definitions section); § 518B.01, subdivision 22 (violation of a domestic abuse no contact order)</p>
<p>Indecent Exposure. Priority issue for City Atty. in 2009.</p>	<p>Support amendments allowing for felony charging of chronic indecent exposure offenders.</p>	<p>Update from 2008: § 617.23, subdivision 3 (indecent exposure chargeable as a felony when the offender has been twice previously convicted), 609.324, subdivision 3, (prostitution enhanced to a gross misdemeanor based upon a prior conviction under Subd. 2, closing a loophole).</p>
<p>Prostitution (priority issue for City Atty. in 2009).</p>	<p><u>Issue is emerging as a priority issue at the Legislature and in the City has a public safety and public health issue.</u></p>	<p>Update from 2008:</p> <ol style="list-style-type: none"> <li>1. Amend §609.321 by broadening the definition of “public place” to be in line with the MN Human Rights Act;</li> <li>2. Amend § 609.324, Subd. 5 (prostitution) to provide that on a second offense, the DVM will classify as “public data” the fact that a john was convicted of a prostitution offense using a vehicle;</li> <li>3. Amend §609.324, Subd. 3 (prostitution) to permit enhancement to a gross misdemeanor</li> </ol>

		<p>based on a prior conviction under Subd 2. (same as agenda item under public exposure).</p> <p>4. Modify the gross misdemeanor “public place” prostitution statute.</p>
Chronic Offenders (priority issue for City Atty. in 2009).	Targeted enhanced penalties to a gross misdemeanor for repeat offenses have been beneficial for certain crimes (trespassing) and additional targeted enhancements are desired.	Updated from 2008: Amend § 609.153 (increased penalties for certain misdemeanors) to provide for increase penalties for chronic offenders.
<b>PENSION SUSTAINABILITY</b>		
<b>Issue</b>	<b>Legislative Status</b>	<b>Direction</b>
	Proposal not introduced as a bill in 2008 but meetings with the Police and Fire Funds have begun and are continuing.	
<b>TRANSPORTATION</b>		
<b>Issue</b>	<b>Legislative Status</b>	<b>Direction</b>
	Major progress was made in the 2008 session with transportation funding and policy. However, because of the rising costs, expansion demands and current funding sources not meeting projections, transportation funding and more specifically transit funding is still in need of legislative attention.	Our 2008 Transportation Policy position was aimed at the passage of a comprehensive funding bill. Because a funding package was passed after an override of the Governor’s veto, our current position will need to be updated with specific attention to our priority issues list.

<b>AFFORDABLE HOUSING AND HOMELESSNESS PREVENTION</b>		
<b>Issue</b>	<b>Legislative Status</b>	<b>Direction</b>
Policies that prevent foreclosures, and vacant and abandoned property.	Several bills were signed into law that require recording of information; streamlining the five week notice procedures; timing changes.	Determine if additional changes are needed and assess if state law needs to be changed to utilize the federal emergency housing law passed in July 2008.
MHFA appropriations.	MHFA general fund appropriation received a reduction below the average state agency reduction. Homelessness program funding continued.	
Property Tax code to stimulate affordable housing production and preservation.	Housing replacement TIF district expanded.	Discuss if policy should be changed to address tax incentives for preserving abandoned or foreclosed homes.
Income tax credits for affordable housing and historic housing.	Introduced bill but not included in the omnibus tax bill.	
Homelessness initiatives.	Proposed funding for Housing Finance Agency capital projects was approved.	
Repeal \$50 offset for public housing residents receiving financial assistance from Minnesota Family Investment Program (MFIP).	Proposal dropped from health and human service bill.	
Eliminate tax incentives that encourage the conversion of single family housing to rental property.	Single family renter occupied class rate is similar to that of owner occupied; no proposal to raise rate. Cities have or are considering ordinance to limit conversions; authority to enact such ordinances could be challenged.	
Heading Home Hennepin capital and operations funding.	Capital bonding proposal not funded.	

Prospective repeal of relative homestead property tax classification.	Bill introduced and included in House tax bill; another bill required registration of homes that were rented. Registration is voluntary. Registration bill enacted but prospective repeal was not in the final bill.	Retain policy.
<b>MUNICIPAL GOVERNANCE</b>		
<b>Issue</b>	<b>Legislative Status</b>	<b>Direction</b>
Special law – Unclassified positions.	No activity on this issue.	
Civilian Review Authority-subpoena power.	No activity on this issue.	
Organic waste to be mixed with yard waste.	Legislation passed allowing the collection of organic waste with yard waste.	Remove from the agenda.
Pawnshop regulatory limitations.	Legislation introduced and heard in Senate committee; bill opposed by cities and law enforcement; bill did not move.	
Instant Runoff Elections.	Taskforce met to develop legislation to implement instant runoff voting; legislation drafted but not moved in 2008.	
<b>Support Items</b>		
Abandoned vehicles.	Legislation passed dealing with contents of abandoned vehicles; however, only small progress was made on helping to solve the financial problem these vehicles cause for the city.	This policy should remain as there is more progress to be made on recuperating lost city funds as we and St. Paul continue to bear an unfair burden for the entire metro area and state.
Election judges need not be affiliated with a political party.	2008 election bill signed by the Governor permits city election officials to appoint an election judge if there are no names on the lists submitted by the major political parties or no list has been supplied.	Could be deleted.
Publication alternatives.	No activity on this issue.	

Cities can adopt ordinances to allow dogs in sidewalk cafes.	Legislation was adopted.	Item can be deleted.
Metropolitan Council Governance study.	No legislation regarding this issue was passed.	
State regulation of dog and cat breeders.	Bill was introduced but not heard.	
Local government to define "dependent ".	Bill passed by legislature; vetoed by Governor	
Qualifying animal welfare groups permitted to provide subsidized neuter services to animals belonging to low income persons.	No activity on this issue.	
<b>CITY LIVABILITY</b>		
<b>Issue</b>	<b>Legislative Status</b>	<b>Direction</b>
Statewide aviation.	No action on the issue.	
Investment in youth development activities.		Redraft the issue statement to include investments in the prevention of youth violence; recognize youth violence as a public health issue.
<b>Support Items</b>		
<b>JOBS AND ECONOMIC DEVELOPMENT</b>		
<b>Issue</b>	<b>Legislative Status</b>	<b>Direction</b>
Appropriate funds for redevelopment statewide.	Bonding bill appropriated \$8.5 million for the redevelopment account; prior legislation made the account statewide but unless there are not enough applications from greater	

	Minnesota must receive at least 50% of the funding.	
Increase funding for brownfields.	Funding was not increased.	
Transfer contamination clean-up tax proceeds to clean-up grant account.	No legislation was enacted related to this issue.	
Continue Livable Communities Act.	No activity this session.	
Increase funding for the Minnesota's Historical Society's local preservation grant program.	Bond bill approved \$2.0 million for the program; 2006 approved amount was \$1.0 million.	
Establish a state income tax credit for preservation of historic property.	Bill introduced but not included in the omnibus tax bill.	Draft a policy that supports a state historic building tax credit including residences. Locate in the public finance section.