

MINNESOTA STATE HEARING

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EXHIBIT # Pen-1002  
WUSKWAYIM GENERATION  
& TRANSMISSION PROJECT  
  
~~CLEAN ENVIRONMENT COMMISSIONER~~

MINNESOTA STATE SENATE HEARING

ORIGINAL

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<p style="text-align: right;">Page 2</p> <p>1</p> <p>2</p> <p>3 CHAIRPERSON: Good morning. The Jobs, Energy and</p> <p>4 Community Development Committee will come to order.</p> <p>5 Thank you all for being here in a different time and</p> <p>6 place than usual. I hope the senators can all find</p> <p>7 there way here soon. We are going to get started and I</p> <p>8 am going to start with my bill, senate file 2462, so</p> <p>9 Senator Dibble will chair.</p> <p>10 SENATOR DIBBLE: Welcome, Madam Chair.</p> <p>11 CHAIRPERSON: Thank you, Mr. Chair and members. Senate</p> <p>12 file 2462 you should have in front of you. It is</p> <p>13 intended to ensure that condominium units financed by</p> <p>14 Public Housing Authorities continue to be available for</p> <p>15 rental to low and moderate income tenants.</p> <p>16 The bill specifically restricts condominium</p> <p>17 associations from changing their rules to place</p> <p>18 restrictions on condominium rentals. By limiting</p> <p>19 changes in mid-stream which restrict the owners</p> <p>20 opportunity to rent a unit, we are safeguarding both</p> <p>21 the owners' rights to rent their units as well as the</p> <p>22 opportunity for people with low and moderate incomes to</p> <p>23 secure affordable rental housing.</p> <p>24 I have with me, Becky Rom from Faggery (ph) and</p> <p>25 Benson, who is here representing the Family Housing</p>	<p style="text-align: right;">Page 4</p> <p>1 neighborhoods and 490 units are to be built in suburban</p> <p>2 communities.</p> <p>3 The intent of the home and consent decree was to</p> <p>4 deconcentrate lower income families throughout the</p> <p>5 community in order to provide better opportunities for</p> <p>6 these families.</p> <p>7 The Metropolitan Council agreed to sponsor public</p> <p>8 housing contracts for 150 housing units in suburban</p> <p>9 communities that lacked capacity to do so for</p> <p>10 themselves through the Metropolitan Housing</p> <p>11 Opportunities program which we call MYHOP or MHOP.</p> <p>12 Sixty-five of these 150 replacement units are</p> <p>13 being provided through cooperative arrangements with</p> <p>14 cities that volunteered to participate. Eleven cities</p> <p>15 did volunteer and they include Blaine, Golden Valley,</p> <p>16 Maple Grove, Edina, Minnetonka, Coon Rapids, Eden</p> <p>17 Prairie, Shoreview, Roseville, Plymouth and Richfield.</p> <p>18</p> <p>19 Scott County HRA is providing 91 replacement</p> <p>20 housing units. Washington County HRA is providing 65.</p> <p>21 Carber County HRA is providing 50 replacement housing</p> <p>22 units. St. Louis Park HRA is providing 12 and</p> <p>23 Bloomington HRA is providing 6 replacement housing</p> <p>24 units.</p> <p>25 The completed housing units now number 628. 437</p>
<p style="text-align: right;">Page 3</p> <p>1 Fund who has worked on these kinds of issues and can</p> <p>2 help explain the importance of this measure.</p> <p>3 SENATOR DIBBLE: Welcome to the committee, Ms Rom.</p> <p>4 MS ROM: Thank you. I am Rebecca Rom and I am a lawyer</p> <p>5 at Faggery and Benson and I am here representing the</p> <p>6 Family Housing Fund which supports Senator Anderson's</p> <p>7 bill. The goal of the bill is to insure that housing</p> <p>8 units owned by Housing and Redevelopment Authorities</p> <p>9 continue to be used for their intended public purposes.</p> <p>10</p> <p>11 This bill would exempt housing units owned by</p> <p>12 HRAs and located in town home and condominium</p> <p>13 developments from bans or restrictions on leasing.</p> <p>14 These housing units were purchased by HRAs for the</p> <p>15 purpose of leasing them to low and moderate income</p> <p>16 families and are subject to a federal consent decree</p> <p>17 and federal contracts requiring that they be used for</p> <p>18 this public purpose.</p> <p>19 I would like to give you a little background on</p> <p>20 these units and the issue. The settlement consent</p> <p>21 decree of the Holman lawsuit mandated the development</p> <p>22 of 770 housing units for replacement of housing units</p> <p>23 demolished in Minneapolis. Two hundred of the units</p> <p>24 are to be built in the near north side of Minneapolis,</p> <p>25 80 units are to be built in other Minneapolis</p>	<p style="text-align: right;">Page 5</p> <p>1 of these housing units are in the suburban communities.</p> <p>2 Of the housing units in place and operational at least</p> <p>3 150 are in townhomes or condominiums in private</p> <p>4 developments which is what this bill focuses on.</p> <p>5 The various HRAs have entered into contracts with</p> <p>6 the Federal Department of Housing and Urban Development</p> <p>7 or HUD for operation of the MHOP replacement housing</p> <p>8 units. The various HRAs are required to rent the</p> <p>9 housing units to income qualified families.</p> <p>10 Many of the replacement housing units are in</p> <p>11 privately owned townhomes or condominium developments.</p> <p>12 Townhome and condominium developments are typically</p> <p>13 located on transit routes and near schools and other</p> <p>14 services that work well for working families.</p> <p>15 Families are more likely to be successful if they</p> <p>16 have an opportunity to choose a house that is</p> <p>17 consistent with their lifestyle preferences and</p> <p>18 individual needs, and many families do not want nor are</p> <p>19 they able to maintain a detached single-family rental</p> <p>20 home. Townhomes and condominiums are generally cheaper</p> <p>21 for the HRAs to purchase and less expensive to maintain</p> <p>22 and operate over time because the associations and</p> <p>23 property management firms hired by the associations are</p> <p>24 responsible for most property maintenance.</p> <p>25 The Metropolitan Council HRA owns 65 townhouse or</p>

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<p style="text-align: right;">Page 6</p> <p>1 condominium units in private developments. Scott                  2 County HRA owns 20, Washington County HRA owns 45 and                  3 Carber County HRA owns 20, and it is these units that                  4 are the focus of the bill.                  5 The problem is this: some townhouse condominium                  6 associations are seeking to amend or have amended                  7 declarations, by-laws or rules and regulations to limit                  8 or prohibit rental of housing units. This would mean                  9 that the HRAs would not be able to lease their housing                  10 units to income-qualified families as required by the                  11 HUD contracts and the federal consent decree in the                  12 Holman case, and these HRAs would be forced to sell                  13 these housing units.                  14 Sale of the housing units would temporary                  15 displace the families currently living in these units                  16 and create additional funding needs if the sale                  17 proceeds are insufficient to cover the purchase price                  18 and rehab cost of single-family replacement homes.                  19 We know of at least one association that has                  20 already changed its by-laws to prohibit leasing and                  21 HRAs have been negotiating with other associations that                  22 are considering making this change.                  23 The solution to this problem is to exempt the                  24 MHOP housing units from a ban or restriction on rental.                  25 This bill would exempt the housing units owned by HRAs</p>	<p style="text-align: right;">Page 8</p> <p>1 individual owners and occupants. This bill would also                  2 preserve the substantial public investment already made                  3 by the HRAs and alleviate the need for substantial                  4 additional investment that would likely result from the                  5 sale of townhomes and purchase of replacement                  6 single-family homes. This bill would ensure that                  7 different types of affordable housing opportunities                  8 exist for families who want or need to live in the                  9 communities in which they work.                  10 The bill would not encourage HRAs to acquire more                  11 town home or condominium units because given both the                  12 lack of funding and the near completion of the home and                  13 replacement housing efforts the HRAs are unlikely to                  14 acquire any more housing units than they already own.                  15 The bill is also similar to and consistent with                  16 existing laws that ensure that HRA properties remain                  17 available to serve public purposes and are operated and                  18 maintained in financially sound manner, and I give you                  19 examples in my written testimony of similar laws of HRA                  20 properties somewhat differently.                  21 In closing, I would like to say that the Family                  22 Housing Fund strongly supports this bill. The Family                  23 Housing Fund is a non-profit corporation that is a                  24 lender in the affordable housing area and they are also                  25 involved in affordable housing public policy.</p>
<p style="text-align: right;">Page 7</p> <p>1 from leasing bans or restrictions provided that the                  2 HRAs are leasing to moderate, leasing to eligible low                  3 and moderate income families under applicable state of                  4 federal law.                  5 Some associations may be concerned about                  6 non-resident owners but that is primarily because of an                  7 increase in investors purchasing units. Some of these                  8 investors have a history of irresponsible ownership and                  9 often times do not have leases, do not screen tenants                  10 and do not require the tenants to obey the rules and                  11 regulations of the association.                  12 In contrast, the HRAs always require leases,                  13 screen the tenants and require that their tenants                  14 comply with rules and regulations. HRAs also receive                  15 federal and other funding for ongoing maintenance and                  16 operating costs. One solution used by the association                  17 is to prohibit leasing even though leasing was allowed                  18 when the unit was purchased. This bill would allow the                  19 associations to prohibit or restrict the rental of                  20 housing units owned by investors. The association                  21 would not be allowed to ban or restrict the HRAs from                  22 renting to a low or moderate-income family under                  23 applicable state or federal law.                  24 The associations would be allowed to modify rules                  25 and regulations to continue to regulate the conduct of</p>	<p style="text-align: right;">Page 9</p> <p>1 Finally, the Minnesota chapter of the National                  2 Association of Housing and Redevelopment Officials                  3 supports the bill and at this point we know of no                  4 opposition to the bill. Thank you.                  5 SENATOR DIBBLE: Thank you Ms Rom. Committee members a                  6 quorum is present. Questions from the Committee?                  7 Senator Senjem.                  8 SENATOR SENJEN Mr. Chair and to the witness, I do                  9 not perhaps need a long answer but in my city council                  10 days back in Rochester when we would approve complexes                  11 like this that had a certain amount of what we call                  12 affordable housing within them, that was basically a                  13 development contract also between the City and the                  14 developer, and that contract would follow the land, and                  15 so I do not oppose this necessarily. I am just kind of                  16 wondering whether or not the existing municipal                  17 authorities already cover this in many cases.                  18 SENATOR DIBBLE: Ms Rom?                  19 MS ROM: It would hopefully cover it in developments                  20 that are subject to development contracts. I can't say                  21 for sure one way or another whether they would or not,                  22 but the housing authorities have been purchasing town                  23 home units in private developments that aren't covered                  24 by these rules, and the problem has occurred where, but                  25 for this law, the associations would be able to amend</p>

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1 their rules, regulations and by-laws without regard to  
 2 development contracts. So it goes beyond that.  
 3 SENATOR SENJEM: Thank you.  
 4 SENATOR DIBBLE: Thank you. Senator Anderson.  
 5 SENATOR ANDERSON: Mr. Chair, I know I just spoke  
 6 briefly with Jack Horner from the Multi-housing  
 7 Association and he has a suggested amendment, but it is  
 8 not quite ready yet and I think probably everyone is in  
 9 agreement to the amendment, so we thought I just wanted  
 10 to mention that. I do not know, I do not believe he  
 11 wants to testify today. I do not want to speak for him,  
 12 but this has to go to judiciary committee as well and  
 13 so I just wanted to indicate that we will work to make  
 14 sure that we resolve his concern and take care of that  
 15 in the next committee.  
 16 SENATOR DIBBLE: Right, thank you. Is there anyone in  
 17 the audience who would like to speak for this bill? Is  
 18 there anyone in the audience who would like to speak  
 19 against this bill? All right. Let's give a motion, Ms  
 20 Chair.  
 21 SENATOR ANDERSON: All right Mr. Chair, I would move  
 22 that Senate file 2462 be recommended to pass and  
 23 referred to the judiciary committee.  
 24 SENATOR DIBBLE: To that motion, committee? All right  
 25 all in favor, Say "AYE"

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1 ALL: "AYE".  
 2 SENATOR DIBBLE: All opposed, say no. That motion  
 3 carries.  
 4 SENATOR ANDERSON: Thank you very much, Mr. Chairman,  
 5 committee members.  
 6 SENATOR DIBBLE: Thank you, Madam Chair.  
 7 CHAIRPERSON: Senator Sparks, are you ready?  
 8 SENATOR SPARKS: Yes. Madam Chair and members, I do  
 9 have a technical amendment or an author's amendment  
 10 that I would like to offer, if I could, to get to bill  
 11 in the shape that the author would like.  
 12 CHAIRPERSON: That is the A2 amendment, and it is  
 13 coming around I believe.  
 14 SENATOR SPARKS: While it is coming around, if you  
 15 want, council, would you like to speak a little bit to  
 16 the amendment?  
 17 CHAIRPERSON: Council?  
 18 COUNCIL: Madam Chair, members; it is a totally  
 19 technical amendment. It states something in the  
 20 positive that was stated in the double negative. To  
 21 make it clear it is a positive. It corrects an error  
 22 in terminology.  
 23 CHAIRPERSON: All right, we will wait until all of the  
 24 members have that in front of them.  
 25 This is the first committee hearing for this

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1 bill, so it is an author's amendment. Thank you.  
 2 All right. On the A2 amendment, any discussion?  
 3 Hearing none, all those in favor say "AYE".  
 4 ALL: "AYE".  
 5 CHAIRPERSON: Opposed, no. Motion carried. Senator  
 6 Sparks.  
 7 SENATOR SPARKS: Thank you, Madam Chair and members.  
 8 Senate file 2413 is a bill that relates to employees'  
 9 overtime pay regulation modification. Certainly, I  
 10 think all of us around the table realize that in  
 11 Minnesota we have some of the hardest workers in the  
 12 entire nation and it certainly is my belief that they  
 13 deserve to get paid for all their effort.  
 14 My overtime protection act addresses the new  
 15 federal rule change as proposed by the Bush  
 16 administration. Basically, what Senate file 2413  
 17 intends to do, it is a bill designed to protect  
 18 Minnesota workers and their families from the  
 19 uncertainties and possible catastrophic income losses  
 20 caused by changes in federal regulations related to  
 21 payment of overtime compensation as scheduled to take  
 22 effect later this spring.  
 23 I felt that it is important to be proactive on  
 24 this issue and so that is why we are bringing this  
 25 legislation forward at this time.

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1 There is strong disagreement among those studying  
 2 the federal law as to how many workers will become  
 3 ineligible for overtime compensation under federal law,  
 4 with estimates ranging from hundreds of thousands to 8  
 5 million employees, including 2.5 million white collar  
 6 workers.  
 7 The most significant loss of overtime  
 8 compensation will be caused by changes in regulations  
 9 that greatly expand the classes of professional,  
 10 executive and administrative employees who are exempt  
 11 from overtime pay.  
 12 States currently have the authority to enact  
 13 legislation that sets higher standards than the Federal  
 14 Government in the area of Fair Labour Standard Act,  
 15 such as minimum wage, which we discussed the other day  
 16 in committee, and also overtime compensation.  
 17 Minnesota does have a law regulating overtime  
 18 that generally requires overtime after 48 hours, and I  
 19 did have a handout that we'll talk about a little bit  
 20 later that goes over and compares other states as well.  
 21 Currently though, in Minnesota we are at that 48 hour  
 22 plateau.  
 23 It is likely that most of the employees who have  
 24 their rights to overtime under federal law terminated  
 25 by the new regulations would be required to be paid

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<p style="text-align: right;">Page 14</p> <p>1 overtime under the state law at 48 hours. The likely 2 result of the federal change is a patchwork quilt of 3 state laws with varying regulations for those removed 4 from federal coverage. 5 Senate file 2413 is a moderate approach that we 6 will talk in more detail about and it simply seeks to 7 maintain the status quo while the State Department of 8 Labour and Industry analyses the impact of these 9 federal changes. 10 The bill simply provides that if any employee was 11 eligible for overtime under federal law before the 12 change in federal regulations, that employee must 13 continue to be paid overtime under authority of the 14 state law. 15 The employer who was not paying overtime before 16 the federal change in federal regulation will not be 17 required to pay overtime by this bill. 18 It is important to maintain the status quo on 19 overtime pay, particularly for those not covered by 20 collective bargaining agreements, since there are many 21 employees who count on overtime as part of their family 22 budget. With the result of that lost overtime it could 23 be financial ruins for those individuals and I also I 24 would say to our economy, not only the State of 25 Minnesota but the nation as well.</p>	<p style="text-align: right;">Page 16</p> <p>1 We are here today to speak in support of Senate 2 file 2413 and in opposition to the Federal Department 3 of Labour's ruling on overtime regulations. We would 4 like to extend our deepest thanks to Senator Sparks 5 for his willingness to bring this legislation forward. 6 That is not only important to nursing, but to all 7 working families in our state. 8 The legislation before you is an attempt to keep 9 intact to the current policy regarding overtime pay. 10 It is consistent with the position of both the U.S. 11 House of Representatives and the U.S. Senate's position 12 on this issue. Both of these bodies voted in a 13 bipartisan way to support maintaining the federal 14 overtime rules. 15 Despite their action, the U.S. Department of 16 Labour is moving forward to change the federal overtime 17 rules this spring. Their changes would redefine who 18 can be considered an exempt employee and therefore not 19 eligible for overtime pay. 20 The Nurses Association believes that the 21 Department of Labour changes would be devastating to 22 individual nurses and would have a chilling effect on 23 retaining and recruiting nurses in the profession. 24 In a profession such as nursing, where there is a 25 severe shortage of workers, nurses who are already</p>
<p style="text-align: right;">Page 15</p> <p>1 With that, we can go into a little more detail on 2 the bill and council can explain. I do have a couple 3 of testifiers that would like to speak to the bill, 4 Madam Chair, if that would be all right with you. 5 CHAIRPERSON: That would be great, Senator Sparks. Do 6 you want to start with Mr. Lateau (ph)? 7 SENATOR SPARKS: Actually, if we could move, Sue Stout 8 (ph) from the Minnesota Nurses Association has another 9 obligation, if she could go first, Madam Chair, I would 10 appreciate that. 11 CHAIRPERSON: That is fine. 12 SENATOR SPARKS: Okay. 13 CHAIRPERSON: Welcome to the committee. 14 MS. STOUT: Thank you. Thank you Madam Chair and 15 members. For the record my name is Susan Stout, I am a 16 registered nurse and I represent the Minnesota Nurses 17 Association. 18 The Minnesota Nurses Association represents over 19 17,000 nurses in the State of Minnesota. We are the 20 oldest and largest union representing registered nurses 21 in the mid-west. We also represent nurses who are not 22 under collective bargaining agreements and I believe 23 that many of my comments today are kind of affected 24 those nurses even more than the nurses that we have 25 under collective bargaining.</p>	<p style="text-align: right;">Page 17</p> <p>1 working extra hours, would have no guarantee of added 2 pay for added work. Once free of this obligation, many 3 employers may attempt to reclassify nurses as exempt 4 and thus, prohibit them from receiving overtime pay. 5 In addition, employers would be entitled to extend the 6 work week without raising workers pay. 7 The nurses who are at most risk as a result of 8 these proposed changes are those who are not protected 9 by collective bargaining agreements. These 10 non-unionized nurses are in danger of losing overtime 11 protection and need overtime pay to support themselves 12 and their families. They need to retain the Fair 13 Labour Standards Act rights to ensure they are paid for 14 the hours that they work and to act as a break on 15 employers imposing excessive work hours. 16 This is a fundamental right of current law and it 17 is one of the cornerstones of the nation's worker 18 protection safety net. We believe that the duty of the 19 Department of Labour is to protect the rights of the 20 Fair Labour Standards Act, not to strip away 21 fundamental and long-standing protections. The 22 legislation before you would not allow those rights to 23 be stripped away in Minnesota. 24 As I said earlier, in a profession such as 25 nursing, where there is a severe shortage, now is not</p>

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1 the time to discourage people from entering the  
 2 profession or driving skilled nurses out of the  
 3 profession. This is a serious issue. If the Minnesota  
 4 Legislature does not take action to safeguard our  
 5 workers' rights, the new federal rule will apply here  
 6 and would adversely impact the quality of our state's  
 7 health.  
 8 I thank you very much and I would be happy to  
 9 answer any questions you might have.  
 10 CHAIRPERSON: Thank you, Ms Stout. Are there  
 11 questions?  
 12 SENATOR SENJEM: Madam Chair.  
 13 CHAIRPERSON: Senator Senjem.  
 14 SENATOR SENJEM: Madam Chair and Ms Stout, and I have  
 15 not read the federal proposal, but does the federal  
 16 proposal propose that nurses would be exempt as  
 17 employees or is that something negotiated between, at  
 18 the employer level?  
 19 CHAIRPERSON: Ms Stout?  
 20 MS STOUT: Madam Chair, SENATOR SENJEM, what the  
 21 federal rule does is it changes the categories of who  
 22 can be considered exempt.  
 23 Now an employer could voluntarily pay even an  
 24 exempt employee overtime pay if they wish. The  
 25 likelihood of that is somewhat rare, however, what the

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1 federal rule does is, it allows nurses to be considered  
 2 exempt by redefining their knowledge and background  
 3 skill level.  
 4 Let's take a licensed practical nurse as an  
 5 example. Under the current rule, licensed practical  
 6 nurses are considered an employee that is eligible for  
 7 overtime pay. Under the new rule, it says that if you  
 8 are a worker with advanced knowledge in the field of  
 9 science customarily acquired by a prolonged course of  
 10 specialized intellectual instruction but you get that  
 11 knowledge in on-the-job training, not necessarily by  
 12 going through a course of study, you could be  
 13 considered exempt.  
 14 So a licensed practical nurse who has maybe  
 15 worked for ten years, you could say well that is  
 16 equivalent to or or it is on-the-job acquiring of  
 17 scientific knowledge and skill that puts them into the  
 18 exempt category.  
 19 SENATOR SENJEM: Thank you very much.  
 20 CHAIRPERSON: All right, thank you. No further  
 21 questions. Thank you, Ms Stout.  
 22 MS STOUT: Thank you very much.  
 23 CHAIRPERSON: Senator Sparks, who would you like  
 24 next?  
 25 SENATOR SPARKS: Thank you, Madam Chair. Then I would

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1 ask Brad Lateau with the Minnesota AFL CIO to come  
 2 forward, please.  
 3 CHAIRPERSON: Welcome to the committee.  
 4 BRAD LATEAU: Thank you, Madam Chair and Senators. For  
 5 the record my name is Brad Lateau, legislative director  
 6 for the Minnesota AFL CIO, and the Minnesota AFL CIO  
 7 has about eleven hundred unions, central labour  
 8 councils and state councils representing about four  
 9 hundred thousand members in the State of Minnesota.  
 10 I am here to testify in favor of Senate file 2413  
 11 and I commend Senator Sparks for bringing the bill  
 12 forth, in an attempt to address the attacks on overtime  
 13 pay by President Bush's Department of Labour and I  
 14 single out President Bush and the Department of Labour  
 15 as both the United States House of Representatives and  
 16 the United States Senate passed provisions to stop the  
 17 Department of Labour's overtime pay provisions from  
 18 taking effect.  
 19 Unfortunately, through a variety of negotiation  
 20 or maybe I would say strong arm tactics, they did drop  
 21 that in the conference committee and there is another  
 22 vote coming up next week to stop it once again,  
 23 however, it looks unlikely quite honestly at this  
 24 point that that will happen and they will take effect  
 25 this month.

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1 The people losing overtime pay, I think it is  
 2 important to put a face on it. I know that the  
 3 numbers, you know, we can talk, they've argued, the  
 4 Bush administration has argued that six hundred and I  
 5 think forty four thousand people will only be affected,  
 6 while others have argued up to eight million are  
 7 affected.  
 8 I think the discrepancy lies, is they looked at,  
 9 the Department of Labour looked at the people that were  
 10 paid overtime pay, most recently. The fact of the  
 11 matter is, over eight million people are eligible to  
 12 receive overtime pay. If the regulations are changed,  
 13 we contend that a lot more people will be working a lot  
 14 more overtime without the pay.  
 15 But who are these people? I know that Ms Stout  
 16 testified that certainly healthcare workers, nurses,  
 17 are some of those people. Police officers and, in  
 18 fact, they have testified in Congress that they would  
 19 lose, one I know testified up to two thousand dollars a  
 20 year in wages. Firefighters, you can go, actually I  
 21 suppose you could say from birth to death. We have  
 22 nurses, which was mentioned, and funeral service  
 23 employees. So on both ends of the spectrum people are  
 24 affected.  
 25 Others, the list goes on, and by the way, these

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<p style="text-align: right;">Page 22</p> <p>1 are in statements issued by the Department of Labour on                  2 types of professions that would be affected. So I am                  3 not making them up; social case workers, counselors                  4 with handicapped clients, postmasters, agricultural                  5 inspectors, the list goes on, and part of the reason is                  6 because they will be reclassified under the federal or                  7 could be reclassified, I should say, under the federal                  8 law as supervisor, managerial, rather than strictly                  9 hourly pay.                  10 I could go on. I will certainly answer                  11 questions, but I just think it is important that the                  12 State of Minnesota recognize the value of overtime pay                  13 and the people working overtime and that they should be                  14 compensated for that overtime work.                  15 So again, I would like to commend Senator Sparks                  16 on bringing this bill forth and would request your yes                  17 vote on the legislation. Thank you very much.                  18 CHAIRPERSON: Thank you, Mr. Lateau, for testifying.                  19 Any questions?                  20 Senator Sparks, do you have any other witnesses?                  21 SENATOR SPARKS: That is the end of my testifiers. I                  22 do not know. Ms Fritz is here, if she'd like to                  23 testify she's certainly welcome to, but that would be                  24 the end of my --                  25 CHAIRPERSON: I do not see her, okay.</p>	<p style="text-align: right;">Page 24</p> <p>1 Hospitals and nursing homes already struggle with                  2 staffing shortages and the shortages become more and                  3 more severe with each round of cuts dealt out by the                  4 State.                  5 Some of the non-union workers in hospitals claim                  6 that they plan to quit or refuse extra shifts. As one                  7 person said to me, why should I get out of bed at 3                  8 a.m. when you are not being paid overtime. So union                  9 workers will bare the burden of the staffing crunch                  10 these overtime rules will cause.                  11 Also, with these new rules, President Bush is                  12 going to punish workers who are just trying to do the                  13 right thing. To better serve patients and better                  14 provide for their families, they get extra training and                  15 they get extra education.                  16 Our typical SCIU member starts as a personal care                  17 attendant in hospitals and nursing homes. They get                  18 extra training so that they can move up the ladder,                  19 make a better salary for their families and provide                  20 better care for their residents and patients. But now                  21 this extra training is one of the factors that would                  22 allow an employer to force a worker to work longer                  23 hours for no pay.                  24 The new rules punish working families. Working                  25 parents have difficult decisions to make between</p>
<p style="text-align: right;">Page 23</p> <p>1 UNKNOWN SPEAKER: If I could just speak for her, I am                  2 sorry.                  3 CHAIRPERSON: Sure.                  4 MS BECKMAN: Hi, good morning, for the record my name                  5 is Kristen Beckman. Patti Fritz is a member of SCIU,                  6 local 113, and was unable to be here today. She's a                  7 healthcare worker in Fairabow (ph) and as is the case                  8 with healthcare workers, her schedule is never really                  9 her own. A co-worker called in this morning who is not                  10 represented by SCIU, she called in sick and Patti was                  11 asked to cover for her, which is why she's not here.                  12 She's at the nursing home with her resident. So I                  13 apologize.                  14 But actually Patti's situation is a perfect                  15 example of why SCIU rises today in support of 2413.                  16 What happens to one sector of employees in a healthcare                  17 facility impacts all employees and regardless of                  18 whether or not they're represented by a collective                  19 bargaining unit, which is why this is one of the many                  20 reasons why unions have actively opposed President                  21 Bush's change in overtime laws.                  22 Under the federal rule changes union members are                  23 not immediately at risk. They have contracts that                  24 require employers to pay overtime for work done. But                  25 even union members are threatened by these new rules.</p>	<p style="text-align: right;">Page 25</p> <p>1 overtime that will pay for adequate funding for their                  2 families or spending adequate time with their families.                  3 Finally, if non-union workers lose their overtime pay                  4 it will only be a matter of time before corporate                  5 executives try to take overtime protection out of union                  6 contracts as well.                  7 For all of these reasons, working families have                  8 joined together to support legislation, like 2413, and                  9 we hope you will too. Thanks for your time.                  10 CHAIRPERSON: All right, thank you so much, Ms                  11 Beckman. Are there questions for Ms Beckman? All                  12 right, thank you.                  13 Senator Sparks, any other questions? We'll see                  14 if there is any other witnesses, Senator Bock                  15 SENATOR BOCK: Madam Chair, could I ask a question of,                  16 I see Labour and Industry is here, I have a question                  17 about the 40 hour work week or eight hour day as it                  18 applies to some of the workers in the state that work                  19 in the construction industry and I am wondering if the                  20 eight hour day applies to anybody else other than just                  21 construction.                  22 CHAIRPERSON: Welcome to the committee, Deputy                  23 Commissioner, is that -- am I getting your title right,                  24 Ms Wade? Welcome.                  25 MS WADE: Good morning, not exactly.</p>

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1 CHAIRPERSON: Okay.  
 2 MS WADE: My name is Rosalind Wade. For the record, I  
 3 am the assistant commissioner at the Department of  
 4 Labour and Industry. Currently, Minnesota law requires  
 5 that overtime be paid to non-exempt workers after 48  
 6 hours. The eight hours in which Senator Bock  
 7 referenced is a unique category that is common in the  
 8 construction industry. It is rare that there is any  
 9 other overtime requirement in other forms of work based  
 10 on the day. It is calculated under both state and  
 11 federal law based on the work week.  
 12 CHAIRPERSON: Senator Bock.  
 13 SENATOR BOCK: Assistant Commissioner, is it a  
 14 requirement on construction on just prevailing wage  
 15 rate work in Minnesota or is it on all construction  
 16 activity?  
 17 CHAIRPERSON: Commissioner Wade.  
 18 MS WADE: Madam Chair, Senator Bock. The requirement  
 19 for overtime after eight hours in a day is unique to  
 20 construction on state or federally funded projects  
 21 only. It is not across the board.  
 22 SENATOR BOCK: Thank you.  
 23 CHAIRPERSON: Senator Bock.  
 24 SENATOR BOCK: Madam Chair, Senator Sparks, I am an  
 25 author on this bill with you and I think we are doing

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1 some good stuff here, but I am really a strong  
 2 proponent of the eight hour work day and I hope that  
 3 sometime in the future we can address the issue of  
 4 people should be able to go to work in the morning and  
 5 know what time they're going to be home at night and if  
 6 they're not home to be with their family and their  
 7 employer requires them to work over, they ought to at  
 8 least compensate them an overtime rate for that, when  
 9 in the morning when they pack their lunch Bocket and  
 10 they went to work, that the family expects them home.  
 11 I've also looked at overtime as a penalty to the  
 12 employer, not a premium to the employee. So Senator  
 13 Sparks, down the road I hope we can work on an eight  
 14 hour day for the people of Minnesota. I see we have  
 15 other states that have a better provision relative to  
 16 the forty hour week and eight hour day, so I look  
 17 forward to doing that in the future.  
 18 CHAIRPERSON: You know, Senator Bock, it is kind of  
 19 funny. I thought we fought that battle for eight hour  
 20 days about oh six, seven, eight decades ago so it is  
 21 kind of surprising that we are back, still talking  
 22 about that.  
 23 SENATOR BOCK: It is special to me because the person  
 24 in history that is credited with creating the eight  
 25 hour work day in America was a fellow by the name of

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1 Peter J. McGuire and it happened in the late 1800s and  
 2 he was also the founder of the United Brotherhood of  
 3 Carpenters in 1881 and the founder of Labour Day as we  
 4 know it and he was young, he was in his twenties when  
 5 he did that.  
 6 CHAIRPERSON: I wanted to ask Commissioner Wade if you  
 7 had any comments about the bill, if the department or  
 8 the administration has a position that you would like  
 9 to tell us about on this bill? As long as you are up  
 10 here.  
 11 MS WADE: Madam Chair, my commissioner has asked me to  
 12 express some concerns regarding the bill in its current  
 13 form.  
 14 This bill, as presently stated, would require the  
 15 State Department of Labour to not only enforce state,  
 16 the Minnesota Fair Labour Standards Act as it is  
 17 currently written, but it would also require a very  
 18 limited staff to become specifically knowledgeable in  
 19 what will become old federal law as of March 31st.  
 20 There are some complexities around this issue  
 21 that at this point we do not know exactly how  
 22 complicated it is going to be. As stated, if those  
 23 individuals who are currently subject to federal,  
 24 covered under federal overtime provisions, those  
 25 individuals would be in a category. We do not have the

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1 specific expertise at this time to clearly define how  
 2 big that category of individuals will be.  
 3 Part of the concern that we have is as soon as  
 4 this provision become effective, there will be little  
 5 assistance through the Federal Department of Labour for  
 6 those individuals raising concerns. For instance, if,  
 7 as the previous individual testifying indicated, those  
 8 individuals were subject to overtime on March 30, they  
 9 are no longer subject to overtime based on changes in  
 10 federal law. That will bomb? back to a very small  
 11 staff of individuals who at this point in time is not  
 12 considered experts in federal law, and so that would be  
 13 our concern at this point.  
 14 Minnesota law requires overtime after forty-eight  
 15 hours and, therefore, it is going to create a category  
 16 of individuals that is going to we are going to be  
 17 seeking to enforce an old federal law without a lot of  
 18 support. That would be the concern of the Minnesota  
 19 Department of Labour.  
 20 CHAIRPERSON: Commissioner Wade, Assistant  
 21 Commissioner Wade, does the department now have to  
 22 enforce the federal standards in Minnesota, the current  
 23 federal before the new changes take effect?  
 24 MS WADE: Madam Chair, the Minnesota Department of  
 25 Labour enforces the Minnesota Fair Labour Standards



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<p style="text-align: right;">Page 30</p> <p>1 Act, which basically applies to all employers in the  2 State of Minnesota. We do not enforce the Federal Fair  3 Labour Standards Act.  4 CHAIRPERSON: And I believe there is a private right of  5 action to enforce these overtime laws; does anyone know  6 about that? I guess council --  7 COUNCIL: Madam Chair, it is my understanding that you  8 can bring a private suit if you are not paid the  9 overtime to which you are entitled, certainly under the  10 federal law and I think under the state law as well.  11 MS WADE: Madam Chair, that is correct.  12 CHAIRPERSON: Thank you.  13 SENATOR SPARKS: Madam Chair, for the record too, I  14 CHAIRPERSON: Senator Sparks.  15 SENATOR SPARKS: -- appreciate the comments by the  16 assistant commissioner. I did have a meeting yesterday  17 afternoon with Commissioner Brenner from the Department  18 of Labour Industry and also Jamie Anderson of  19 Legislative Affairs, so they have been a part of it.  20 We will continue I think as we are hearing in this  21 discussion. This is difficult to try to identify these  22 folks and we certainly want to continue to work with  23 the Department of Labour.  24 I must obviously thank council. We have worked on  25 this long and hard and to Senator Bock's point too, I</p>	<p style="text-align: right;">Page 32</p> <p>1 by the representative of the nursing association, a  2 federal proposed law that at least talks to the whole  3 issue of making interpretations around core knowledge  4 and experience, and I start to wonder about how a  5 Department of Labour and Industry or for that matter  6 how almost anyone, any group within the state when in  7 the framework of from the time this bill passes to  8 December 4th could ever even begin to get a handle on  9 on what we are trying to achieve here.  10 I do not think it is either enough time for that  11 matter I almost think the bill is asking for  12 information which is almost too specific. As it says,  13 specifically identify those employments and employees,  14 and I could even ask does that suggest by name.  15 CHAIRPERSON: Senator Senjem, council is listening to  16 you and has a suggestion. He suggested that we really  17 do not need to say employees because that does become  18 too onerous.  19 SENATOR SENJEM: Yes, yes.  20 CHAIRPERSON: And If we just, his suggestion is we  21 just delete the word "and employees" on line 17 and  22 then on line 19 "who" and then where it says "who"  23 insert "that" on line 17 and 19. And so it would just  24 be focused on the employments. Is that a legal -- on  25 the employment situations, jobs, rather than individual</p>
<p style="text-align: right;">Page 31</p> <p>1 think if we do look at the handout, the easy thing I  2 think would have been to just make Minnesota go back to  3 the federal law, which says, forty hours and try to  4 include a lot more people, but we are just trying to  5 work through this, make sure we see the effects of this  6 legislation might have on nurses or police officers or  7 firefighters and so to that effect I must thank council  8 and again, I will work with the Department of Labour  9 and Industry if this legislation moves forward.  10 CHAIRPERSON: All right, thank you.  11 SENATOR SENJEM: Madam Chair and Senator Sparks or  12 the Assistant Commissioner and by the way, I am in  13 certainly at least casual agreement with your  14 objectives here, ,Senator but I look on page 2 and I  15 look at lines 13 through 20 specifically and I look at  16 lines 13 through 16 and it calls for the commissioner  17 to do the study, to do this analysis, but then I get  18 down to lines 16 through 20 and I start to kind of  19 wonder a little bit, where it says it must specifically  20 identify those employment and employees who would be  21 entitled to overtime payment really under existing law  22 and then as you go on under under future law, and I am  23 kind of thinking about a statement, I do not know, two  24 and half, three million employees perhaps in all kinds  25 of arenas of employment. And as was testified earlier</p>	<p style="text-align: right;">Page 33</p> <p>1 employees.  2 SENATOR SENJEM: Madam Chair, may I ask council, to  3 the word "employment" what is -- I mean I could  4 understand broad areas of employment, I could  5 understand perhaps what that terminology would  6 generally mean, but when it states "employment", what  7 does that mean in law?  8 CHAIRPERSON: Council.  9 COUNCIL: The intent is that it would be those sorts of  10 job classifications, such as LPNs and maybe we should  11 say that, maybe we should say job classifications or  12 job types and that, you know, we are covered under the  13 old law and aren't covered under the new regulations.  14 I think that is the intent. It is a broad look  15 so that the department can come back and say,  16 legislature, this class of folks is covered, this class  17 isn't, what do you want to do? That would be the  18 thought.  19 CHAIRPERSON: Senator Senjem.  20 SENATOR SENJEM: Madam Chair, it would make me feel  21 better because I think this is -- I think this is way  22 too specific in terms of the charge that we are giving  23 the department. I do not think they would ever be able  24 to do it.  25 CHAIRPERSON: Senator Sparks, does that make sense to</p>

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<p style="text-align: right;">Page 34</p> <p>1 you?</p> <p>2 SENATOR SPARKS: Absolutely. Thank you, Senator</p> <p>3 Senjem, for the remarks and I would certainly -</p> <p>4 CHAIRPERSON: Yes, why don't we have council state the</p> <p>5 amendment and then Senator Senjem would like to move</p> <p>6 that.</p> <p>7 COUNCIL: Page 2, line 17, delete employment and</p> <p>8 employees "who" and insert, job classifications "that".</p> <p>9 Page 2 line 19 delete "who" and insert "that", and</p> <p>10 line 23 delete "employees", insert "job</p> <p>11 classifications", delete "who is" and insert "for</p> <p>12 which" and I think that is it.</p> <p>13 SENATOR SENJEM: Madam Chair, I would move that</p> <p>14 amendment.</p> <p>15 CHAIRPERSON: All right thank you, Senator Senjem,</p> <p>16 Senator Kelly.</p> <p>17 SENATOR KELLY: Madam Chair, if I was tracking Mr.</p> <p>18 Fuller's amendment, then I think on line 24 "are"</p> <p>19 should be deleted and "was" should be inserted.</p> <p>20 CHAIRPERSON: Was, job classifications for which</p> <p>21 eligibility was. The tenth, that's fine, we can</p> <p>22 incorporate that if that is grammatically correct.</p> <p>23 All right, does everyone understand the</p> <p>24 amendment? On that motion all those in favor say</p> <p>25 "AYE".</p>	<p style="text-align: right;">Page 36</p> <p>1 to be.</p> <p>2 We would have to rely somewhat on the complaints</p> <p>3 that we receive because there may be individuals that</p> <p>4 we might overlook, I think -- I have read the proposed</p> <p>5 changes and certainly the proposed changes point out</p> <p>6 some categories that might be impacted, but I think</p> <p>7 because the changes have universal implication because</p> <p>8 they are now considering other than required schooling</p> <p>9 to establish an exempt category, we have a lot to learn</p> <p>10 and I think a year might be a more reasonable - would</p> <p>11 see a full cycle of activity.</p> <p>12 CHAIRPERSON: Senator Bock.</p> <p>13 SENATOR BOCK: Madam Chair, I bring that up because I</p> <p>14 do not think there is much difference with if the</p> <p>15 department's going to submit a report if they do it on</p> <p>16 December 1st or if they do it on January 15th, I mean</p> <p>17 we'll just be here and often times you see them come in</p> <p>18 in the first month of the session. I was thinking if</p> <p>19 an extra six weeks might help the department I would be</p> <p>20 willing to offer that.</p> <p>21 CHAIRPERSON: Senator Bock, that seems reasonable to</p> <p>22 me. I think there is no doubt we'll probably be here</p> <p>23 on March 31st of next year, in fact, if you want to</p> <p>24 give it a full year, but what would you suggest?</p> <p>25 January?</p>
<p style="text-align: right;">Page 35</p> <p>1 ALL: "AYE".</p> <p>2 CHAIRPERSON: Opposed no, motion prevails.</p> <p>3 All right, thank you very much Assistant</p> <p>4 Commissioner Wade, we appreciate that. Is there anyone</p> <p>5 who would like to testify against this bill? Senator</p> <p>6 Bock.</p> <p>7 SENATOR BOCK: Madam Chair, before the department</p> <p>8 leaves</p> <p>9 CHAIRPERSON: Okay sorry. Ms Wade.</p> <p>10 SENATOR BOCK: Commissioner, it says you have to submit</p> <p>11 these reports by December 1, 2004; is that enough time</p> <p>12 for you to get that done?</p> <p>13 MS WADE: Madam Chair, Senator Bock, I really do not</p> <p>14 know the full implication of how big this is going to</p> <p>15 be, so I am not prepared to speak to whether or not</p> <p>16 that is. It doesn't seem like enough time and I say</p> <p>17 that because I would expect given my experience with</p> <p>18 the Labour Standards Unit that it will become more</p> <p>19 evident to the department as to the full implications</p> <p>20 as individuals get into the heavy work season,</p> <p>21 depending on what type of work they are performing.</p> <p>22 It may take up to a year to as you go through a</p> <p>23 full cycle you would have time to figure out, is this</p> <p>24 your busy season or not. That may be a much better</p> <p>25 indication as to what the full implications are going</p>	<p style="text-align: right;">Page 37</p> <p>1 SENATOR BOCK: I do not want to miss the first</p> <p>2 committee deadline, so if six weeks might help the</p> <p>3 department I would like to move on page 2, line 26, we</p> <p>4 delete December 1, 2004 and insert January 15, 2005.</p> <p>5 CHAIRPERSON: Okay, Senator Sparks, sounds good to</p> <p>6 you?</p> <p>7 SENATOR SPARKS: Sounds very good.</p> <p>8 CHAIRPERSON: Okay, on that motion all those in favor</p> <p>9 say "AYE".</p> <p>10 ALL: "AYE".</p> <p>11 CHAIRPERSON: Opposed, no, motion prevails.</p> <p>12 All right, now let's see if there is anyone who'd</p> <p>13 like to speak against Senate file 2413. Oh Mr. Hickey,</p> <p>14 there you are. We'd be disappointed if we didn't hear</p> <p>15 from you.</p> <p>16 MR. HICKEY: Madam Chair, I didn't want to disappoint</p> <p>17 you.</p> <p>18 CHAIRPERSON: Thank you.</p> <p>19 MR. HICKEY: Madam Chair, members, Senator Sparks,</p> <p>20 Mike Hickey with the National Federation of Independent</p> <p>21 Business. I apologize for missing probably the most</p> <p>22 important part of this hearing for me, the explanation</p> <p>23 what this bill actually does. I was over in house</p> <p>24 civil law helping Representative Laning (ph) pass part</p> <p>25 of Senator Laurie's (ph) bill to repeal liens on life</p>

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1 estates, so the House just did that, I am sorry, I  
 2 missed it. The earlier explanation, I guess I just --  
 3 it is kind of unusual. I just wanted to pose a  
 4 question to you, Senator Sparks, council, would this  
 5 bill for companies, entities with their revenues in  
 6 excess of 500,000, would it in essence pre-empt the new  
 7 federal overtime rules? That was my reading of it. Is  
 8 that essentially what the proposal does?  
 9 CHAIRPERSON: You want to answer that, council?  
 10 COUNCIL: Madam Chair, Mr. Hickey, what it does is that  
 11 is one way to put it.  
 12 What it does is it maintains the status quo as of  
 13 now on the obligation under federal law and reinstates  
 14 it as the state law requirement. So I think that is  
 15 what you said.  
 16 CHAIRPERSON: Mr. Hickey.  
 17 MR. HICKEY: Madam Chair, the reason I am asking that  
 18 question is, as you know, definitions for who is  
 19 eligible and who is not tests for who is eligible and  
 20 who is not change drastically with the new rules. So  
 21 would it be your understanding that under this proposal  
 22 we would keep the old tests and the old rules for those  
 23 greater than 500,000 in revenues?  
 24 COUNCIL: Madam Chair, yes.  
 25 MR. HICKEY: Okay. I just wanted, it's unusual for a

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1 witness, but I guess I just wanted to clear, Madam  
 2 Chair, before I gave you a few thoughts on the issue.  
 3 We are opposed to it, big surprise. NFIB was  
 4 strongly involved with this, a lot of other business  
 5 groups down in Washington, as you know, it was a couple  
 6 of year process to go through all this and I realize  
 7 people here are not happy with it.  
 8 One of the reasons, a couple of reasons NFIB was  
 9 involved in this was, first of all, from the standpoint  
 10 of the old law, there is tremendous ambiguity in it and  
 11 there was a lot of lack of clarity about who was  
 12 eligible, who was not. Matter of fact, class actions,  
 13 FLSA class actions outpaced employment law  
 14 discrimination for the first time in '01 and continue  
 15 to do so. When I heard that, I thought that was a  
 16 pretty jarring stat, since employment law litigation  
 17 has really increased dramatically in the time I've been  
 18 around here and it is an issue we constantly work on  
 19 through changes in our human rights law. So FLSA  
 20 litigations are a big second, and basically the reasons  
 21 they are is there is a lot of dispute about who is  
 22 going to get overtime, who is not. People were seeking  
 23 a lot of redress in the courts. That is one of the  
 24 reasons we pushed for the change.  
 25 The second, the law is very antiquated. It was

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1 passed back in the, largely passed in the 1940s and  
 2 1950s and it at least needed a cleanup. They still  
 3 have positions in it such as legman, gang leader, straw  
 4 boss, keypunch operator, and you can see this is the  
 5 workforce in the time of the '40s and the '50s and I  
 6 think in some districts in St. Paul a gang leader would  
 7 have a different definition today than someone who is  
 8 gainfully employed back in the 1940s, the 1950s.  
 9 So employers in Washington felt that this law  
 10 needed to be updated. Also, they felt it needed to be  
 11 clarified. And finally, I realized there is a lot of  
 12 people here who aren't happy with what happened, and  
 13 that is why Senator Sparks is bringing this bill  
 14 forward, but there is a big change on the bottom from  
 15 eight thousand dollars to twenty-two thousand dollars a  
 16 year for mandatory overtime, and so that is that is  
 17 going to be a big benefit. It used to be people just  
 18 at eight, got on mandatory overtime, now it goes all  
 19 the way up to twenty-two thousand. So there is a big  
 20 improvement at least on the bottom for people who need  
 21 that, and so we are very concerned about one state  
 22 trying to in essence pre-empt this big significant  
 23 federal statute change and just wanted to share those  
 24 comments with you.  
 25 CHAIRPERSON: Thank you, Mr. Hickey. Are there

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1 questions?  
 2 SENATOR BOCK: Madam Chair?  
 3 CHAIRPERSON: Senator Bock.  
 4 SENATOR BOCK: Mr. Hickey, is it a federal statute  
 5 change or a federal rule change?  
 6 CHAIRPERSON: Mr. Hickey.  
 7 MR. HICKEY: Madam Chair, rule change.  
 8 SENATOR BOCK: Thank you.  
 9 MR HICKEY: And I guess the statute to try to stop the  
 10 rules, that is what's been going on.  
 11 CHAIRPERSON: Mr. Hickey, I guess I would draw some  
 12 distinction. You did point out one substantive reason  
 13 for the change that could be seen as favorable, but I  
 14 do think there is a big distinction between getting rid  
 15 of obsolete names of job classifications and  
 16 disqualifying thousands of workers from overtime pay.  
 17 So there is a --you know, you could do one without  
 18 having to do the other and so I think the federal law  
 19 has much more significance than getting rid of straw  
 20 boss, although that was very interesting. I didn't  
 21 realize that was on the books.  
 22 Any other questions? All right, thank you very  
 23 much, Mr. Hickey.  
 24 MR. HICKEY: I appreciate the time.  
 25 CHAIRPERSON: Is there anyone else who would like to

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1 speak against this bill?  
 2 Senator Sparks, is it true then that there was  
 3 bi-partisan support in Congress and in the Senate to  
 4 try to stop these proposed rules?  
 5 SENATOR SPARKS: Madam Chair and members, that was  
 6 what we heard in earlier testimony I guess. In the  
 7 national politics scene I am not exactly sure, but I  
 8 think that is my understanding and maybe they could  
 9 speak to that.  
 10 CHAIRPERSON: Well there must have been if it actually  
 11 passed the House and Senate, there must have been  
 12 bi-partisan. So that is interesting. All right.  
 13 Senator Dibble?  
 14 SENATOR DIBBLE: I am sorry, I am still a little bit  
 15 confused about, maybe Senate council can help me.  
 16 Forty hours' federal standard versus the state's 48  
 17 hours. Which -- does the State's standard supercede  
 18 the federal standard in this case?  
 19 CHAIRPERSON: Council?  
 20 COUNCIL: Madam Chair, Senator Dibble. It is like  
 21 minimum wage. The Federal Government has a  
 22 jurisdiction over which law applies and one of those is  
 23 those enterprises greater than 500,000. So that leaves  
 24 some employers that aren't covered under the federal  
 25 law. The state steps in and covers those. In

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1 addition, the state would, the state can go higher than  
 2 the federal, so I think it is a little bit complex with  
 3 what's happening now with the new regulations because  
 4 you see this list of states that have 40 hours, it is  
 5 my understanding, and of course their coverage is going  
 6 to be as varied as, you know, every state has a little  
 7 different wrinkle as the Federal Government.  
 8 So I think what the effect is with the federal  
 9 rates that we didn't pass a law is that the federal  
 10 obligation would cease for some people. At 48 hours  
 11 the state obligation would pick up for those same  
 12 people, at least a large group of them. So that is the  
 13 two answers to your question. The state can go higher  
 14 and the state can cover those who aren't covered by the  
 15 Federal Government.  
 16 CHAIRPERSON: Senator Dibble.  
 17 SENATOR DIBBLE: And in fact, the Federal Government  
 18 doesn't establish a floor necessarily in all cases?  
 19 COUNCIL: That is correct.  
 20 CHAIRPERSON: All right, Senator Sparks, would you  
 21 like to move your bill if there is no further  
 22 discussion?  
 23 SENATOR SPARKS: Madam Chair, yes, I would be willing  
 24 to make a motion and the motion would be that Senate  
 25 file 2413 as amended be recommended to pass.

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1 CHAIRPERSON: And would that go -- I think it would go  
 2 right to the Senate floor?  
 3 SENATOR SPARKS: That is my -- I'll ask council. I  
 4 think that is my understanding that there, no one else  
 5 has to see it, Madam Chair, but  
 6 CHAIRPERSON: Senator Dibble?  
 7 SENATOR DIBBLE: I would like to ask for a roll call,  
 8 please.  
 9 CHAIRPERSON: Okay, a roll call has been requested.  
 10 We'll have a roll call. Are you ready for that? Okay,  
 11 on the motion the clerk will take the roll.  
 12 CLERK: Anderson.  
 13 SENATOR ANDERSON: Yes.  
 14 CLERK: Backman.  
 15 CLERK: Bock.  
 16 SENATOR BOCK: Yes.  
 17 CLERK: Dibble.  
 18 SENATOR DIBBLE: Yes.  
 19 CLERK: Gaither.  
 20 CLERK: Pottinger.  
 21 SENATOR POTTINGER: Yes.  
 22 CLERK: Kelly.  
 23 SENATOR KELLY: Yes.  
 24 CLERK: Ourada. Pappas. Rosen. Ruud.  
 25 Saxhaug.

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1 SENATOR Saxhaug: Yes.  
 2 CLERK: Senjem.  
 3 SENATOR SENJEM: Yes.  
 4 CLERK: Sparks.  
 5 SENATOR SPARKS: Yes.  
 6 CHAIRPERSON: Why don't you ask Pappas again, please.  
 7 She's here.  
 8 CLERK: Pappas.  
 9 SENATOR PAPOUS: Yes.  
 10 CHAIRPERSON: Well there be nine in favor and none  
 11 opposed, the motion prevails. Thank you very much.  
 12 SENATOR SPARKS: Thank you, Madam Chair and members.  
 13 CHAIRPERSON: All right, thank you. Oh Senator Gaither,  
 14 I am sorry, you just missed the vote. Yes.  
 15 UNKNOWN SPEAKER: Let him vote.  
 16 CHAIRPERSON: Yes, you could reconsider if you wanted.  
 17 It squeaked through with nine in favor and zero  
 18 opposed, so --  
 19 SENATOR GAITHER: Make that ten.  
 20 CHAIRPERSON: The record will reflect your sentiment.  
 21 Thank you. We are looking for Senator Sams. I  
 22 do not think Senator Kubly's here either.  
 23 UNKNOWN SPEAKER: He was right outside the door a  
 24 minute ago.  
 25 CHAIRPERSON: Senator Kubly is, okay. Well, Senator

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<p style="text-align: right;">Page 46</p> <p>1 Sams might lose his place if he's not here soon.                  2 UNKNOWN SPEAKER: He's right out there.                  3 CHAIRPERSON: Sams?                  4 UNKNOWN SPEAKER: No, Kubly.                  5 CHAIRPERSON: Kubly. Yes, well Senator Sams was                  6 going to be back here at ten and it is -- Senator                  7 Sams, we are ready for you. All right, you are just                  8 in time. Welcome to the committee.                  9 SENATOR SAMS: Thank you, Madam Chairman. Madam                  10 Chair, I have an author's amendment. This is the first                  11 committee this bill has come to, if someone would move                  12 that for me. It is the A2 amendment.                  13 UNKNOWN SPEAKER: Madam Chair, I'll move the A2                  14 amendment.                  15 CHAIRPERSON: All right, the amendment will be                  16 distributed. Phil, we need the A2 amendment, please.                  17 Thank you.                  18 All right, Senator Sams, for the record this is                  19 Senate file 2591. Senator Sams moves the A2 author's                  20 amendment.                  21 SENATOR SAMS: I can't.                  22 CHAIRPERSON: Oh, excuse me, I am sorry. Who made                  23 that motion?                  24 UNKNOWN SPEAKER: Bock.                  25 CHAIRPERSON: Thank you. Senator Bock moves the A2</p>	<p style="text-align: right;">Page 48</p> <p>1 keeping our young people out there where they were                  2 raised and, of course, from what we hear as rural                  3 legislators they want to go back home but those jobs                  4 are not there and the jobs that are there are not                  5 livable wage jobs.                  6 So I do not know if, probably most of you are not                  7 old enough or were not here in the legislature when we                  8 had the Meeds program, the Meed program, where we did                  9 subsidize wages to those people that were unemployed in                  10 the State of Minnesota. So it was kind of patterned                  11 after that, but put together a little differently than                  12 that.                  13 An employer would apply for a grant if the                  14 employer could show the inability to create or to                  15 retain jobs because of a couple of different issues and                  16 that is where we get into the delete or not the delete                  17 all, but the A2 amendment.                  18 A start up business that requires skilled workers                  19 at a salary that the business could show would have                  20 substantial difficulty hiring, if it didn't have a wage                  21 enhancement it would be eligible for this. And then                  22 after they got going, it looks like their marketing                  23 plan or their business plan was able to pay that                  24 differential, then that would come off of no longer                  25 eligible from the State of Minnesota or if that</p>
<p style="text-align: right;">Page 47</p> <p>1 amendment. On that motion all those in favor say                  2 "AYE".                  3 ALL: "AYE"                  4 CHAIRPERSON: Opposed, no, motion prevails.                  5 SENATOR SAMS: Thank you, Madam Chair.                  6 CHAIRPERSON: You can explain that along with the                  7 bill, if you would.                  8 SENATOR SAMS: Senate file 2591 is a bill I've been                  9 working on and getting some advice from council and the                  10 department. As we all know, the economy is weak and                  11 Minnesota is somewhat weaker than the national economy.                  12 We are looking to create jobs. I know that we passed                  13 out last year the job "Z" zone which is for mainly,                  14 primarily greater Minnesota. Senator Bock was the                  15 author of that. And we see that that is out there                  16 working, creating some jobs, but I do not think it is                  17 enough so I've been working on something to compliment                  18 what we are doing there, and this bill would authorize                  19 the commissioner of the Department of Economic and                  20 Employment, Economic Development to make grants to                  21 employers to subsidize their wages and benefits for                  22 certain jobs that would be eligible under this bill                  23 and, again, this would be primarily a rural Minnesota                  24 economic development bill that seems to be where we are                  25 having trouble retaining jobs and creating jobs,</p>	<p style="text-align: right;">Page 49</p> <p>1 business was in a short term downturn of a business                  2 cycle with good prospects of emerging from that cycle                  3 as a going concern or is expanding and the expansion                  4 would require skilled employees that the business could                  5 show would have substantial difficulty in affording                  6 that during the expansion but not thereafter would                  7 qualify for this wage enhancement.                  8 And then the A2 amendment also says that the                  9 criteria would change a little bit, that the grant                  10 would be prudent based on the economic viability of the                  11 business based on historical financial information,                  12 business plans, cash flow projections, current orders                  13 and other information that the commissioner would                  14 request.                  15 The job would have to have a compensation                  16 package, including benefits not mandated by law equal                  17 to or greater than a hundred percent of the federal                  18 poverty guidelines for a family of four. We would                  19 exclude retail sales and casino jobs. Retail sales                  20 jobs and casino jobs would not be eligible for it.                  21 As I said, the department deed would administer                  22 the grant program. The application would specify,                  23 specifically identify each job for which a grant would                  24 be sought and the facts to sufficiently demonstrate                  25 that both the employer and the job would be eligible</p>

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<p style="text-align: right;">Page 50</p> <p>1 for the grant. The likelihood that the jobs would be  2 retained or created because of that subsidy, all the  3 criteria listed in the bill, and that the commissioner  4 would attempt to achieve an equal geographic  5 distribution of awards through the non-metropolitan  6 area of the state and preference would be given to  7 manufacturing jobs.  8 The grant could not exceed for one job ten  9 thousand four hundred dollars a year, consisting of a  10 maximum of four dollars an hour in wage subsidy and a  11 maximum of a dollar an hour in benefit subsidy. and  12 that grant for a particular job would not be for a  13 period exceeding twelve consecutive months.  14 The commissioner could award a lower subsidy  15 amount or a shorter subsidized period if the  16 commissioner would determine that that would be  17 appropriate.  18 Section or sub-division seven authorizes  19 the commissioner to audit, examine or inspect the  20 books, records or facilities of those grant recipients.  21 And sub-division eight talks about an employer that  22 would have to certify under oath that the grants are  23 used for the job specified in the application.  24 The bill requires repayment of grants for jobs  25 not filled under the criteria of the bill and if a</p>	<p style="text-align: right;">Page 52</p> <p>1 Questions? Senator Dibble and Senator Bock.  2 SENATOR DIBBLE: I have just got a technical question  3 for council, reflecting on my service in the state and  4 local government committee. Metropolitan area that  5 need to be culled out, a little more precise  6 definition, metropolitan area as defined and blah,  7 blah, blah in the statute.  8 COUNCIL: Senator Dibble, it is defined on page 1, line  9 13 to 14.  10 SENATOR DIBBLE: Thank you.  11 CHAIRPERSON: Was that the 7 county metropolitan area?  12 COUNCIL: Madam Chair, yes, it is.  13 SENATOR DIBBLE: Thank you.  14 CHAIRPERSON: Senator Bock.  15 SENATOR BOCK: Thank you, Madam Chair. Senator Sams  16 or somebody from the department's here. On page 2,  17 line ten. I am a little confused about what a hundred  18 and ten percent of the federal poverty guidelines are  19 for a family of four. You know, I've heard a number of  20 nine dollars and something, but I've always been a  21 little confused whether that includes benefits or  22 benefits are on top of that amount. Do you know,  23 Senator Sams?  24 CHAIRPERSON: Senator Sams.  25 SENATOR SAMS: Mr. Chair, Senator Bock, I'll yield to</p>
<p style="text-align: right;">Page 51</p> <p>1 subsidized job is not retained for at least six months  2 after the last day of the subsidy, the employer must  3 repay the entire grant. Repaid monies would be  4 distributed and deposited in the general fund and  5 reappropriated to the commissioner for the purposes of  6 this section, this appropriation.  7 There is a blank appropriation, and I will say  8 that I am working with Senator Pogemiller. We do  9 know there is money available from taxes that are not  10 currently being paid by corporations in this state, so  11 it is not a tax increase. They are very clever in  12 getting around some of the laws that we feel that they  13 should be respecting and then just growth because of  14 new jobs, economic activity would also spur more money  15 into the general fund as this program would continue.  16 So that is it, Madam Chair, in a nutshell and  17 looking for suggestions on this bill. We have put it  18 together as well as we think we can in order to achieve  19 what we thought was possible, and it is in the area, as  20 I said, of businesses that are currently having trouble  21 retaining jobs, knowing that they eventually could come  22 out of the slump and stay in business looking for  23 creation of new jobs and bring those jobs to the level  24 of skilled workers, so that is it.  25 CHAIRPERSON: All right, thank you, Senator Sams.</p>	<p style="text-align: right;">Page 53</p> <p>1 Mr. Fuller. He may have those numbers.  2 MR. FULLER: Madam Chair and Senator Bock. In 2003  3 that was eighteen thousand one hundred dollars, plus  4 the ten, that is a hundred percent sorry. Ten percent  5 more would be about twenty thousand dollars.  6 CHAIRPERSON: Senator Bock.  7 SENATOR BOCK: Madam Chair, council, are benefits in  8 addition to that? Is that number a taxable income?  9 COUNCIL: Madam Chair, Senator Bock, according to the  10 bill it does include that.  11 CHAIRPERSON: Yes, it says on line nine, or eight and  12 nine, "including benefits not mandated by law."  13 Senator Sams, I just have one comment or  14 question. I really, I like your bill a lot and I think  15 it is, I think it is a good program that we had before  16 so I am glad to see you are bringing it back or a  17 version of it. And I, you know, I agree with you that  18 and I've been saying this a lot, that we do have two  19 Minnesota economies and that greater Minnesota is  20 really struggling with wages that are so much lower  21 than the metropolitan area. It is very, very  22 difficult. And I am sympathetic about what you said  23 about rural communities trying to keep their jobs and  24 keep population there.  25 I think all of those are very important, but I</p>

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1 just want to tell you about, I went to a community  
 2 meeting last night in St. Paul about crime in the  
 3 midway area, and crime is actually not on the increase.  
 4 Things are okay there, although there was a shooting  
 5 recently and that is what triggered this meeting, and  
 6 we had a local preacher who was talking, and he's very  
 7 connected with the community, and he was talking and  
 8 I've heard this from a lot of folks in our community  
 9 lately. He said they're very worried about what's  
 10 going on. There is a new feeling of hopelessness he's  
 11 seen among young people in the community. It is much  
 12 worse than it has been for several years, and I've  
 13 heard this in Minneapolis as well and they just think  
 14 there just aren't jobs.  
 15 There just aren't decent jobs, there aren't good  
 16 paying jobs, there aren't any jobs for some of our  
 17 lower income residents, and, you know, the Wal-Mart  
 18 that is opening on University Avenue in St. Paul, right  
 19 in my, right in the midway area had 3,000 applicants  
 20 for those jobs, which are going to be real, presumably  
 21 low paid, presumably little or no benefits.  
 22 We are hurting in the metropolitan area as well  
 23 and I am just wondering if you, how you would feel  
 24 about making this a state-wide bill? Senator Dibble?  
 25 SENATOR DIBBLE: Or at a minimum adding to that given

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1 that I really like page 2, lines 5 and 6, which does  
 2 affect the metro area. I understand you are trying to  
 3 address the effect of potential type of the job "Z's"  
 4 which are greater Minnesota program on those  
 5 communities that do not benefit from job "Z", but  
 6 certainly in the case of page 2, lines 5 and 6, those  
 7 that are being shipped overseas, offshore, you know,  
 8 definitely affects like mine and Senator Anderson's  
 9 constituents.  
 10 CHAIRPERSON: Now Senator Dibble, those lines were  
 11 deleted in the amendment.  
 12 SENATOR DIBBLE: Oh, they were.  
 13 CHAIRPERSON: Just so you know, that.  
 14 SENATOR DIBBLE: I am not keeping up with anything  
 15 here.  
 16 CHAIRPERSON: The other, just one other approach could  
 17 be rather than state-wide is at least make it, target  
 18 it to areas that really have limited economic  
 19 opportunities which isn't the whole metropolitan area  
 20 to be sure, but parts of the inner cities definitely  
 21 are struggling just as much I think as some parts of  
 22 your district.  
 23 SENATOR DIBBLE: Sure.  
 24 CHAIRPERSON: Senator Sams.  
 25 SENATOR SAMS: Thank you, Madam Chair and, yes, I

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1 would be amenable to that. I do not want it  
 2 state-wide, but we had talked about targeting it when I  
 3 was talking with staff and council and others, that I  
 4 would be amenable to that because I know that you have  
 5 areas in your district that need help, there is no  
 6 doubt about that. So whatever the committee's desire  
 7 is I am willing to work with it.  
 8 CHAIRPERSON: I see lots of hands. Okay, sorry, I  
 9 wasn't looking this way. Senator Bock.  
 10 SENATOR BOCK: Well, Madam Chair, one of the  
 11 differences in rural Minnesota versus the metropolitan  
 12 area is often times in the metropolitan area within  
 13 maybe a half an hour commute there are jobs available  
 14 and when you get out into rural areas of the state, now  
 15 if you lose your job in oh, for instance, Senator  
 16 Saxhaug's area just lost a bunch of jobs at Blanden  
 17 (ph) Paper Company, good paying jobs, good benefits,  
 18 and there isn't any jobs within a half hour commute.  
 19 I mean, if you move towards, you can get to  
 20 Hibbing in a half an hour, but there is less jobs in  
 21 Hibbing than there was last year and going north there  
 22 is nothing till you get to International Falls, a  
 23 hundred and some miles and going south the nearest  
 24 decent sized town is probably Brainard and I do not  
 25 know how far that is away, probably a hundred and

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1 twenty miles or so, over a hundred I am sure.  
 2 So I think there is kind of a difference in rural  
 3 areas in that when you lose your job, I mean, there is  
 4 just nothing to even look at in the commutable  
 5 distance. So it is a little bit different, but I do  
 6 understand we have huge underemployment problems all  
 7 over the state, especially in the inner cities, a lot  
 8 of people very underemployed and need better jobs than  
 9 they have, but I just want to say that, you know, I  
 10 think those of us that are rural have kind of a unique  
 11 problem in that there is just no way that when we lose  
 12 our jobs we can find something to even commute to.  
 13 So it often times you, you are forced, your  
 14 family's forced into a situation of having to sell your  
 15 home and relocate your family, so it is, you know, a  
 16 little bit different. I just wanted to express that.  
 17 CHAIRPERSON: Senator Hottinger.  
 18 SENATOR HOTTINGER: Madam Chair, for those of us who  
 19 live in rural Minnesota and spend half the year up  
 20 here, we understand and see the problems in the metro  
 21 area, but I do not think metro legislators have a clue  
 22 what's going on in greater Minnesota.  
 23 Wal-Mart jobs would be welcomed as high paying  
 24 jobs in southwestern Minnesota. People would be joyous  
 25 to have Wal-Mart jobs. People lose their jobs, as

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1 Senator Bock has indicated, there is nowhere else to  
 2 go.  
 3 The metropolitan area was the third highest  
 4 ranked economic development area in the country.  
 5 Certainly the inner cities are just as badly off as  
 6 other areas. But the wage scales in greater Minnesota  
 7 are dramatically less than they are in the metro area.  
 8 Our kids, trying to keep them home where they want to  
 9 be, as Senator Sams said, oh, well they do not all  
 10 want to be, but certainly some of them want to be, it  
 11 is virtually impossible because there are no job  
 12 opportunities.  
 13 I think we could certainly expand this to  
 14 targeted areas of economic need. That makes sense.  
 15 But to expand it to the metro area when we have got the  
 16 fastest growing job market, one of the fastest growing  
 17 job markets in the country because it is a great place  
 18 to live, I think would be a problem.  
 19 The reality is, you know, we hear all this  
 20 nonsense about we are losing jobs to South Dakota, that  
 21 is baloney. There is not empirical evidence to show  
 22 that.  
 23 Where we are losing jobs, if you live in  
 24 Worthington or if you live in southwestern Minnesota or  
 25 northwestern Minnesota, is to this area, and we are

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1 glad to lose jobs here if we are going to lose them.  
 2 But it is the people there have nowhere near the  
 3 money that even moderately paid folks up here do, and  
 4 the housing prices are lower, but we ought to take a  
 5 tour with the committee and really see the impact of  
 6 low wages, very low wages and no job availability in  
 7 greater Minnesota.  
 8 So I do not usually like to get into the  
 9 geographic problems because we are one Minnesota, but I  
 10 do not think there is a real perception of the depth of  
 11 the problem in greater Minnesota. Mankato's (ph) doing  
 12 okay. but Mankato's wages are dramatically lower than  
 13 any place up here.  
 14 CHAIRPERSON: Senator Saxhaug.  
 15 SENATOR SAXHAUG: Thank you, Madam Chair. I would  
 16 echo what Senator Bock and Senator Hottinger just said  
 17 and one final touch on it, just that when we send our  
 18 young people to the metropolitan area, you remember we  
 19 have already educated them, well two, and have paid to  
 20 do that, so, you know, we really need to keep our  
 21 people to spend the money to educate in our own towns  
 22 and I think this bill addresses that.  
 23 CHAIRPERSON: Senator Dibble.  
 24 SENATOR DIBBLE: Madam Chair, I just wanted to second  
 25 Senator Hottinger's suggestion that we take it a tour.

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1 I agree that there are a lot of legislators around here  
 2 who do not know what's going on in greater Minnesota  
 3 and it is revealing. Good to see as a circumstance. I  
 4 think people would be surprised just even how some  
 5 towns feel as you pass through them and getting out and  
 6 just look at what's happening.  
 7 But I do hope, you know, that we can continue on  
 8 in a positive discussion and understanding, the sorts  
 9 of circumstances that are in my neighborhood and your  
 10 neighborhoods today, at how much we have, with what's  
 11 going on in the range and out in western Minnesota,  
 12 places like that.  
 13 CHAIRPERSON: Yes, I think this is a really valuable  
 14 discussion and I agree with Senator Hottinger and  
 15 Senator Dibble, we should go do that, visiting, to make  
 16 sure we all understand what the communities around the  
 17 state are facing and I would be glad to bring you to  
 18 some of, you know, a neighborhood a mile from here  
 19 where we could see unemployment that is at twenty five  
 20 percent among certain groups in certain neighborhoods  
 21 in my district and near my district.  
 22 So I appreciate the discussion and I think we are  
 23 all -- it is reflecting how great the need is in a lot  
 24 of parts of our state. You know, I guess what I would  
 25 be, if we could put in some pretty strict criteria, for

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1 example, that areas in the metropolitan area that had,  
 2 you know, abnormally high employment, unemployment over  
 3 ten percent or something, over, we have areas like that  
 4 in St. Paul and Minneapolis that are very, they're  
 5 narrow, but that wouldn't take away I think from the  
 6 broader impact that this bill would have because there  
 7 is very limited areas in the metropolitan area that are  
 8 really hurting and then the rest of the metropolitan  
 9 area, you are right, has the best job growth in the  
 10 state and the best paying jobs in the state. Senator  
 11 Dibble.  
 12 SENATOR DIBBLE: Just one more point I forgot to  
 13 respond to, something that Senator Bock said.  
 14 I agree, you know, one metro area, but let me  
 15 tell you the situation with transportation in the metro  
 16 area stinks. It is an embarrassment and there are  
 17 people who cannot get from our neighborhoods to where  
 18 those jobs are. They cannot get there.  
 19 CHAIRPERSON: Well, sure as heck can't now.  
 20 SENATOR DIBBLE: Without going to tremendous -- they  
 21 certainly can't now, they're stranded or they're forced  
 22 to buy some crappy old jalopy that cost them even more  
 23 money or they have to rely on this para-transit, which  
 24 is harsh and inhumane, you know, getting around by vans  
 25 and things like that for these days jobs and stuff.



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1 So the transportation situation is extraordinary  
 2 and it also is is all aided by the exclusive attitude  
 3 that some communities have towards allowing some  
 4 workers to even live in their midst.  
 5 CHAIRPERSON: Senator Hottinger.  
 6 SENATOR HOTTINGER: And I certainly agree with Senator  
 7 Dibble, in fact, that is the only things that keeps  
 8 some of our people at home is the concerns about the  
 9 miserable transportation up here and we certainly need  
 10 a long-term plan.  
 11 UNKNOWN SPEAKER: There is an economic plan.  
 12 SENATOR HOTTINGER: The money's good, the money's good  
 13 but we have to be up in that traffic with no  
 14 transportation.  
 15 But going back to Senator Sams bill, I think it  
 16 is -- however the money is disbursed it is a tremendous  
 17 improvement in the jobs bill because it is focusing on  
 18 what this committee expressed the other day by its  
 19 minimum wage and interest in making sure we have higher  
 20 paying jobs, the wage subsidy so that the money we pour  
 21 into economic development actually goes into better  
 22 wages and better jobs, and that is the key to it.  
 23 I am not a supporter of the jobs bill. I think  
 24 it is kind of like throwing fertilizer on cement in  
 25 terms of the chances of getting much realistic

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1 development, but this is putting that fertilizer in a  
 2 garden, by creating better jobs, by creating higher  
 3 wages and I applaud Senator Sams however we change it  
 4 for application for this approach.  
 5 CHAIRPERSON: Senator Bock.  
 6 SENATOR BOCK: Madam Chair, I do not want to get too  
 7 far off the point of the bill, but the idea of a tour  
 8 intrigues me a little bit and one of the things you are  
 9 going to find is really interesting. When you get into  
 10 rural areas of the state that have lakes around them is  
 11 you'll find an incredible amount of frustration on the  
 12 part of people who live there who have had a modest  
 13 little cabin out at the lake and all of a sudden huge  
 14 money is pouring into a region and there is a real  
 15 appetite for cabins these days and these people have  
 16 had these modest little cabins in their family for  
 17 maybe a generation or two are seeing, because of rising  
 18 market values, are seeing property taxes now that they  
 19 can't afford any more and they're kind of being forced  
 20 off of the lakes that they've used for generations and  
 21 it is really disheartening and I think the idea of a  
 22 tour is a good idea so that some could kind of get the  
 23 feel for what is going on in rural Minnesota, because  
 24 it really is changing. It is changing a lot and it is  
 25 going to be a much different state a generation from

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1 now than it is today.  
 2 You know, that whole lake phenomenon happened  
 3 around the Brainard area a number of years ago already  
 4 and it is moving north in a big way into Senator  
 5 Saxhaug's district and into my district, and probably  
 6 into Senator Rude's district. So there is a lot of  
 7 things going on that would be beneficial I think for  
 8 the community to be able to visit about.  
 9 UNKNOWN SPEAKER: I think if you want to get a good  
 10 investment, Madam Chair, I think it is at Grand Rapids,  
 11 what lake were we on up there at that LCMR?  
 12 CHAIRPERSON: Oh, yeah, the Kegama, right.  
 13 UNKNOWN SPEAKER: That is the one you want to go look  
 14 at because it is only going to go up.  
 15 CHAIRPERSON: That is right, that is right. There  
 16 were some mansions, brand new mansions being built all  
 17 around that lake.  
 18 UNKNOWN SPEAKER: It is a lot cheaper than the  
 19 Whitefish chain north of Brainard.  
 20 CHAIRPERSON: Senator Sams, let's get to your  
 21 witnesses.  
 22 SENATOR Sams: Okay, Madam Chair, we have Brad Lateau  
 23 from Minnesota AFL-CIO, Kerry Thomas from Jobs, now if  
 24 they would like to come up, and Mr. Flaherty, all three  
 25 of them. I can move aside.

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1 MS KERRY THOMAS: Madam Chair, members of the  
 2 committee, my name is Kerry Thomas. I am with the Jobs  
 3 Now Coalition. I am here to support Senator Sams's  
 4 bill and I would just like to give out three pieces of  
 5 information that gives you the context for why we need  
 6 some additional job creation strategies.  
 7 On the issue of job growth or job loss as it is,  
 8 a recent study by the Economic Policy Institute  
 9 compared Minnesota's job growth figures during the 34  
 10 months since the recession started to figures for an  
 11 identical period during and after the '90s recession.  
 12 In Minnesota we have lost a net 38,500 jobs since  
 13 the recession started 34 months ago. That actually  
 14 includes the 12,000 that we have actually gained since  
 15 last summer. Over the same length of time during and  
 16 after the recession in the early '90s, Minnesota's  
 17 economy had gained more than 100,000 jobs.  
 18 To give a sense of job openings, actual job  
 19 openings that people could apply for, the latest  
 20 Minnesota job vacancy survey, which was for the fourth  
 21 quarter of 2003, showed that over the last two years  
 22 the number of job openings declined by 37 percent.  
 23 We currently have 125,000 job seekers competing  
 24 for only 50,000 job openings, and I think that one of  
 25 the things that we see a lot in the news over the last

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1 couple of months is that we seem to have stabilized in  
 2 terms of the initial unemployment claims and the  
 3 unemployment rate, but what those two indicators do not  
 4 tell us is the long-term unemployment that people are  
 5 suffering during this recession, not just in Minnesota  
 6 but nationwide.

7 Over 5,500 people in Minnesota exhausted their  
 8 benefits just this past January and about 68,000 people  
 9 exhausted their unemployment benefits, that is six  
 10 months of unemployment or more in the year 2003, and I  
 11 just want to add finally two things that I read in the  
 12 business section this morning in the St. Paul paper,  
 13 one from the director of research at the Department of  
 14 Employment and Economic Development, and this is on the  
 15 initial unemployment claims report that came out today.

16 We are seeing this improvement in layoffs but we  
 17 are just not seeing it in employment. What is missing  
 18 is the job creation, and the second thing is a study  
 19 that came out I think this week. Rural Minnesota  
 20 communities should focus their attention on expanding  
 21 local businesses rather than depending on expansions  
 22 from the twin cities, according to a new study, and  
 23 that study was done jointly by the Center for Rural  
 24 Policy Development, the Department of Employment  
 25 Economic Development and the Minnesota Technology Inc.

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1 So I think that this bill is an important  
 2 strategy that will help working people, help businesses  
 3 and really importantly right now is get money into  
 4 people's pockets that they can spend in their local  
 5 economies and as Senator Sams pointed out, you know,  
 6 help the revenues of the state. Thank you.

7 SENATOR Sams: Mr. Flaherty, welcome to the committee.  
 8 MR. FLAHERTY: Thank you, Mr. Chair. My name is Tim  
 9 Flaherty and I am representing the Coalition of Greater  
 10 Minnesota Cities. The coalition will support any  
 11 legislative initiatives that will establish effective  
 12 new economic development tools for greater Minnesota.  
 13 So we would support this bill and we have contacted our  
 14 leadership in the coalition and they do authorize us to  
 15 support it. We'll be bringing it to the full  
 16 membership later.

17 I would just say a couple of things. The gap  
 18 between the metropolitan area and greater Minnesota is  
 19 getting even worse. It is not getting better. The  
 20 unemployment, the loss of jobs to the economic  
 21 recession is worse. Not to mention that last year when  
 22 you did your budget, of course, greater Minnesota  
 23 served, was hit very, very hard by the cuts, in like  
 24 the Minnesota technology program and ethanol subsidies,  
 25 all the funds, the -- I forget, the mining fund up

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1 there, all of these things we were hit particularly  
 2 hard at this time. So we are extremely thankful that  
 3 Senator Sams is trying to do something about it and  
 4 restore some economic development programs in these  
 5 tight state budget times.

6 Let me just make a one or two other comments.  
 7 Our view is that tax cuts alone are not going to bring  
 8 jobs and economic growth to rural Minnesota. We think  
 9 infrastructure needs are great. to provide the roads,  
 10 highways, transportation needs, the utilities, the  
 11 waste water infrastructure. Infrastructure is a  
 12 critical point, as is private investment and there are  
 13 other bills around that do that, but we also think that  
 14 this kind of a program, which many other states have,  
 15 is critical to getting the job growth and the economy  
 16 back on track.

17 So we think this is an important program to  
 18 complement some of the other bills that are being  
 19 discussed now and we hope that are passed this session.

20 CHAIRPERSON: Thank you very much. Mr. Lateau.  
 21 MR. LATEAU: Madam Chair, Senators, again, my name is  
 22 Brad Lateau, legislative director for the Minnesota AFL  
 23 CIO, and I am not going to belabour it, I am not going  
 24 to go into facts and figures. I can just say from  
 25 talking with certainly union and non-union workers

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1 throughout the State of Minnesota thousands and  
 2 thousands are out of work or under-employed.

3 Thousands are counted in the official  
 4 unemployment rate that Ms Thomas mentioned and also she  
 5 mentioned that thousands more that had just given up,  
 6 that are no longer counted in the unemployment rate.

7 I received a call, I received two calls, I'll  
 8 just illustrate, one in the metro area, one in greater  
 9 Minnesota, and the one in the metro area didn't want to  
 10 give their name but they didn't know where else, they  
 11 were just calling, they didn't know where else to call.  
 12 And they had run out of unemployment, they had  
 13 actually been working part-time while getting  
 14 unemployment insurance and said really that the only  
 15 job they could get was at the minimum wage,  
 16 five-fifteen an hour. And client didn't know what to  
 17 do. They said that well, we are, you know, going to  
 18 try to get a couple of different jobs, had been working  
 19 previously at a wage of ten-fifty an hour I believe,  
 20 lost that job. That was in the metro area.

21 The rural area I remember it was a former, it was  
 22 a union member, the plant closed, had been making  
 23 twelve- fifty an hour, plus benefits. Not only  
 24 couldn't get a job at minimum wage, could not get a job  
 25 period.

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<p style="text-align: right;">Page 70</p> <p>1 Workers want to work. Minnesotans want to work,  2 but they also do not want just any job. They need a  3 good paying job and I think Senator Sams' bill helps  4 that happen, helps maintain and create jobs in the  5 rural area, especially, and we would have no problem,  6 you know, doing targeted, other targeted areas as well,  7 but workers, as I said Minnesotans want to work, they  8 want to support themselves and their families. They  9 want to be able to afford health care. They want to  10 earn a living for themselves and their families. They  11 do not want to have to rely on food shelves. They do  12 not want to have to rely on the emergency room as their  13 primary care.  14 Will this bill fix all of those things? No. But  15 Minnesota's economy needs some kind of shot in the arm.  16 Minnesota businesses need a shot in the arm and  17 Minnesota workers definitely need a shot in the arm.  18 As I said, this legislation may not fix all of  19 those problems but it is certainly an attempt to help  20 those issues. The money that workers will receive and  21 the assistance businesses will receive to keep going  22 and create and maintain jobs, that money those  23 employees will receive will be spent in Minnesota in  24 those areas.  25 Not unlike the minimum wage. You increase the</p>	<p style="text-align: right;">Page 72</p> <p>1 motion. The clerk will take the roll.  2 CLERK: Anderson.  3 SENATOR ANDERSON: Yes.  4 CLERK: Backman.  5 SENATOR BACKMAN: Pass.  6 CLERK: Bock.  7 SENATOR BOCK: "AYE".  8 CLERK: Dibble.  9 SENATOR DIBBLE: Yes.  10 CLERK: Gaither. Hottinger.  11 SENATOR HATTINGER: Yes.  12 CLERK: Kelly.  13 SENATOR KELLY: Yes.  14 CLERK: Ourada. Pappas. Rosen. Rude. Saxhaug.  15 SENATOR Saxhaug: Yes.  16 CLERK: Senjem.  17 SENATOR SENJEM: Yes.  18 CLERK: Sparks. Backman.  19 SENATOR BACKMAN: Pass.  20 CHAIRPERSON: All right, there being seven in favor and  21 one abstention, the motion does prevail. Thank you.  22 All right, Senator Kubly, we are ready for you.  23 Welcome to the committee.  24 SENATOR KUBLY: Well, thank you, Madam Chair and  25 committee members. In some ways I suppose you know,</p>
<p style="text-align: right;">Page 71</p> <p>1 minimum wage, that money is going to be spent  2 immediately back in the economy. So we would  3 definitely support it and thank Senator Sams for  4 authoring the bill and I would be happy to answer any  5 questions. Thank you.  6 CHAIRPERSON: Thank you very much. Any questions?  7 Okay, thank you.  8 I do not show anyone else. Senator Sams, do you  9 have anyone else? Is there anyone else who would like  10 to testify in support of Senate file 2591?  11 All right. Is there anyone who'd like to speak  12 against Senate file 2591? Any further discussion?  13 Senator Bock.  14 SENATOR BOCK: Madam Chair, I'll move that Senate file  15 2591 as amended be recommended to pass and re-referred  16 to the committee on finance.  17 CHAIRPERSON: Senator Sams, I will continue to talk to  18 you about the idea of a little bit of targeting for  19 some of the hardest hit neighborhoods in the metro, but  20 we can continue to discuss that as this moves forward  21 and goes to your committee. Senator Dibble.  22 SENATOR DIBBLE: Madam Chair, I would like to request  23 a roll call vote.  24 CHAIRPERSON: Okay. All right, a roll call has been  25 requested. There will be a roll call on Senator Bock's</p>	<p style="text-align: right;">Page 73</p> <p>1 this bill seems like an unusual bill to talk about  2 economic development and yet, that is my primary  3 purpose in offering it.  4 I think, Madam Chair, just for purposes of order  5 in the committee, I really think this study could be  6 done for considerably less than seven hundred thousand.  7 If we could ask one of the committee members to move  8 that we lower that to a maximum of four hundred  9 thousand, I think that would cover it.  10 CHAIRPERSON: All right, Senator Dibble moves as an  11 author's amendment to on page 1 line 25 strike seven  12 hundred thousand and insert four hundred thousand. On  13 that motion, all those in favor say "AYE".  14 ALL: "AYE".  15 CHAIRPERSON: Opposed, no, motion prevails. Senator  16 Kubly.  17 SENATOR KUBLY: Thank you, Madam Chair, -- that if we  18 could keep the development of our renewable energy  19 within Minnesota it would add an awfully lot of jobs.  20 I guess I found it interesting listening to the  21 testimony on the last bill about the need for jobs in  22 rural Minnesota. You know, I know that St. Louis  23 County comes down here and I do not mean to take  24 anything away from Duluth but, you know, they talk  25 about how depressed their economy is and do quite well</p>

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1 I think in getting some assistance from the state for  
 2 job creation in Duluth and in St. Louis County, but the  
 3 entire twenty-eight counties that compose what the  
 4 state calls southwest Minnesota is actually more  
 5 economically depressed than St. Louis County is and,  
 6 you know, we do not have the same kinds of assistance  
 7 coming out there.  
 8 But I think that this bill simply seeks to limit  
 9 future damage to the renewable energy industry in  
 10 southwestern Minnesota in particular. I know a number  
 11 of you saw and no doubt read the job jolt piece that  
 12 came out of, I believe it was the University of Indiana  
 13 or Illinois possibly, I've forgotten. But, you know,  
 14 it really does take a look at what the development of  
 15 renewable energy in Minnesota could do for the state's  
 16 economy and particularly, what it could do for the  
 17 economy of the western edge of the state.  
 18 You know, I have seven counties in my senate  
 19 district members and four of them border South Dakota.  
 20 They have a very high interest in developing more wind  
 21 energy and in looking at ways that wind energy could  
 22 actually be added as part of the base load that we talk  
 23 about in Minnesota, using some other renewable  
 24 agricultural products.  
 25 So I think there is a high interest, there is a

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1 high level of debate on the various issues that  
 2 surround renewable energy, both in southwest Minnesota  
 3 and here in the metropolitan area. I know there are a  
 4 few testifiers here today who would like to speak  
 5 against the bill because, you know, of their feeling  
 6 that it moves in the wrong direction and looks maybe  
 7 only at one source of energy coming into the state.  
 8 But I guess from my perspective at least it would  
 9 be helpful if those sources of energy that supply  
 10 energy that comes in to Minnesota from outside of the  
 11 state had to follow the same ground rules that those  
 12 energy generators within the state followed, it would  
 13 be beneficial to all of us and certainly beneficial to  
 14 the renewable industry in Minnesota.  
 15 I thought it was interesting listening to your  
 16 conversation here, Madam Chair, it would be an  
 17 interesting committee to serve on in the future, I may  
 18 have to keep that in mind but, you know, I think there  
 19 are a variety of positive factors that could come about  
 20 if we can complete this study in a way that would allow  
 21 us to move forward with more renewable energy in  
 22 Minnesota.  
 23 I just talked to SMI manufacturing, which is in  
 24 my district. It is in the little town of Porter,  
 25 Minnesota. SMI does a lot of projects for around the

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1 country that other companies do not even bid on. One  
 2 of their more unusual ones was they built a retractable  
 3 roof for a performing arts center out in Indianapolis  
 4 that when their roof opened it took the form of a lotus  
 5 blossom. You know, SMI manufacturing in Porter was the  
 6 only company to bid on that project and they built a  
 7 prototype and took it out to Indianapolis and they said  
 8 yes, that is exactly what we want. So they built that  
 9 project and put that piece into place.  
 10 SMI, I suppose I could mention that they also are  
 11 the only manufacturer in Minnesota that manufactures  
 12 the track for retractable roofs on stadiums. I know  
 13 that is, you know, an issue that we talk about from  
 14 time to time around here. This is my eighth year and I  
 15 guess we have talked about it every year.  
 16 But you know, I think, you know, for a small  
 17 manufacturer I find it interesting. They were telling  
 18 me on the phone this morning that if Minnesota did  
 19 something like this that brought more renewable energy  
 20 development into Minnesota that just on that basis  
 21 alone they would probably add 220 to 240 jobs. You  
 22 know, it is a fairly sizeable piece.  
 23 They manufacture the towers that the wind  
 24 generators sit on. Currently, their largest contract is  
 25 in Iowa. They are aware of some projects that are on

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1 the drawing board in Texas as well, but they're always  
 2 on the lookout for more contract work that they can  
 3 bring in to the small town of Porter and it is a  
 4 company, Madam Chair and members, that does provide a  
 5 lot of good paying jobs for the area, you know, and it  
 6 pays enough to live on which is primarily what we are  
 7 looking for.  
 8 I do not know how many questions you might have  
 9 or, you know, or what other kinds of issues might come  
 10 up, Madam Chair, but I think maybe we could hear from  
 11 those other people who either support or would wish to  
 12 oppose the bill and take the dialogue from there.  
 13 CHAIRPERSON: Senator Kubly, I just have one  
 14 question for you. You know, I support your bill, but  
 15 the question I have is, if you are talking about the  
 16 impact of imports on development of our home grown  
 17 energy sources here in Minnesota, why not look at all  
 18 the imports because there could be increased imports of  
 19 coal, power, electricity from North or South Dakota, I  
 20 mean, there could be imports of a lot, we do not  
 21 produce any of those, most of the sources of  
 22 electricity that we use in this state from our state,  
 23 so why not look at all of them?  
 24 SENATOR KUBLY: Madam Chair.  
 25 CHAIRPERSON: Senator Kubly.

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<p style="text-align: right;">Page 78</p> <p>1 SENATOR KUBLY: Yes, thank you, Madam Chair and  2 members. I guess, you know, the thing that comes  3 immediately to mind is, yes, we are getting power from  4 all of those places but, you know, the one, the source  5 of power that is mentioned in this study is the only  6 one that is seeking to greatly expand their market in  7 Minnesota. You know, I think I would feel the same way  8 if any of those other, if any of those other suppliers  9 from outside the state were seeking to expand their  10 capacity in Minnesota at the same level that this hydro  11 development project is talking about from Canada.  12 CHAIRPERSON: And do we know, and I apologize if you  13 already said this, but do we know the new and maybe we  14 will hear this from some of the witnesses, but how much  15 of the new proposed hydro development is intended for  16 export to Minnesota?  17 SENATOR KUBLY: Well, Madam Chair, and members, when  18 you, when you look at the maps that they've got for new  19 transmission lines, they all come into Minnesota. You  20 know, I know when I was talking with Canadian -- I've  21 forgotten what they call the members of their  22 governmental body.  23 UNKNOWN SPEAKER: Minister, Tim says.  24 SENATOR KUBLY: Yes, it was, what do they call them  25 again?</p>	<p style="text-align: right;">Page 80</p> <p>1 power into Minnesota will, in fact, have a detrimental  2 effect on the development of wind power in Minnesota.  3 Now I think the commissioner will disagree with  4 that and he'll give you his reasons, but you know, it  5 would be put off the development of more wind power and  6 consequently the development of more jobs in rural  7 Minnesota that pay enough to live on for quite some  8 time to come, I think for a decade or more.  9 So that is the reason that I am offering it. I  10 guess I look at the fourteen to fifteen thousand jobs  11 that putting a similar investment into the development  12 of energy within Minnesota would create and it is  13 pretty substantial.  14 CHAIRPERSON: Senator Saxhaug.  15 SENATOR Saxhaug: Madam Chair, Senator Kubly. So  16 that is actually the truth then, is that we have too  17 much capacity either coming into the state that we can  18 access or within the state to and it is squeezing out  19 the power. I didn't know that was our problem.  20 CHAIRPERSON: Senator Kubly.  21 SENATOR KUBLY: Well, Madam Chair and Senator  22 Saxhaug, I do not know how you define too much. I  23 guess, you know, when you look at the need for future  24 production, you know, I guess I would rather see that  25 production generated within Minnesota.</p>
<p style="text-align: right;">Page 79</p> <p>1 UNKNOWN SPEAKER: Energy minister.  2 SENATOR KUBLY: Energy minister Tim Sales, he's a  3 member of their legislative body too and I know they  4 call them something else, but anyway, I think they call  5 them Ministers, but you know, I should be able to  6 remember that but anyway, you know, he was saying that  7 they were planning to use some of it domestically and  8 yet when you look at the maps that they have for  9 planned transmission lines, you know, they all come  10 into Minnesota, none of them go to their neighbors in  11 Canada, so you know, I have to wonder about that.  12 So it looks to me, Madam Chair, as though the  13 entire new generation would come into Minnesota,  14 possibly some into other states.  15 CHAIRPERSON: I am sorry, Senator Saxhaug.  16 SENATOR Saxhaug: Thank you, Madam Chair. Senator  17 Kubly, I am trying to figure out what the purpose of  18 this is and is the purpose kind of saying that we have  19 too much access or power capacity in the State of  20 Minnesota, particularly base line and that because we  21 have so much or so much access that it is squeezing out  22 the possibilities of wind power?  23 CHAIRPERSON: Senator Kubly.  24 SENATOR KUBLY: Madam Chair, you know, I guess from  25 my perspective I think that bringing this much new</p>	<p style="text-align: right;">Page 81</p> <p>1 This isn't taking, really taking a look at  2 existing contracts. You know, we already, we have an  3 existing contract with this same company. This is  4 looking at the building of a couple of new dams on a  5 couple of different rivers in northern Manitoba that  6 would bring in considerably more power, you know, and I  7 am just saying, you know, what would the impact be to  8 Minnesota if we built our own power instead of  9 depending on it coming from another source outside of  10 the state.  11 We already do, as Senator Anderson pointed out,  12 have considerable power coming into the state from  13 other areas. It is certainly an area that we could  14 look at as becoming more self-sufficient in our own  15 energy production. You know, building wind towers is a  16 growth industry in southwest Minnesota, something I  17 would love to support.  18 If SMI Manufacturing in Porter put on those extra  19 two hundred and twenty to two hundred and forty jobs,  20 well, they are already the town's largest employer. It  21 is a town of only about two hundred and thirty five and  22 I think that is about the number of employees they  23 have. So, you know, they would they would be doubling  24 their size of their workforce, but they feel that wind  25 is growing, that it is here to stay and that, you know,</p>

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1 they're going to play a significant part in that  
2 expansion so, you know, I guess, yes, I am trying to  
3 bring it into the state with this study. I think it is  
4 a small first step, but I think there are also some  
5 ways in terms of using, you know, currently we have a  
6 glut of soy bean oil across the United States, you  
7 know, why don't we burn some of that in diesel engines?  
8 Diesel engines were originally built to run on peanut  
9 oil and they run equally well on soy oil, but why not  
10 put those out there in conjunction with some of the  
11 wind towers and, you know, when the turbines quit  
12 turning the diesel engine kicks on and you are using  
13 agricultural products in both instances.  
14 CHAIRPERSON: I think, those are very good questions  
15 Senator Saxhaug, and I think we will have some more  
16 information about the overall energy picture and how  
17 that fits in, this fits into that, which we haven't had  
18 a huge amount of time in this committee to really get  
19 into, so good questions.  
20 All right, thank you Senator Kubly. Let's move  
21 to your witnesses. You have  
22 SENATOR KUBLY: All right, well I would like to call  
23 your attention, Madam Chair, to this piece. The rural  
24 Minnesota energy task force headed by Jack Tears (ph),  
25 who is on the Board of Commissioners for Pipestone

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1 County, which is just south of my district. I believe  
2 it might be in Senator Vic Kerman's district, but I am  
3 not certain. He's got just about as many counties as I  
4 do but, you know -- and also one from Minnesota Farmers  
5 Union, I think both of those should be available to  
6 your members, Madam Chair, and then I would ask Ken  
7 Bradley to come up as a proponent of the bill and I  
8 know the commissioner and, you know, there is a couple  
9 of other folks here representing Manitoba Hydro who  
10 would also like to speak against the bill.  
11 CHAIRPERSON: Okay thank you, Senator Kubly. We do  
12 have a number of things, handouts in our packets that  
13 are related to this bill and I am sure the witnesses  
14 can speak to those when they get their turn.  
15 Senator Dibble.  
16 SENATOR DIBBLE: Madam Chair, just circling back to  
17 your first question, and maybe someone who comes up to  
18 the table later can help us understand too, but I am  
19 guessing perhaps also that when you talk about studying  
20 the importation of coal and natural gas and other fuel  
21 sources that generate electricity for us here in  
22 Minnesota, in many cases we are talking about bringing  
23 those fuel sources into Minnesota and generating new  
24 electricity here, so those plants are here as much as I  
25 dislike the fossil fuels because they add carbon to our

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1 environment, we are bringing those sources here,  
2 generating electricity here and those plants are  
3 employing Minnesotans here.  
4 CHAIRPERSON: That is right. Welcome to the committee.  
5 KEN BRADLEY: Thank you, Madam Chair. My name is Ken  
6 Bradley. I am with Minnesotans for an Energy Efficient  
7 Economy and I want to thank yourself and other  
8 committee members for allowing me to testify to the  
9 Senate file today.  
10 And as you see, the Farmer's Union and other  
11 organizations support this bill. In 2002, Manitoba  
12 Hydro exported \$588 million dollars of electricity.  
13 Minnesota purchased approximately 91 percent of  
14 Manitoba Hydro's export power. Excel Energy is their  
15 largest export customer in Minnesota. Minnesota  
16 currently imports about 70 percent of our energy and  
17 that has been estimated to between eight to nine  
18 billion a year. That figure includes petroleum  
19 products, coal, natural gas, large scale hydro.  
20 Manitoba Hydro currently has 2,000 megawatts of  
21 firm contracts with U.S. utilities and there is  
22 additional spot market sales as well every year,  
23 depending on weather conditions. Manitoba Hydro is  
24 preparing to double its current system from 5,000  
25 megawatts to 10,000 megawatts.

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1 Manitoba in many ways is like North Dakota. It  
2 is not a growing population wise, it is a prairie  
3 province, and so we know that most of that power from  
4 everything said would be for export rather than for  
5 domestic use.  
6 Manitoba Hydro has stated repeatedly in public  
7 comments that the export market will help to pay for  
8 these new dams and transmission projects. And current  
9 proposed transmission projects lead directly through  
10 Minnesota and I think you have a map that shows some of  
11 those projects.  
12 You can look at that sheet and refer to some of  
13 those as well. One is Arrowhead West which is going  
14 through Wisconsin. Some of that power would lead down  
15 into Chicago and Illinois.  
16 Manitoba Hydro has stated repeatedly in public  
17 comments, I am sorry I am repeating myself. Excel  
18 Energy signed a \$1.7 billion dollar contract with  
19 Manitoba Hydro in 2002. The Winnipeg Free Press  
20 headline read on August 9th when the contract was  
21 signed, \$1.7 billion dollar deal, huge power sale to  
22 U.S. will pave the way for new dams. Premier Doer said  
23 in this article, a condition for building more dams was  
24 selling excess power. This is good news for Manitoba.  
25 It shows that our energy engine, Manitoba Hydro, is

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<p style="text-align: right;">Page 86</p> <p>1 going to continue to produce for the future.                  2 Manitoba Hydro is beginning the first phase of                  3 additional new dams. The first is a 200 megawatt,                  4 Wuskwatim dam which will cost \$1 billion dollars                  5 and according to Manitoba Hydro would be worth 50 to                  6 100 million dollars a year in profits.                  7 Manitoba Hydro again on March 4th, which was last                  8 week, stated through its public process that they are                  9 intending to sell additional power to U.S. export                  10 market. Manitoba Hydro employees stated in the                  11 Winnipeg Free Press, and I think you have this article,                  12 that they were negotiating with U.S. customers in the                  13 United States. One potential scenario would see all                  14 power attributed to Wuskwatim sold to one single                  15 customer.                  16 Manitoba Hydro has also stated Saskatchewan and                  17 Ontario is potential future markets, but currently                  18 there is no east-west transmission and Saskatchewan is                  19 currently an exporter of power. So it seems unlikely                  20 that that would be a market.                  21 Ontario could be a market, but is actually                  22 significantly, the large marketer base load is                  23 significantly farther away than than the twin cities.                  24 The next phase of the new dams will be Conawapa,                  25 which is 1,000 megawatts and cost about a \$6 billion</p>	<p style="text-align: right;">Page 88</p> <p>1 economic engine for such growth by increasing our                  2 production in wind and bio-mass.                  3 I ask that all the members of the committee                  4 support this study and it will provide extremely                  5 important information to help guide the future of                  6 Minnesota's policy. Thank you, Madam Chair and                  7 members.                  8 CHAIRPERSON: Thank you very much, Mr. Bradley.                  9 Questions? Okay. Thank you for your testimony.                  10 KEN BRADLEY: Thank you.                  11 CHAIRPERSON: What would you like next, Senator                  12 Kubly?                  13 SENATOR KUBLY: Pardon?                  14 CHAIRPERSON: Who would you like next? I have Jim                  15 Bernstein listed next, is he here?                  16 SENATOR KUBLY: I do not believe Mr. Bernstein was --                  17 he is here, okay. I didn't see him I guess. I was                  18 looking for you when I came in.                  19 CHAIRPERSON: He was hiding behind a column.                  20 SENATOR Kubly: You are such a small guy I overlooked                  21 you, I am sorry.                  22 CHAIRPERSON: Welcome to the committee.                  23 MR. BERNSTEIN: That's the first time I've been called                  24 that in many years. I've been called a lot of other                  25 things, but not small.</p>
<p style="text-align: right;">Page 87</p> <p>1 dollars, Gull which is 600 megawatts and cost about \$3                  2 billion. Once again, Minnesota and the United States                  3 has repeatedly been mentioned as potential customers                  4 for these new projects.                  5 Senate file 223 instructs the Department of                  6 Commerce to hire consultant firm to run the jobs and                  7 economic output analysis of using up to 5,000 megawatts                  8 of power produced in Manitoba versus a similar amount                  9 of power from renewable energy sources in Minnesota.                  10 This analysis would rely on standard input-output                  11 computer models, such as those routinely used by state                  12 economic development studies.                  13 I have spoken with several experts that do this                  14 type of analysis and they have assured me that this was                  15 a simple standard two-region model and that this                  16 information would be useful in future short-term and                  17 long-term planning for the state of Minnesota.                  18 The Kubly-Cox, Bill Cox is the author in the                  19 House, has 12 Republicans and 7 Democrats, including                  20 the minority and majority whip in the House and                  21 numerous members of relevant committees.                  22 From my discussions with legislators it is clear                  23 to me they understand that Minnesota can gain                  24 significantly by reducing our dependence on imported                  25 energy and Minnesota's rural economy can be the</p>	<p style="text-align: right;">Page 89</p> <p>1 Senator Anderson, Senators, thank you for having                  2 me here today. Senator Kubly, I am here to speak                  3 briefly on behalf of this bill. I think Senate file                  4 2233 is an important consideration. This is not a                  5 policy bill, this is simply asking the Department of                  6 Commerce to study this issue.                  7 For the last four years I sat in front of this                  8 committee numerous times, oftentimes asked                  9 Commissioner, do you have any data, do you have any                  10 information to support that? Commissioner, would you                  11 go and study this, would you then come back to us with                  12 this information? That is all this bill is asking you                  13 to do, is give the Commerce Department the authority                  14 and the responsibility for conducting this study.                  15 The long-range policy implications, you are not                  16 going to have to deal with this year and arguably                  17 probably not next year. But certainly I think by 2006                  18 and 2007. The growth of the wind industry in Minnesota                  19 began with Governor Purpach, continued with                  20 Governor Carlson, with Governor Ventura and now with                  21 Governor Palenty.                  22 This is an important economic component in the                  23 state of Minnesota and if you travel not just in                  24 southwest Minnesota but all through western Minnesota,                  25 central Minnesota, northern Minnesota and even in the</p>

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1 suburbs in the Twin Cities, we have people who want to  
 2 invest in wind energy. We want to create and grow this  
 3 industry.  
 4 All this bill does is it studies the impact of  
 5 importing hydropower from Canada on this growth  
 6 industry in Minnesota. Farmers will tell you, many  
 7 farmers will tell you who have these power generators  
 8 that this is the difference between me staying in  
 9 farming and me not being able to stay in farming.  
 10 So before you make these policy decisions, I am  
 11 urging you that you pass this bill which simply  
 12 appropriates a relatively small money to the Department  
 13 of Commerce to study this issue thoroughly so that when  
 14 you have to make a policy decision, not this year, next  
 15 year or the year after, you are going to have that  
 16 information, you are going to have that data to make a  
 17 wise decision.  
 18 CHAIRPERSON: Mr. Bernstein, you are speaking just on  
 19 your own behalf today?  
 20 MR. BERNSTEIN: I should identify myself. I was the  
 21 former commissioner with the Department of Commerce and  
 22 then, previously at the Department of Public Service.  
 23 I am a member of the board of Minnesotans for an Energy  
 24 Efficient Economy.  
 25 CHAIRPERSON: Thank you. Questions? Senator Backman?

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1 SENATOR BACKMAN: Madam Chair, if the witness could  
 2 just say under what administration were you head of the  
 3 Department of Commerce?  
 4 MR. BERNSTEIN: During Governor Ventura's  
 5 administration.  
 6 SENATOR BACKMAN: Thank you.  
 7 CHAIRPERSON: Thank you very much for being here.  
 8 Senator Kubly, I have James D. Larsen listed next. I  
 9 do not know if he's speaking for the bill or comments.  
 10 MR. LARSEN: I am here, Madam Chair.  
 11 CHAIRPERSON: Thank you. I do not know if you have  
 12 anyone else. I have a list of witnesses here that I've  
 13 been given, Senator Kubly, do you have anyone else?  
 14 SENATOR KUBLY: Yes, you can call from your list,  
 15 Madam Chair, that'd be fine.  
 16 CHAIRPERSON: Mr. Larsen, welcome to the committee.  
 17 MR. LARSEN: Thank you, Madam Chair, members of the  
 18 committee. Thank you for allowing me to appear here  
 19 today. I am here to speak both for and against, maybe  
 20 not against but to suggest maybe a modification of a  
 21 part of this bill. I am here on behalf of the  
 22 Minnesota Municipal Power Agency, which is a power  
 23 agency formed under Minnesota law. It has eight member  
 24 cities. The cities of Anoka, Arlington, Brownston,  
 25 Chaska, Lasouir, North St. Paul, Olivia and Winthrop,

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1 and the power agency provides wholesale electric power  
 2 and energy to its member cities, all of whom own their  
 3 own municipal electric utilities.  
 4 The agency also has three wholesale customers  
 5 that are not members. Those would be the cities of  
 6 Shakopee and East Grand Forks and then we serve the  
 7 Steel Waseka Electric Co-op, as part of their load we  
 8 also serve.  
 9 As I said, the MMPA is in favour of doing this  
 10 study. We think that prudent development of renewable  
 11 energy sources in Minnesota is a very appropriate thing  
 12 to try to advance and we think this study is an  
 13 appropriate step in doing that.  
 14 But we are concerned about the method of  
 15 assessing for the cost of this study. Since all  
 16 Minnesotans will benefit from this study, we think that  
 17 in some way all Minnesotans should be assessed for the  
 18 cost of this study.  
 19 The MMPA is a purchaser of energy from Manitoba  
 20 Hydro and the assessment, we think the assessment  
 21 formula in this bill would discriminate against those  
 22 who are purchasing energy from Manitoba Hydro. That  
 23 would be the Minnesota Municipal Power Agency, Excel  
 24 Energy and any other utilities in the state that  
 25 purchase from Manitoba Hydro.

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1 We think that is poor public policy. We think  
 2 that that there should be a marriage of the cost and  
 3 the benefit when you are doing assessments. We also  
 4 think that the assessment formula will impose a cost on  
 5 the MMPA that is not being imposed on other utilities  
 6 in the state which would put the power agency at a  
 7 competitive disadvantage, vis-@-vis utilities that are  
 8 not purchasing energy from Manitoba Hydro.  
 9 We also think and we suggest to council here that  
 10 perhaps he look at this issue, that this may be, this  
 11 discrimination may be a violation of the commerce  
 12 clause of the federal constitution, discriminating  
 13 against parties that are engaging in inter-state  
 14 commerce is per se a violation of the commerce clause  
 15 and we believe that the discriminatory assessment  
 16 mechanism that is in this bill is a pre se violation.  
 17 So, in summary, I would like to say that we  
 18 support the idea of doing this study, but we are  
 19 against the assessment mechanism that is contained in  
 20 the bill. We think that that ought to be adjusted so  
 21 that everyone who benefits from this study is assessed  
 22 for the study rather than just those that are engaged  
 23 in the inter-state commerce of purchasing energy from  
 24 Manitoba Hydro.  
 25 CHAIRPERSON: Thank you, Mr. Larsen. So are you saying



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<p style="text-align: right;">Page 94</p> <p>1 then that you would be all right with this if it just 2 assessed across all utilities equally? 3 MR. LARSEN: Some formula, Madam Chair, that would 4 assess all beneficiaries of the study equally I think 5 would be acceptable to us. 6 CHAIRPERSON: Thank you very much for your comments and 7 council's going to take a look at the issues that 8 you've raised as well and give us some advice in a 9 little, in a few minutes. Thank you. 10 MR. LARSEN: Thank you, Madam Chair. 11 CHAIRPERSON: Are there questions for Mr. Larsen? All 12 right, thank you. 13 Next we have assistant commissioner Edward 14 Garvey. Welcome to the committee. 15 MR. GARVEY: Thank you, Madam Chairman. Madam 16 Chairman, members of the committee, my name is Edward 17 Garvey, deputy commissioner for the Minnesota 18 Department of Commerce, Energy and Telecommunications. 19 20 I am here to testify in opposition to this bill 21 believing it inappropriate, unneeded, pernicious and 22 unwanted. When we think about energy and you think 23 about electricity generation, there are four types of 24 or four categories of generation types. 25 There is base load, there is intermittent, there</p>	<p style="text-align: right;">Page 96</p> <p>1 of provisions that require then us and their utilities 2 to give preference to renewables. 3 Minnesota statute in 216B.243 subdivision 3A, 4 that "Minnesota Commission.", and I am quoting now, 5 ".may not issue a certificate of need under this 6 section for a large energy facility that generates 7 electric power by means of a non-renewable energy 8 source unless the applicant for certificate has 9 demonstrated to the commission's satisfaction that it 10 has explored the possibility of generating power by 11 means of renewable energy sources and has demonstrated 12 that the alternative selected is less expensive, 13 including environmental costs, than power generated by 14 renewable energy source." 15 So you have that safeguard already built into our 16 current statutes. Second, another statutory provision, 17 216B.2422 subdivision 4 says, "The commission shall not 18 approve or refurbish non-renewable energy facility in 19 an integrated resource plan or a certificate of need 20 pursuant to 216B.243," which I just read, ".nor shall 21 the commission allow a rate recovery which is in 22 context of a power purchase agreement in this context, 23 pursuant to section 216B.16 for such a non-renewable 24 energy facility unless the utility has demonstrated 25 that a renewable energy facility is not in the public's</p>
<p style="text-align: right;">Page 95</p> <p>1 is peaking and then there is intermittency, base load, 2 intermediate, peaking and intermittency. Each of those 3 four things build upon each other and are needed and 4 wanted in a system. 5 When we talk about this and we talk about this 6 specifically, base load is essential for wind capacity 7 to be generated because wind is intermittent. You need 8 base load capacity because when the wind doesn't blow, 9 you always need that kind of power. 10 Manitoba Hydro, and power sources like that 11 provide base load and peaking resources. It is one of 12 those, it is two of those four components. It is not 13 as perhaps testifiers and its press you've been led to 14 believe a competitor to wind and that kind of 15 intermittent resource. It is a complement to that. 16 It is in my analogy the complementary like a 17 microwave is to a stove. You need them both when you 18 are cooking dinner, and for this to be argued that this 19 somehow is a pro-renewable or anti-hydro is I think a 20 disservice to the electricity system that we are trying 21 to make sure provides low cost, reliable and 22 environmentally superior power. It is therefore also 23 unneeded. 24 On our current statutes, the Public Utilities 25 Commission and the Department of Commerce has a series</p>	<p style="text-align: right;">Page 97</p> <p>1 interest." 2 We have two statutory safeguards already in place 3 that says renewables come first, non-renewables come 4 second and we have to prove it and we have that 5 process. This is more than words. It is application. 6 7 Excel Energy has to do a resource bidding 8 process. It has to go out in the market and say we need 9 this kind of power, who wants to supply it. The 10 bidders supply it, their bids, they assess them, they 11 make a selection. 12 Recently, Excel selected out of the most recent 13 all source bid, 450 megawatts of wind with system 14 backup. System backup is that base load that I've 15 already talked about. They have supplied, they have 16 under the current regime already selected as part of 17 their resource bid wind, 450 megawatts, 350 when you 18 think about the capacity factors. 19 So already we have a system in place, not only in 20 statute but in application that takes into account the 21 balancing of both base load and intermittency and is in 22 practice. 23 When I look at this bill and I am trying to 24 figure out what it means. Is it an anti-Manitoba Hydro 25 bill or is it a pro-renewable bill or is it all</p>

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1 Minnesota power needs to be generated and produced in  
 2 this state? I am not sure which it means because how  
 3 you do that when you look at the statute and you look  
 4 at the provisions I can insert any other word and say,  
 5 for example, when you read the statute, you need to do  
 6 a study on the imports of blank power developed from  
 7 blank would have a Minnesota renewable energy  
 8 development as wind and biomass.  
 9 We can insert any potential generation source on  
 10 that. MERP, an additional 300 megawatts of gas,  
 11 additional capacity beyond, we think that is very good.  
 12 It certainly would have an impact on wind and biomass.  
 13  
 14 Now we believe it has a very positive and  
 15 supportive and we worked very hard to make that. But  
 16 there we have it. There are other projects being  
 17 proposed and thought about in this state that could  
 18 also equally have an impact on wind and biomass and do  
 19 we want to study them? Should we study them or should  
 20 we just focus on one type of power from one specific  
 21 source? We do not think so.  
 22 We do not think that pitting rural Minnesota  
 23 versus a particular resource is an appropriate way for  
 24 us to be handling our energy policies. We do not think  
 25 pitting our state versus our neighbor, a neighbor that

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1 we have strong and useful relationships with is of any  
 2 benefit to any of us. And finally, it asks for a study  
 3 to be done, it asks for my office to review and do a  
 4 study, do a serious (ph) contract with, but that means  
 5 my staff has to spend its time diverting its resources  
 6 from working on the renewable energy credit, working on  
 7 tradable credits, working on processing the small wind  
 8 crediting subsidy programs, working on firming up the  
 9 renewable energy objective to develop an RFP and  
 10 overseeing that and managing that.  
 11 Those aren't, that is not the way I think we  
 12 ought to be spending our resources on a study like  
 13 this. Finally, it is expensive. It is still asks for,  
 14 you know, even with the amendment it is still \$350  
 15 thousand dollars or \$400 thousand dollars that is being  
 16 asked from ratepayers from across the state for a  
 17 study. That is real money and when we know that is  
 18 going to be flowing through, it is going to be flowing  
 19 through to the businesses and the communities and  
 20 electricity matters.  
 21 Electricity costs, energy costs matter to our  
 22 industries and to the citizens of Minnesota and I think  
 23 we ought to need to be paying attention to that. So  
 24 Madam Chair, we do feel rather strongly on this bill,  
 25 we do not think we need it, we think it causes trouble,

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1 we do not want it and we hope that it isn't actively  
 2 pursued. Thank you, Madam Chair.  
 3 CHAIRPERSON: Thank you very much, Commissioner.  
 4 Comments? Senator Dibble, questions?  
 5 SENATOR DIBBLE: Thank you, Madam Chair, responding to  
 6 Commissioner Garvey. If everything you are saying is  
 7 true, Commissioner, then that will come out in the  
 8 study. This is just looking for information, so I fail  
 9 to see the harm here in taking a look and finding out  
 10 if what you are saying is in fact the case.  
 11 We talked a lot about the intermittent nature of  
 12 wind and there is also a lot of talk about how to  
 13 address the intermittent nature of wind. Senator  
 14 Kubly spoke to that earlier in his opening comments  
 15 and to the expense, I'll just note, you know, if you  
 16 think the study's too expensive, the language is  
 17 permissive, it says not to exceed four hundred thousand  
 18 dollars, so you are not required to spend that much. I  
 19 mean, I actually think four hundred thousand dollars  
 20 seems to be an awful lot of money for a study, I am  
 21 thinking fifty thousand dollars should get us what we  
 22 are looking for.  
 23 So you know, to use terms like pernicious, which  
 24 Senator Kelly helped me understand what it meant, you  
 25 know, is a very strong. I mean we are looking for

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1 information.  
 2 There are significant concerns have been  
 3 articulated not for a short amount of time, about this  
 4 particular source for lots of other sidebar reasons  
 5 that I am not going to bring up but, you know, why this  
 6 source of energy, why is it so cheap and, you know,  
 7 what is the implication here for hammack (ph)  
 8 development in greater Minnesota related to wind  
 9 biomass and any other number of renewables that we  
 10 might be able to develop and have the economic benefit  
 11 from doing that here in the state. We are just looking  
 12 for information.  
 13 CHAIRPERSON: Commissioner Garvey.  
 14 MR. GARVEY: Madam Chairman. Senator, the process that  
 15 we have in place in this state, we have two processes  
 16 that sort of sorts these things out. First, each of  
 17 our generation and transmission entities has to go  
 18 through an integrative resource plan that says here's  
 19 what they're long-term and short-term energy needs are  
 20 going to be. And to the extent that they can identify  
 21 where they're going to get it from we look at that.  
 22 Okay, so we look at that in that context of specific  
 23 offerings or specific needs rather than in the context  
 24 of a generic what if could happen, maybe, possibly kind  
 25 of approach.

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<p style="text-align: right;">Page 102</p> <p>1 Second, when and if that moves beyond the  2 planning stage of an individual utilities resource,  3 there is a certificate of need. They have to come  4 before the commission and say, we want to get this  5 power from this place and we need a certificate because  6 we need that. That is the way, that is why we call  7 that a certificate of need, in which case we basically  8 run through the very specifics: why do you need it, how  9 much is it going to cost, how are you going to get it  10 here, what are the implications of it to the rest of  11 the system and, as I've already said, that analysis has  12 to be weighed against the alternatives that they could  13 have pursued.  14 So we could sort of say a study for a study's  15 sake is useful information, but I sort of go back to my  16 original premise, it is a study for a study's sake  17 outside of a specific context.  18 CHAIRPERSON: Commissioner Garvey, well, go ahead  19 Senator Kubly.  20 SENATOR KUBLY: Well thank you, Madam chair,  21 Commissioner, I guess just a couple questions, I guess.  22 First off, you talk about wind as intermittent and I  23 would agree that at the moment it is but, you know, how  24 can we say that something like Manitoba Hydro which, by  25 its own admission, lost \$358 million dollars in the</p>	<p style="text-align: right;">Page 104</p> <p>1 correctly, the first question is sort of the vagaries  2 of an apace (ph) of power being received from Manitoba  3 Hydro because of the meteorological conditions there.  4 That is a good point and it is one that is worth  5 considering, but it is worth considering in the context  6 of a specific resource acquisition mode because that is  7 exactly the kind of question we would be asking: how  8 certain, how guaranteed is that power to meet the  9 contract.  10 And so that is one of those kinds of questions  11 that we exactly deal with in a context of our  12 integrated resource planning and the certificate of  13 need opportunity, not in the context of a generic plan.  14  15 More importantly, the legislation that is being  16 proposed asked us to do a plan on the impacts of  17 potential purchases of that power on Minnesota wind and  18 biomass, not on the potential uncertainties of the  19 Manitoba power generation source.  20 The second part of your question was sort of the  21 base load question and its interplay with renewables in  22 general. This is a very, very uncertain question of  23 what is this areas, our state's long-term base load  24 needs.  25 It takes into account a number of assumptions and</p>
<p style="text-align: right;">Page 103</p> <p>1 last nine months some 2003 because of the drought. I  2 mean, the biosphere in which all of us live goes  3 through cyclical kinds of things and we are kind of  4 moving into a period of drought and so, you know, how  5 can we say that that is going to be, you know, a  6 reliable source of base load when you have, you know, a  7 drought that causes them to be unable to supply the  8 energy that their contract calls for without buying it  9 from producers on this side of the border.  10 Secondly, I guess, you know, how much base load  11 does Minnesota need? You know, Manitoba Hydro is going  12 to, talking about doubling the amount of power that  13 they would bring into Minnesota and, you know, I mean I  14 can see where we might need that over a period of time,  15 but that would be an incremental thing rather than  16 something that would jump on line all at once and I  17 guess my fear is that it will put off renewable energy  18 development in Minnesota for a fairly substantial  19 period of time.  20 You know, why do we want to create jobs in  21 another country when we are having difficulty creating  22 them in our own?  23 CHAIRPERSON: Commissioner Garvey.  24 MR. GARVEY: Madam Chair, Senator Kubly, there are  25 --you've asked two questions. If I remember them</p>	<p style="text-align: right;">Page 105</p> <p>1 so, therefore, all I can give you is the ranges of what  2 we need, but we will need in the next decade or so more  3 base load power.  4 The growth of this community requires more base  5 load. We will also need more peaking. We will also  6 probably need more intermitted. We certainly want more  7 intermittent and so we will need more base load because  8 we need all four aspects to our energy grid.  9 We also will need more transmission because in  10 many respects one of the greatest barriers to the  11 promotion of renewables is transmission, not  12 competitive resources.  13 I'll also sort of make clear and remind the  14 committee that this committee, this legislature, this  15 state has already on its books a whole set of  16 requirements that utilities have to meet. The  17 renewable energy objective was firmed up significantly.  18 Additional requirements were placed on our utilities,  19 independent of their other resource options or  20 opportunities. They still have to reach ten percent of  21 their current load from renewables. So even in that  22 context we already have in place appropriate mechanisms  23 to promote renewables.  24 CHAIRPERSON: Commissioner Garvey, I think -- it seems  25 to me that one of the key points you are making is</p>

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1 that, if I can try to summarize it, is that we have  
 2 statutes on the books and we have a public utilities  
 3 commission process that is supposed to flesh out all of  
 4 these issues, but I would just comment that on this  
 5 very issue related to Manitoba Hydro, there was an  
 6 effort I think just last year to have a contested case  
 7 hearing on -- to flesh out the issue that is in our  
 8 statutes.

9 Our statute requires that socio-economic and  
 10 environmental consequences of power choices have to be  
 11 considered and there was a request to have a contested  
 12 case hearing at the Public Utilities Commission which  
 13 would have simply been an opportunity for people to  
 14 testify on those impacts and that was denied and so  
 15 that opportunity didn't exist at the Public Utilities  
 16 Commission and it wasn't I do not believe the statute  
 17 was really very well followed in that regard.

18 I do not know if your department took a position  
 19 on that or not but, you know, I do not know that every  
 20 wonderful word that we put in statute is always  
 21 explored to its greatest detail. So I am not sure that  
 22 we can count on that process to answer all of these  
 23 questions. I guess that would be my response.

24 The second point I would make is that, you know,  
 25 I truly believe that Minnesota should have a goal, and

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1 it is a long-term goal and a difficult goal, but I  
 2 think that we should have a goal to try to achieve  
 3 energy independence in this state.

4 Now, I haven't produced a bill to try to get us  
 5 there. It is a long-term difficult goal and it is  
 6 going to take a lot of discussion to even begin to talk  
 7 about how we would get there, but I wonder if that is  
 8 something that a goal that you would share or that you  
 9 think this administration would share?

10 MR. GARVEY: Thank you, Madam Chairman. Madam Chair,  
 11 member of the committee, the goal of this  
 12 administration and my charge is to make sure that we  
 13 have reliable, low cost energy from environmentally  
 14 superior sources. That is a difficult triumvirate of  
 15 issues that requires sort of delicate balancing.

16 To the extent that we can and encourage and  
 17 promote energy development in this state, -- beneficial  
 18 and I think you saw in some of the facets of the  
 19 Prairie Island legislation, some of those components.  
 20 With the renewable initiatives you saw in the MESABA  
 21 (ph) legislation the continuation of Prairie Island  
 22 itself. I mean those are issues of state in state  
 23 generation. Those are three different aspects.

24 We are also trying to work on making sure that  
 25 there is transmission. We have worked very hard to

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1 make sure that there is transmission from the Buffalo  
 2 ridge into the metro area. We have worked very hard to  
 3 strengthen the grid in the western Hennepin County as  
 4 well as in the Dakota County. Those are aspects of  
 5 reliability.

6 We have also I think environmentally superior  
 7 components, but I think we also make sure it is low  
 8 cost. We have large facets of this region that has  
 9 resource capabilities. There are people that are  
 10 working in that, the wind on the wire kinds of things  
 11 in the North and South Dakota region, in Iowa. Those  
 12 ought not be ignored if they can provide low cost  
 13 reliable, environmentally superior power in this state,  
 14 balanced against our own economic development desires  
 15 and goals.

16 CHAIRPERSON: Senator Kelly, did you have a question?  
 17 SENATOR KELLY: Madam Chair, one of the problems we  
 18 have here I think is the challenge the legislature has  
 19 in holding two big pictures in our mind at the same  
 20 time. One big picture goal is increasing the  
 21 development, the intra-state development of renewable  
 22 energy because of its economic and environmental  
 23 benefits.

24 But the other big picture thing that we have to  
 25 keep in mind is the efforts to control greenhouse

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1 gases. So I am concerned about the apparent knee-jerk  
 2 quality of the response to the development of hydrogen,  
 3 I mean hydropower resources in Manitoba because we just  
 4 two weeks ago listened to the challenges related to  
 5 reducing the input of greenhouse gases.

6 So I don't know what the answer is, but I agree  
 7 with the goal of not undermining the development of  
 8 renewable resources in Minnesota, but I also do not  
 9 want us to do something that would prevent the  
 10 development sources of power that would reduce  
 11 greenhouse gas emissions.

12 So I do not know, Senator Kubly, how to get  
 13 both thoughts into your bill, but I think it is  
 14 important for us to keep both thoughts in mind at the  
 15 same time and not just one.

16 CHAIRPERSON: Senator Kubly.  
 17 SENATOR KUBLY: Thank you, Madam Chair and Senator  
 18 Kelly. Even though I guess I haven't talked about some  
 19 of the environmental impacts of this hydropower  
 20 generation it does seem to me that, you know, the  
 21 current hydropower project in Manitoba has destroyed a  
 22 considerable number of acres of the boreal forest,  
 23 which would help with greenhouse gases reduction simply  
 24 by the nature of what plants are and how they operate  
 25 as carbon sinks.

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1 But anyway, you know, I guess I would just offer  
 2 that for your consideration. I think some of the  
 3 issues that Senator Anderson implied that our own  
 4 Public Utilities Commission does not take into  
 5 consideration, even though it is in statute, also have  
 6 a bearing on what needs to happen in relation to it.  
 7 CHAIRPERSON: We have some witnesses who have come a  
 8 long distance. I want to make sure we give them plenty  
 9 of time to speak to us, so thank you very much  
 10 Commissioner Garvey, we appreciate your testimony.  
 11 Senator Sparks, okay, then we need to move on.  
 12 SENATOR SPARKS: Madam Chair, obviously we want to  
 13 hear the rest of the testifiers too, but I think it  
 14 would help to clarify a few things and maybe Senator  
 15 Kubly can answer or Assistant Commissioner Garvey.  
 16 Obviously I want to applaud you Senator Kubly for  
 17 what you are trying to do for the wind industry. I  
 18 think though that we do have to be careful that we do  
 19 not try to pit certain renewables against one another,  
 20 and I know that I heard earlier in the testimony, and  
 21 correct me if I am right, on page 1, line 25, under the  
 22 appropriation piece, you change it now from seven  
 23 hundred thousand to four hundred thousand; is that  
 24 correct?  
 25 SENATOR KUBLY: Thanks correct.

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1 SENATOR SPARKS: Okay. Four hundred thousand dollars  
 2 is still quite a bit of money and maybe council can  
 3 help a little bit too because I think, I am not sure  
 4 what section 216B.02 subdivision 4 states, and I think  
 5 that in Mr. Larsen's testimony and Assistant  
 6 Commissioner Garvey's they both said that this might be  
 7 a direct increase on the ratepayers of the state and  
 8 certainly I know that when I am in session or up here  
 9 five days a week and I go home my utility bill is  
 10 still, you know, two hundred dollars a month. If that  
 11 is going to be a dramatic increase I think that we have  
 12 to keep that in mind.  
 13 I would just be curious if we had any idea who  
 14 would be responsible to pay that and if they are, what  
 15 kind of a price tag would be placed on those individual  
 16 ratepayers.  
 17 CHAIRPERSON: Who wants to answer? Council?  
 18 COUNCIL: Madam Chair, I can answer part of Senator  
 19 Sparks. The assessment under the bill with, that  
 20 definition referred to those are the investor homes.  
 21 That includes the munies, the power agencies and the  
 22 co-operative generation transmission utilities. So the  
 23 bigger the parent so are the smaller ones.  
 24 Then the bill provides that would be assessed in  
 25 proportion that the import in Canada, so that answer

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1 would depend on - of the four hundred thousand, what  
 2 their share is. I assume Excel has the lion's share  
 3 because they're -- I don't know how much. Some have  
 4 none. I think one of the witnesses testified that his  
 5 power agency had some and there was one other one he  
 6 knew of and he didn't know the rest, so that would just  
 7 be whatever fraction.  
 8 Your share of the importation is applied against  
 9 four hundred thousand or whatever number. And the  
 10 impact on ratepayers I think would be not huge but, you  
 11 know, it would have some impact.  
 12 SENATOR SPARKS: Thank you.  
 13 CHAIRPERSON: Senator Dibble.  
 14 SENATOR DIBBLE: Well, Madam Chair, maybe you can help  
 15 me to remember to help answer Senator Sparks'  
 16 question. What was the estimate that ratepayers were  
 17 going to have to, what cost per individual ratepayer at  
 18 the residential.  
 19 CHAIRPERSON: MERP?  
 20 SENATOR DIBBLE: Yes, from MERP.  
 21 CHAIRPERSON: MERP is around a billion dollar cost and  
 22 I think it is, am I thinking four to five percent a  
 23 month; is that about right on your bill? What percent  
 24 is it? I see someone nodding at least who should know  
 25 what she is talking about. What and four hundred

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1 thousand what, somebody quick, what percent of a  
 2 billion is that?  
 3 UNKNOWN SPEAKER: It is about 40 percent.  
 4 UNKNOWN SPEAKER: It is about .5 percent.  
 5 CHAIRPERSON: What?  
 6 UNKNOWN SPEAKER: It is about .5 percent.  
 7 CHAIRPERSON: .5 percent, half a percent?  
 8 UNKNOWN SPEAKER: No.  
 9 CHAIRPERSON: No, no.  
 10 UNKNOWN SPEAKER: No, it is less than that.  
 11 CHAIRPERSON: How many zeros? Anyway, we can we will  
 12 work on our math slowly here in the corner. Why don't  
 13 we  
 14 UNKNOWN SPEAKER: If it is a penny I would be  
 15 surprised, Madam Chair.  
 16 CHAIRPERSON: Yes, I think it is pretty miniscule per  
 17 ratepayer, .04, .04 percent.  
 18 UNKNOWN SPEAKER: Madam Chair, the thing to also make  
 19 sure we are realizing is that when you are looking at a  
 20 flow through to customers, it is done, you are  
 21 collecting it on a per kilowatt hour charge and the  
 22 more you use, the more you pay. So when you sort of  
 23 spread it over across and you average it, it can look  
 24 real small, but when you are a grocery store or a large  
 25 energy user your bill, your bill gets fast, gets real

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1 big real fast and add-ons on them get real big real  
2 fast.  
3 UNKNOWN SPEAKER: Madam Chair, I think we are still  
4 talking about pennies, a penny.  
5 CHAIRPERSON: Yes, I think we are. But we can try to  
6 figure out those numbers better. Thank you. All  
7 right, let's hear from the folks who have come down  
8 from Manitoba.  
9 We have got listed Elvis Thomas and Agnes Spence,  
10 Nisichawayasihk Cree Nation. Okay, I probably  
11 didn't say that right, but you can please help us with  
12 that pronunciation.  
13 Welcome to the committee. Thank you for coming  
14 down to be here today.  
15 MR. THOMAS: Thank you very much for welcoming us (CREE  
16 LANGUAGE SPOKEN). What I have just said to you is, and  
17 it is in Cree, we call neewewin (ph) or itineemewin  
18 (ph) in our own language, but is commonly referred to  
19 as Cree. I say hello. I bring greetings to you from  
20 our Chief and council from the Nisichawayasihk Cree  
21 Nation. We thank you for the opportunity to make a  
22 presentation on this issue.  
23 I have also stated that we, and I have brought  
24 with me a number of my own people. I have with me my  
25 colleague, Councillor Agnes Spence. I also have

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1 another colleague here with me, Councillor David Spence,  
2 and I've brought a number of our elders and a number of  
3 our youth. They are Kevin Hart, I have Terry Linklater  
4 an elder liaison, Waylan Spence, a youth liaison, Sam  
5 Disart of one of my elders, Alex Linklater, one of my  
6 other elders, Christina Baker, one of our elders as  
7 well and George C.R. Spence, another elder. I have  
8 Stuart Francois, a youth, and Ryan Thomas, a youth,  
9 Willie Moore, a youth, Monique Spence another youth,  
10 Don Washinfelder, another youth, Jordan Spence, another  
11 youth, Darcy Linklater, another youth, Desmond Kilome  
12 another youth and finally, I have Jeremiah Spence.  
13  
14 These, my people are here to help support what we  
15 are doing as First Nations leaders in the country  
16 called or referred to as Canada these days. We belong  
17 to the Cree Tribe. For those of you that may not know,  
18 I've had the opportunity to bring my people before,  
19 some of them, and I believe that I've met with some of  
20 the Senators previously and we thank you for listening  
21 to us on this, on this very important issue.  
22 I had stated previously that we were born and  
23 raised up in the territory that is being talked about  
24 with respect to the massive hydro development that  
25 occurred within our traditional territory. We have

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1 been decimated by those impacts with the considerable  
2 amount of flooding that occurred when that project did  
3 occur back in the '70s.  
4 We have also been decimated by the actions of  
5 some people who may be well intentioned from an  
6 environmental perspective. There was a movement to  
7 have my people or have people stop buying furs and as a  
8 result it destroyed the fur trade, our way of life  
9 considerably, so we were impacted in more ways than  
10 one. I can't blame it all on hydro development, but  
11 certainly we have experienced a lot of negative  
12 impacts. So we have hurt, we feel the pain that is  
13 there.  
14 I have different people coming forward making  
15 comments about what has happened within my traditional  
16 territory. Some of these people have no basis to speak  
17 on behalf of the impacts that have occurred within my  
18 traditional territory.  
19 I refer to a group that is referred to as ME3, I  
20 believe, and Mr. Bradley I believe made a presentation  
21 about some of that. He went to my community. He  
22 didn't come and talk to us, but he did talk to people  
23 that are opposing us and got one side of the story and  
24 presented a number of pictures to present a totally  
25 devastated area.

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1 One of the pictures that was taken was of my  
2 step-father's island, called Blacky's Island, my sister  
3 opposes this project and makes comments that are not  
4 true.  
5 I have spoken with many of my family members to  
6 make sure that I've got the facts straight. Our island  
7 was not -- we did not move off that island as a result  
8 of flooding. The family moved off that island prior to  
9 any flooding occurring and because of negotiations with  
10 the Province the Manitoba for them to attain housing in  
11 another area and that was the reason for that move.  
12 But it is being purported that somehow Manitoba  
13 Hydro flooded my family right off the island and that  
14 is the reason why we moved and relocated, that I want  
15 to say is not true. And there is a lot of  
16 misinformation that seems to be coming forward when  
17 these kind of matters come to various bodies. And it  
18 appears that some of the same people that have been  
19 opposing us all along and have made presentations to  
20 various committees as well in various hearings are the  
21 same people who seem to be coming back again trying to  
22 come at us from many different angles and I wonder who  
23 is sponsoring this bill.  
24 It appears just on the face of it another  
25 backdoor attempt to try and scuttle what we are doing

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1 as First Nations people to try and work on the  
 2 development of another project within our territory.  
 3 We are working within the context of an environment  
 4 that has already been devastated. We can't turn, we  
 5 can't undo that and we work with that and we developed  
 6 a project, this time with the involvement and the input  
 7 of my people sufficient to make a significant number of  
 8 changes to what is being proposed to be done in  
 9 Northern Manitoba, in Canada, that is designed to  
 10 export some of that energy to the State of Minnesota.  
 11 My understanding is that -- like we traveled a  
 12 considerable distance. I am in the middle of -- we are  
 13 in the middle of hearings in Manitoba, Clean  
 14 Environment Commission hearings and we worked til  
 15 eleven o'clock Wednesday night and we traveled here.  
 16 We prepared as much as we could and traveled here to --  
 17 we drove here to come and address this very important  
 18 issue that may impact upon us, and we are also planning  
 19 on driving back to go and attend to further hearings as  
 20 we are moving along all next week.  
 21 It is also my understanding that perhaps maybe  
 22 from what I am advised Senator Anderson, I understand  
 23 that you've been called to be a witness for these  
 24 hearings and also Senator Kubly by the Canadian  
 25 Nature Federation, PCN and perhaps maybe others to

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1 testify against the Wuskwatim project that we are  
 2 working on, and so we are here to say that the new  
 3 legislation that is being proposed appears to be  
 4 singling out Manitoba Hydro and would require an  
 5 independent economic analysis to be performed that  
 6 studies the effects that Manitoba Hydro imports have on  
 7 Minnesota renewable energy development, such as wind  
 8 and biomass, yet our analysis has shown our energy  
 9 displaces coal, gas and nuclear, and it is not these  
 10 alternative forms of energy that we are looking at that  
 11 would be displaced by our activities.  
 12 Understand that jobs are a major concern based on  
 13 Senator Kubly's comments. We are not doing anything  
 14 to displace job opportunities for the people of  
 15 Minnesota. That is not our attempt. A comment was  
 16 made that perhaps maybe twenty-five percent of -- there  
 17 is twenty-five percent unemployment that has to be  
 18 tackled, it is a major issue, we understand that.  
 19 We experience a considerable more, considerably  
 20 more percentage of unemployment in our community, a lot  
 21 more than twenty-five percent and we are trying to  
 22 address those issues of concern.  
 23 My people have been involved in this process of  
 24 trying to develop another hydro project in our  
 25 territory. My people have instructed me to go forward

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1 or instructed us as a team to go forward and negotiate  
 2 a situation where there would be very minimal impacts,  
 3 additional impacts to our territory, and we have gone  
 4 forward, we have convinced Hydro that they have to  
 5 change their plans from a three hundred and fifty  
 6 megawatt project that would have resulted in a 140  
 7 square kilometers worth of additional flooding. My  
 8 people said no, we do not want that. And then we were  
 9 offered a partnership and despite that, our people said  
 10 money is important, yes, we understand that, but it is  
 11 not the end all be all and we want the project to be  
 12 changed.  
 13 They asked for it to be changed down to something  
 14 that would result in a lot less flooding than what was  
 15 being proposed. The result was that the design of the  
 16 project was changed to a 200 megawatt project that  
 17 would result in less than half a square kilometer of  
 18 flooding.  
 19 We have an opportunity here for employment and  
 20 training. We have an opportunity for business  
 21 opportunities. We also have an opportunity for the  
 22 first time in history as First Nations people or  
 23 aboriginal people to own something that will definitely  
 24 benefit us for the long run, but we are also mindful of  
 25 possible impacts to others, and so we take all of these

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1 things into consideration as we talk about these kind  
 2 of matters.  
 3 And we are not here to deter Minnesota from  
 4 pursuing its own green and renewable domestic energy  
 5 resources. As a community that has suffered from  
 6 flooding as a result of hydro development several  
 7 decades ago, we share the vision of the people of  
 8 Minnesota to eliminate as much as possible the harmful  
 9 effects of producing energy. However, we are here to  
 10 tell you that the accusations made in relation to  
 11 Manitoba Hydro are not true.  
 12 I am one of those individuals that has been  
 13 severely impacted by the activities of Manitoba Hydro  
 14 in northern Manitoba. I do not like what had happened.  
 15 I do not appreciate that and I am very mindful of that  
 16 as I enter into discussions and negotiations with  
 17 Hydro. I do not go into this blind. We do not go into  
 18 this blind. We are very cognizant of the impacts and  
 19 everything that we do is not just simply us having been  
 20 bought out by Manitoba Hydro.  
 21 We act independently to protect our interest as a  
 22 community. We go through and I do not know if it has  
 23 ever been done anywhere else, we are going through two  
 24 referendums to make sure that our people are involved  
 25 in the decision making as much as possible as it

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1 relates to this particular project.  
 2 So our people are very, very involved and are  
 3 very informed. So to tell me that I've been bought out  
 4 by Hydro is completely wrong, but I am also here to  
 5 protect the interest of my people in regard to what is  
 6 being proposed for a development in the north.  
 7 So there is a lot of assertions here being made  
 8 that Manitoba Hydro is doing a lot of damage to our  
 9 territory and is not compensating my people. There are  
 10 many mechanisms that are in place currently under the  
 11 Northern Flood Agreement that was signed by our people.  
 12 It resulted in an implementation agreement in 1996  
 13 that resulted in a \$63.5 million dollar compensation  
 14 package to my community, in addition to about 56,000  
 15 acres of additional land that we recovered from the  
 16 impacts.  
 17 So we have a lot of mechanisms in place to deal  
 18 with issues. We have Article 2 in our implementation  
 19 agreement that if there is any flooding to occur above  
 20 and beyond what has been agreed to that there will be  
 21 compensation.  
 22 We have an Article 8 process in that agreement  
 23 that states that if there is to be any future  
 24 development in our territory that they must consult  
 25 with us, obtain our consent and deal with any

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1 compensation issues prior to the start of any  
 2 construction, and we have been working on that.  
 3 We also have I believe Article 14 as well and I  
 4 can't remember off the top of my head what that refers  
 5 to, but it is something that protects our interest as  
 6 First Nations people in regard to impacts and we have  
 7 processes in place to discuss and negotiate what is  
 8 going on with regard to possible development and if  
 9 there is to be any additional impacts we have  
 10 compensation situations to deal with.  
 11 We have gone through an environmental impact  
 12 assessment that utilizes our own people's traditional  
 13 knowledge, not just the elders, but the whole  
 14 community, from a wide cross section of our community.  
 15 This is what we consider to be important, this is what  
 16 we know about, our land, our environment, and these are  
 17 the things that have to be considered when  
 18 environmental impact assessments are done and that has  
 19 been included.  
 20 So I am here to say that my people have been very  
 21 severely impacted, but nonetheless, we have decided as  
 22 a community that it is time for us to move forward. We  
 23 can't, we can't just live on principles alone. My  
 24 people are suffering from many different circumstances.  
 25 There is high unemployment. There is high suicide

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1 rates. There is very high poverty situations, a lack  
 2 of housing that exists, and we are looking for ways to  
 3 alleviate those kind of conditions, and this is one  
 4 opportunity, but it is not just an opportunity that  
 5 Hydro just forces on us, it is something that we are  
 6 involved in. It is something that we are desiring as a  
 7 First Nations community to help us alleviate some of  
 8 the situations that we encounter in our communities as  
 9 a result of everything having been taken from us over a  
 10 considerable period of time.  
 11 With regard to this project, we have a referendum  
 12 that will deal with whether or not this project will go  
 13 through.  
 14 So the efforts that we have been involved in have  
 15 not been done to do anything to try to hurt the people  
 16 of Minnesota with regard to their efforts to explore  
 17 alternative forms of energy, with regard to the  
 18 provision or addressing the issue of a 25 percent  
 19 unemployment rate in the state.  
 20 The efforts that we are undertaking I think is  
 21 complementary too, so I thought I would come forward,  
 22 bring the message to you from my people and also the  
 23 leadership that we are in, that we oppose this bill  
 24 because it will have a very significant negative impact  
 25 upon us as a people, and we have not done anything to

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1 undermine the pursuit of alternative forms of energy or  
 2 to ensure that jobs are created for Minnesotans.  
 3 With that I thank you for the opportunity that  
 4 you presented with me to present you with the  
 5 information that I have.  
 6 CHAIRPERSON: Great, thank you very much for your  
 7 testimony. And I just want to clarify that you  
 8 mentioned that Senator Kubly and I had been asked to  
 9 testify by a Canadian environmental organization and I  
 10 know that what I was asked to testify to and what I  
 11 agreed to testify to was what Minnesota is doing to  
 12 promote renewable energy. I did not, was not asked,  
 13 nor did I agree to testify against the Wuskwatim  
 14 project. So I just want to make that clear.  
 15 MR. THOMAS: Thank you.  
 16 CHAIRPERSON: Any questions, comments? All right,  
 17 thank you. Ms Spence, welcome to the committee,  
 18 welcome to Minnesota I should say.  
 19 MS SPENCE: Thank you for giving me the opportunity to  
 20 speak. I was, I had not planned on saying anything  
 21 here because I am just here to be with Elvis and his  
 22 support. But as you can see, claims by other groups  
 23 that Nisichawayasihk Cree nation and other First  
 24 Nations have quote, sold out its rights or that First  
 25 Nations are not being compensated under the Northern



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1 Flood Agreement and their implementation agreements or  
 2 that Hydro is refusing to honor its Northern Flood  
 3 Committee obligations are completely false.  
 4 Many of the costs related to harms from flooding  
 5 have been and will continue to be compensated by Hydro.  
 6  
 7 CHAIRPERSON: Could you move the microphone a little  
 8 closer, please?  
 9 MS SPENCE: These harms include socio-economic and  
 10 environmental harms and that is what where, that is the  
 11 message we are trying to bring here, is that a lot of  
 12 the stories out there about our people are not coming  
 13 from us, that come from the Nisichawayasihk Cree Nation  
 14 leadership and we are the members that were selected to  
 15 lead the people of Nisichawayasihk and want to relay  
 16 that message that we are working right now to work on  
 17 these projects. Thank you.  
 18 CHAIRPERSON: Thank you very much. I just want  
 19 committee members to know if any of you have driven up  
 20 to Manitoba or to Winnipeg, I think that is an eight to  
 21 ten hour drive and to get to your home is how much  
 22 further north than that?  
 23 UNKNOWN SPEAKER: It'll be the same distance.  
 24 CHAIRPERSON: Another eight to ten hours again, so we  
 25 really appreciate what a long distance you have come

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1 and I know you did so last year too, we appreciate  
 2 that.  
 3 Any other questions? Comments? All right, thank  
 4 you so much for being here.  
 5 UNKNOWN SPEAKER: Comment please. There was a comment  
 6 that you had made previously in terms of your support  
 7 for the bill. The comment was I think that the PUC  
 8 process may not be entirely I guess encapsulating  
 9 enough to capture the kind of concerns that are being  
 10 brought forward through this means.  
 11 We have been involved in that process a number of  
 12 times trying to protect our interests and everyone  
 13 else's and we would like to say that the socio, that  
 14 with regard to the socio-economic costs not being  
 15 considered and PUC denied the contestant case hearings,  
 16 socio-economic costs were considered and they were  
 17 found to be completely internalized through the  
 18 Northern Flood Agreement and implementation agreements,  
 19 that was point number one.  
 20 With regard to another point, number two, the PUC  
 21 determined that a contested case hearing was not  
 22 necessary and there was an appeal of the interim  
 23 decision to the Minnesota Court of Appeal and it was  
 24 rejected and then after final decision it was again  
 25 appealed and the decision has not yet been rendered,

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1 therefore, the use of the justification for support of  
 2 the bill that you had iterated is wrong in terms of,  
 3 number one, point number one that I made, and premature  
 4 in terms of point number two in that a decision has not  
 5 been rendered yet.  
 6 So I thought I would include those comments as  
 7 well.  
 8 CHAIRPERSON: Well, I appreciate that, you know,  
 9 clarifying where this process is at. I do not think  
 10 that that -- I just want to be clear that that doesn't  
 11 explain my support for this bill. I was really  
 12 responding to Commissioner Garvey, who was sort of  
 13 focusing on the PUC process and the statutes as  
 14 sufficient information. I think this bill is valuable  
 15 because it will give us information. It really doesn't  
 16 tell us what decision we should make and I am very -- I  
 17 just want to be very clear that there are no black and  
 18 white answers to these questions and, you know, I  
 19 support energy independence for Minnesota but I also am  
 20 very, very concerned about fossil fuel emissions and  
 21 greenhouse gases and trying to maximize our use of  
 22 sources for electricity that do not produce those.  
 23 So there is a lot of competing interests that we  
 24 have to look at if we start to make policy decisions  
 25 about where our sources of electricity should come

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1 from. And so I just think it is helpful when we are  
 2 looking at those those decisions to have as much  
 3 information as possible in front of us. Senator  
 4 Gaither.  
 5 SENATOR GAITHER: Madam Chair, thank you. I also would  
 6 like to offer my appreciation to Mr. Thomas and Ms  
 7 Spence. I found your testimony to be helpful and  
 8 informative and it is helpful for me to hear  
 9 perspective that is well informed and well thought out  
 10 in these issues because you are right, there are  
 11 complicating matters here and that there are competing  
 12 interests, and that to those folks that we affect  
 13 upstream if you will, no pun intended from these types  
 14 of legislation, it is very helpful and I appreciated  
 15 your well thought out and articulate testimony on the  
 16 matter, and thank you for taking the time out of your  
 17 schedule to come down and do this.  
 18 MR. THOMAS: Thank you for the opportunity.  
 19 CHAIRPERSON: Senator Dibble.  
 20 SENATOR DIBBLE: Thank you, Madam Chair. I am  
 21 reluctant to wade into an issue that I do not totally  
 22 know personally about and do not completely understand,  
 23 but I think Mr. Thomas did mention that, you know,  
 24 there are two sides to this story and the other side  
 25 isn't well represented I do not think necessarily

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<p style="text-align: right;">Page 130</p> <p>1 appropriately so because I believe this bill is about  2 getting information and I think it is in our interests  3 as policymakers for the state to have information. You  4 know, specifically the information that Senator Kubly  5 is trying to get at and how this kind of policy will  6 affect our energy future.  7 But just to mention, I do not know this whole  8 story and this is very, you know, it is complicated and  9 it is fraught with dilemma because, of course, if these  10 contracts, if Manitoba Hydro isn't able to make a lot  11 more money than the potential for economic development  12 for the native communities that will also be hindered,  13 so that is a complicating factor.  14 Mr. Thomas also talked about the devastation that  15 has occurred in the past and that is what I've been  16 made aware of, is the just the incredible amount of  17 devastation on the native communities up there and  18 their way of life and the effect on their natural  19 environment and their way of supporting themselves and  20 their families and so that is where I become very  21 troubled.  22 There is a great deal of division up there within  23 the community and there is a lot of folks who are  24 saying, wait a minute, we have had a lot of promises  25 made to us in the past and how do we know that Manitoba</p>	<p style="text-align: right;">Page 132</p> <p>1 MR. THOMAS: The concern that I have here is that the  2 bill appears to be discriminatory to specifically only  3 to Hydro development of energy. That it doesn't appear  4 to focus on all the other different forms of energy as  5 well. So that that is a significant issue for us, and  6 so when it is discriminatory against one and it is  7 something that we are involved in we are very concerned  8 about that, and, yes, we do have -- in any democratic  9 society you are not going to have 100 percent support  10 for whatever position happens to come forward.  11 We do live in a democratic society as First  12 Nations people as well. We do have our people who  13 dissent for their own particular reasons and there are  14 those that will try and exploit those situations to  15 their own benefit. So we are aware of these things and  16 we have learned a lot.  17 Many of us have gone to universities as well,  18 have gotten good quality educations. We are not about  19 to blindly throw our trust to a particular corporation  20 for the sake of getting money. We go in with our eyes  21 as wide open as we possibly can. And it is not just me  22 as an individual, it is not just my colleagues, but it  23 is my community as a whole that is involved. And, of  24 course, within that we do have a small group of people  25 that are dissenters.</p>
<p style="text-align: right;">Page 131</p> <p>1 Hydro is going to continue, is going to make good on  2 these future promises. I am glad to hear about the  3 mechanisms and the democratic processes that seem to be  4 put in place and there is some faith by some members of  5 the community.  6 I think we also have to listen to other members  7 of the community who aren't in the room who are saying  8 we need perhaps to be a little more skeptical of  9 promises that are being made.  10 There are findings, I was just reading in this  11 article reprinted from city pages that says that a  12 group was convened in Winnipeg and came out with a  13 report that said the social costs, the human costs have  14 not been accounted for. And the current reality on the  15 ground up there is that people are living in very, very  16 dire circumstances and continue to live that way.  17 CHAIRPERSON: And I believe there will be differences  18 of opinion about whether a new dam will help to  19 alleviate that problem or make that problem worse.  20 SENATOR GAITHER: Exactly.  21 CHAIRPERSON: There is very big differences of  22 opinion.  23 SENATOR GAITHER: Again, I think the nation is not to be  24 feared here.  25 CHAIRPERSON: Mr. Thomas.</p>	<p style="text-align: right;">Page 133</p> <p>1 SENATOR DIBBLE: Madam Chair.  2 CHAIRPERSON: Senator Dibble.  3 SENATOR DIBBLE: I am led to understand that it is more  4 than a small group of people. There is a petition that  5 I saw that had over 800 people signing who were really  6 questioning the direction that some folks are taking  7 with respect to this, you know, the future plans of  8 Manitoba Hydro.  9 CHAIRPERSON: Mr. Thomas.  10 MR. THOMAS: These are internal issues I guess, but we  11 have had an election occur. There were people that  12 were dissatisfied with the results. They went around  13 with a petition wanting to have those that were elected  14 removed from office, and the way that it was done, it  15 wasn't done professionally and we have not seen a copy  16 of this. There has been many allegations made that  17 there is this petition in existence. We as chief and  18 council have not seen this petition, and it may have  19 been acquired under circumstances that were less than  20 appropriate. So we can't rely on that as a solid  21 reflection of what kind of dissent we have.  22 CHAIRPERSON: Senator Dibble.  23 SENATOR DIBBLE: Well, like I said, Madam Chair, other  24 voices are not represented in this room and I am not  25 qualified to represent them. I just wanted to say that</p>

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1 there are significantly different perspectives up in  
 2 that community. These issues were brought into this  
 3 room and I think someone just needs to give voice to  
 4 the fact that there is another point of view.  
 5 CHAIRPERSON: Thank you very much for your testimony.  
 6 MR. THOMAS: Thank you.  
 7 CHAIRPERSON: We still have two more folks who would  
 8 like to testify against the bill I think, so we need to  
 9 give them a chance to be heard and we need to get  
 10 moving on this bill because we are running out of time.  
 11 We have two more bills. I have Mr. Alders from  
 12 Excel listed.  
 13 I think the opponents have had a lot more time  
 14 than the proponents in this particular case. But I do  
 15 not want to cut anyone off, I just want to ask you to  
 16 try to be brief.  
 17 MR. ALDERS: Thank you Madam Chair, senators. My name  
 18 is Jim Alders with Excel Energy. I am manager of  
 19 regulatory projects and spend a great deal of my time  
 20 working before the Minnesota Public Utility commission  
 21 in resource planning matters. We are here to speak in  
 22 opposition to Senator Kubly's bill.  
 23 I think there is a great deal of agreement with a  
 24 lot of the sentiments and discussion and the issues on  
 25 the minds of the senators and Senator Kubly, indeed,

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1 the information and the questions on your mind need to  
 2 be addressed as we make decisions on how to produce  
 3 electricity as the demand for electricity grows.  
 4 The question is, in my mind, how best to achieve  
 5 the goal of well-informed decisions. The existing  
 6 Public Utility Commission resource planning process  
 7 does a good job of sorting out very complex issues. It  
 8 indeed is there to integrate a lot of the questions  
 9 that have been ruminating around the table.  
 10 It sorts out what questions need further  
 11 examination, what questions need additional information  
 12 before additional studies are done, and overall, we  
 13 think that that is the best approach to try and inform  
 14 some of the questions going around the table.  
 15 We are concerned with this bill. We think that  
 16 it is a very open-ended bill. Studies commissioned by  
 17 the legislature have a tendency to take on a life of  
 18 their own. Open-ended questions then it becomes very  
 19 difficult to try and decide just what the scope of the  
 20 study really ought to be.  
 21 As you have heard from other testifiers, the  
 22 underlying premise in this bill that wind power and  
 23 biomass are in direct competition with other hydro base  
 24 load resources is not an accurate one. It is a  
 25 misinformed underlying premise.

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1 The resource planning process that the Public  
 2 Utility Commission goes through sorts out what  
 3 information really does need to be gathered and allows  
 4 resources to be focused on those issues.  
 5 I am concerned that if we have a very broad brush  
 6 approach to these kinds of issues we are more than  
 7 likely going to miss the mark. Especially in this  
 8 case, where the underlying premise is misguided.  
 9 The questions that are going around the table are  
 10 addressed. Socio-economics is an issue to be addressed  
 11 in resource planning, and I am very confident based on  
 12 my experience over several cycles of resource planning  
 13 that indeed, if the commission identifies an area or if  
 14 an area of inquiry is brought to the commission by  
 15 interested parties, they are capable of sorting out  
 16 what needs to be, what information needs to be brought  
 17 before they make their decisions about proper balance  
 18 in our electric supply mix.  
 19 Thank you, Madam Chair.  
 20 CHAIRPERSON: Thank you very much. Are there questions  
 21 for Mr. Alders? Okay, thank you. Senator Kelly.  
 22 SENATOR KELLY: Madam Chair, this isn't a question for  
 23 Mr. Alders. It is a question for Senator Kubly.  
 24 Senator Kubly, I would like to find out if an  
 25 amendment would be acceptable and the amendment would

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1 be on page 1, line 10, "delete an increase in imports  
 2 from" and then line 11, "delete from and insert in,"  
 3 and then on line 12 before the period, insert ", the  
 4 emission of green house gases in Minnesota and the area  
 5 served by the mid-continent area power pool and  
 6 Minnesota transmission capacity."  
 7 CHAIRPERSON: Senator Kelly, why don't you do that  
 8 again.  
 9 SENATOR KELLY: Line 12 before the period.  
 10 CHAIRPERSON: Start at the beginning, please?  
 11 SENATOR KELLY: Line 10 delete "an increase in imports  
 12 from". Line 11 delete from "insert Manitoba," I mean  
 13 insert in", sorry. And then on line 12, before the  
 14 period insert ", the emission of green house gases in  
 15 Minnesota and the area served by the mid-continent area  
 16 power pool, and Minnesota transmission capacity."  
 17 CHAIRPERSON: Did everybody get that amendment? Sort  
 18 of. So it would read -- Senator Kelly, why do you want  
 19 to delete "an increase in imports from" on line 10?  
 20 How does that change it, the meaning?  
 21 SENATOR KELLY: Well, Madam Chair, the new hydro power  
 22 development might not necessarily be imported to  
 23 Minnesota. It might be imported to Illinois or other  
 24 places and that might have a beneficial effect on green  
 25 house gas emissions in our surrounding area without

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1 harming the development of the wind and biomass in  
 2 Minnesota. So  
 3 SENATOR KUBLY: Well, Madam Chair  
 4 CHAIRPERSON: Senator Kubly.  
 5 SENATOR KUBLY: Thank you, Madam Chair and Senator  
 6 Kelly. You know, just last November there was a  
 7 special commission in Manitoba that cited Minnesota  
 8 statute 216B as being an opportunity for Manitoba to  
 9 greatly increase their export of energy to Minnesota.  
 10 So it does seem to me that and they use that as  
 11 the justification to build new dams in Manitoba. So it  
 12 does seem to me that Minnesota is being targeted and  
 13 that there is no other market for it.  
 14 SENATOR KELLY: Madam Chair.  
 15 CHAIRPERSON: Senator Kelly.  
 16 SENATOR KELLY: Madam Chair, Senator Kubly, I'll note  
 17 that the proposed amendment doesn't undermine the  
 18 purpose of your bill because the language that starts  
 19 on line 12 and runs through line 14 would still be  
 20 there. That is, that the analysis has to focus on the  
 21 impact on jobs in rural Minnesota of increased  
 22 importation. So  
 23 SENATOR KUBLY: -- whether significantly different or  
 24 not or if that could be folded into what's already  
 25 being asked for.

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1 CHAIRPERSON: Senator Kubly and Senator Kelly, I can  
 2 think of some other questions on climate change that I  
 3 might want to fold into this cost as well, but we'll  
 4 leave that for another day.  
 5 All right. On Senator Kelly's amendment, any  
 6 other questions on the amendments? So Senator Kubly  
 7 do you have a, you do not have any kind of an estimate  
 8 of the cost of this, do you? I mean, this is just sort  
 9 of your guess; is that right? Is it based on  
 10 something?  
 11 SENATOR KUBLY: Well, it was based on a cost estimate  
 12 that was done by some of the supporters of the project,  
 13 Madam Chair, and they felt that it could be done for  
 14 significantly less than 700,000 and that is why the new  
 15 figure was inserted, but I do not know what, you know,  
 16 adding different components to the study, what that  
 17 might do to the cost.  
 18 CHAIRPERSON: Well, I would think for that amount of  
 19 money you could have a pretty comprehensive study.  
 20 Senator Senjem.  
 21 SENATOR SENJEM: Madam Chair and Mr. Kelly, Senator  
 22 Kelly. Would your amendment then require the Minnesota  
 23 Commissioner of Commerce to study green house gas  
 24 emissions beyond the borders of Minnesota? Am I  
 25 understanding that or am I incorrect?

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1 CHAIRPERSON: Senator Kelly.  
 2 SENATOR KELLY: Madam Chair, Senator Senjem, it would  
 3 be the study the effects of hydro powered development  
 4 in Manitoba on green house gases in the area  
 5 surrounding Minnesota. The mid continent area power  
 6 pool essentially is the area surrounding Minnesota.  
 7 And Senator Senjem, the wind doesn't stop at our  
 8 borders and neither does the distribution of green  
 9 house gases. So the mid-continent area power pool, of  
 10 which we are a part, seems like a rational stopping  
 11 point.  
 12 SENATOR SENJEM: Thank you.  
 13 CHAIRPERSON: All right. Any further discussion on the  
 14 amendment then. Does everyone understand it? Okay.  
 15 All those in favor say "AYE".  
 16 ALL: "AYE".  
 17 CHAIRPERSON: Opposed, no.  
 18 ALL: "No"  
 19 CHAIRPERSON: I am in doubt. I believe it passes. All  
 20 those in favor please raise your hand. Okay. And  
 21 those opposed? Well  
 22 UNKNOWN SPEAKER: Madam Chair, I do not think you got  
 23 my hand in favor.  
 24 CHAIRPERSON: Oh, I did not, okay sorry, I am going to  
 25 have to -- I think that is -- would those opposed

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1 please raise your hand again, I didn't quite finish  
 2 counting. One, two, three, four, five, okay the motion  
 3 does prevail. Chair votes "AYE". Motion prevails.  
 4 SENATOR KELLY: Madam Chair.  
 5 CHAIRPERSON: Senator Kelly.  
 6 SENATOR KELLY: I will move that senate file 2233 as  
 7 amended be recommended to pass. Oh, I am sorry, Mr.  
 8 Fuller was working on another amendment.  
 9 CHAIRPERSON: Well, Senator Kelly, we have someone else  
 10 who has to testify. We are not done yet. But that is  
 11 fine, we have got your motion on the table. Ms  
 12 Bordelone from the Chamber of Commerce has asked  
 13 to testify.  
 14 While she's coming up there I just want to give  
 15 you our quick math. Based on the MERP if based on a  
 16 billion dollars being a 5 percent increase, well, that  
 17 is just Excel ratepayer, so it is a little, so it is  
 18 extremely rough. We broke this down for someone, for  
 19 Senator Sparks bill of 200 dollars a month that would  
 20 be two-fifths of a penny increase and for a large  
 21 business that was paying, say, \$10,000 dollars a month  
 22 on electricity that would be 20 cents additional a  
 23 month. That is based on Don Juravsky's math and  
 24 he's pretty good at math. Ms Bordelone.  
 25 MS BORDELONE: Madam Chair, thank you very much for

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<p style="text-align: right;">Page 142</p> <p>1 the opportunity to testify. I realize I added my name 2 late to the list today and you have had extensive 3 testimony on this issue already. 4 My name is Laura Bordelone. I am with the 5 Minnesota Chamber of Commerce and I am here simply to 6 represent the interests of business customers. I know 7 that customers often seem narrowly focused on costs and 8 rates, but electricity is a major expense for a 9 business. 10 Our competitive position regionally, nationally 11 and internationally depends on competitive electric 12 rates, and all jobs in Minnesota depend on reliable and 13 low cost energy. 14 You have heard extensive testimony about hydro 15 power filling the need for affordable and reliable base 16 load energy. It does have the huge advantage of being 17 clean and we support continued access to this important 18 energy source. We are not certain that it would 19 necessarily put off development of renewable energy in 20 Minnesota. The state has adopted a renewable energy 21 objective of 10 percent renewables by the year 2015. 22 I know that utilities already have a certain 23 level or degree of renewables on their system now and 24 quite certainly they will be adding it to meet that 25 goal by 2015.</p>	<p style="text-align: right;">Page 144</p> <p>1 that I come here to help you understand the facts of 2 the case and the implications. 3 Part of my portfolio is that I am responsible for 4 all of the wholesale marketing of Manitoba Hydro, 5 including both within Canada and with various 6 utilities, co-ops, municipal organizations, rural 7 co-ops throughout the United States and, in fact, we 8 have had a healthy trading arrangement with utilities 9 throughout Minnesota, primarily in the northern tier of 10 Minnesota, but also moving down into the central and 11 even as far as the southeast for approximately 30 12 years. 13 As I said, it is with some reluctance I come here 14 to speak in opposition to this particular senate 15 file, but we do have very significant concerns about it 16 because what it does is it singles out one of 17 Minnesota's most long-standing and best international 18 trading partners for what is clearly discriminatory 19 treatment, and probably more important than that, it 20 does so on the basis of very incorrect assumptions and 21 in oft cases what can be charitably described as 22 misconceptions. 23 I would like to start off though by saying that 24 we do, we in Manitoba do identify with the concern 25 about economic development in rural parts of the state.</p>
<p style="text-align: right;">Page 143</p> <p>1 And lastly, while the costs of the study have 2 been reduced to 400,000, it does seem a relatively low 3 number but this is a pass through to the ratepayers as 4 you just noted in your comments about the costs and the 5 ratepayers are still absorbing some of the impacts from 6 the legislation passed last year, as well as increased 7 natural gas costs and the costs associated with the 8 metropolitan emissions project, which is in our 9 estimates a five to seven percent increase on business 10 customers for the capital expenditures only, that does 11 not include the fuel costs which as of yet are unknown. 12 13 That concludes my remarks, Madam Chair. Thank 14 you again for the opportunity to testify. 15 CHAIRPERSON: Thank you very much. Questions? Sir, 16 we are really running out of time here, but - 17 MR. ADAMS: Good morning Madam Chairman, Senators. My 18 name is Ken Adams. I am the vice-president of power 19 supply at the Manitoba Hydro and if you haven't guessed 20 it by now, I have real trouble passing as a Minnesotan. 21 It is, therefore it is with some reluctance and a fair 22 degree of humility that I as a foreign national come 23 and speak to a Minnesota legislative committee. But 24 clearly, it is my company that is in the sights of this 25 particular rifle and therefore I think it important</p>	<p style="text-align: right;">Page 145</p> <p>1 Manitoba shares a lot of similarities with Minnesota. 2 We have one very large metropolitan area which is 3 thriving and booming and a huge rural hinterland that 4 struggles. 5 Part of our rural hinterland is the northern area 6 where poverty and unemployment are endemic and so 7 economic development is as important to us as it is to 8 Minnesotans. 9 It is also important to us that that economic 10 development be done in an intelligent, environmentally 11 friendly sustainable manner with all due consideration 12 to the people and all of the resources of the area. 13 My colleague, Councillor Thomas, spoke to you 14 before and clearly, what we are trying to do in our new 15 developments is involve the local people. I have to 16 tell you that it is not a one-way street. Negotiations 17 are long and complex and I hope ultimately successful. 18 But development of our indigenous resources is 19 important to Manitoba's long-term economic future. 20 I should also add that we are actively pursuing 21 other renewable energy initiatives throughout the 22 province for much the same reasons that Minnesota is 23 looking at them. Our farmers are struggling, our small 24 towns are shrinking. We have the same sorts of issues 25 where a local business shuts down and there is nowhere</p>

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1 else for the people to go. So we feel for you, I think  
 2 is probably the best way to put it, and we have  
 3 absolutely no quarrel with the goals of economic  
 4 development throughout the state.  
 5 In fact, the best thing that could happen to  
 6 Manitoba is to have a vibrant thriving neighbor in  
 7 Minnesota where we can mutually enjoy the benefits of  
 8 trade and travel and to connections.  
 9 But I want to get back to some of the  
 10 misconceptions of the incorrect premises. Commissioner  
 11 Garvey talked about the fact that hydro electricity  
 12 really doesn't compete with wind energy. It doesn't.  
 13 It is a different product. We will sell anything,  
 14 anything anybody wants to buy, but we really can't sell  
 15 the same product as you get from a windmill. In fact,  
 16 the best thing for a windmill is to be attached to a  
 17 hydro system so's that we can firm it up, take the wind  
 18 that blows in the middle of the night when you really  
 19 do not need the energy and provide it back in the day  
 20 when you do. The two are not in competition with each  
 21 other, they're complimentary.  
 22 The other thing of course is when the wind  
 23 doesn't blow, we can still run the hydro plants. I  
 24 should point out too, there was a comment about the  
 25 rivers not running. We experienced droughts, we are

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1 experiencing a drought right now. When we enter a  
 2 contract to sell electricity to anybody, we guarantee  
 3 we will deliver it. So our contracts are based on the  
 4 assumption that there will be droughts.  
 5 We have yet in 30 years to fail to deliver energy  
 6 that we have agreed to and are obligated to under a  
 7 contract.  
 8 The second premise that seems to be prevalent is  
 9 that development of wind has already preventing, sorry,  
 10 development of hydro or import of Manitoba hydro power  
 11 is already preventing development of wind power in  
 12 Minnesota. I understand that Minnesota has the third  
 13 most wind power in all of the states in the United  
 14 States, after only Texas and California. The gentleman  
 15 from Excel Energy and Commissioner Garvey also said  
 16 that Excel has been directed to build a contract for  
 17 over 1,000 megawatts of wind, regardless of anything  
 18 they might buy from us. And the other investral  
 19 utilities in state are in much the same sorts of  
 20 position.  
 21 CHAIRPERSON: Sir, if you could confine your comments  
 22 to anything that hasn't been yet said.  
 23 KEN ADAMS: I am trying to.  
 24 CHAIRPERSON: We'd appreciate that. We really are, we  
 25 need to proceed to a vote on this bill.

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1 KEN ADAMS: I am trying to.  
 2 Look into the future. Regardless of anything we  
 3 might be in a position to sell, the utilities have been  
 4 obligated to buy 10 percent of their energy from  
 5 renewables and under the state law Manitoba hydro power  
 6 is not considered to be renewable. The bottom line is,  
 7 arguing that hydro power displaces wind is like saying  
 8 Florida oranges displace Minnesota apples. They do not  
 9 and there is a place and a need for both in the  
 10 marketplace.  
 11 The third one's been covered, canvassed a little  
 12 bit, but I think it important to reinforce it.  
 13 Manitoba hydro power is not artificially cheap. It is  
 14 the one source of power in North America where the  
 15 externalities are internalized. We pay compensation.  
 16 We have extensive contracts and arrangements and laws  
 17 and processes in Manitoba to make sure that the  
 18 compensation is paid.  
 19 MPUC was very clear in concluding that the  
 20 comprehensive legal remedies available to Manitoba are  
 21 unique and no similar remedy all harms agreements with  
 22 affected communities is applicable, even in Minnesota,  
 23 and as we go forward we will continue to ensure that  
 24 the socio-economic impacts of our projects are  
 25 properly, appropriately and fully compensated for. And

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1 in fact, that is part of the agreement with NCN and it  
 2 will be part of the agreement with the other First  
 3 Nations that we are dealing with.  
 4 Keep it in perspective. Over the last 25 years  
 5 we have expended over nearly half a billion dollars in  
 6 compensation payments, litigation or mediation to  
 7 various communities in northern Manitoba.  
 8 The fourth misconception, and I think this one is  
 9 absolutely critical to this committee's deliberations,  
 10 is that the extent of our plans for selling new power  
 11 into Minnesota. We have under review at the moment one  
 12 200 megawatt generating station. 200 megawatts is a  
 13 very very small part. It is probably the equivalent of  
 14 about one year's load growth in Minnesota, maybe a  
 15 little bit more, maybe a little bit less.  
 16 There is no way we can have this plant in service  
 17 before 2010. By the time 2010 comes around, our native  
 18 load in Manitoba will have grown to the point where it  
 19 has consumed all of that and more. So in fact, by the  
 20 time we get this generating station in place we will  
 21 not be in a position to sell as much energy throughout  
 22 our export customers as we do today.  
 23 The other projects that we have on the books at  
 24 the earliest would be in service in 2012, that is eight  
 25 years from now, and 2017. In total they total about

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<p style="text-align: right;">Page 150</p> <p>1 2,000 megawatts.                  2 There are no new transmission lines under study                  3 to connect Manitoba and Minnesota that I am aware of,                  4 and I should be aware of most everything. That is not                  5 to say that we would not like to see new lines, but                  6 there is nothing under review.                  7 The Arrowhead Arpin line was mentioned.                  8 That has absolutely nothing to do with Manitoba Hydro.                  9 It doesn't give us any more export capability from                  10 Canada into the U.S.                  11 We do have extensive transmission into                  12 Saskatchewan and we buy and sell a lot of energy with                  13 Saskatchewan, and we are on an ongoing basis discussing                  14 future opportunities with Saskatchewan.                  15 We are seriously looking at building a new line                  16 into Ontario. We have a lot of work going on and we                  17 are discussing it with the Ontario government and other                  18 entities in Ontario. We are not looking at new lines                  19 into Minnesota.                  20 CHAIRPERSON: Sir, you know what, I am going to have                  21 to cut you off. We have had more than twice as much                  22 time given to the opponents and I think your                  23 information is helpful, but I think that if this goes                  24 forward that those are the kind of questions that will                  25 be asked and we will be collecting information about</p>	<p style="text-align: right;">Page 152</p> <p>1 that they send this letter to the committee here.                  2 CHAIRPERSON: Thank you, and I think we all have that                  3 in front of us. Thank you very much. All right, any                  4 further questions from committee members? We do need                  5 to proceed to a vote. Senator Kelly moves oh, I think                  6 we have a typographical error. Council.                  7 COUNCIL: Madam Chair, on page one line 24 and on page                  8 two line eight, the reference to 216B.162 is incorrect.                  9 It should be 216B.62.                  10 UNKNOWN SPEAKER: Madam Chair, I'll make that motion.                  11 CHAIRPERSON: On that motion, all those in favor say                  12 "AYE"                  13 ALL: "AYE"                  14 CHAIRPERSON: All "no". Motion prevails. Senator                  15 Kelly moves that senate file 2233 as amended be                  16 recommended to pass and referred to the senate floor.                  17 Any further discussion? Senator Gaither.                  18 SENATOR GAITHER: Where did we refer the last energy                  19 bill on the green house gases, to what committee?                  20 CHAIRPERSON: That was referred to the environment                  21 committee. I can't remember if they specifically                  22 requested it. This one is more focused on renewable                  23 energy development and the economic impact, so I am not                  24 sure if it necessarily fits in their purview. They                  25 haven't requested it and they did request that one. So</p>
<p style="text-align: right;">Page 151</p> <p>1 what the extent of exports will be and imports.                  2 So we appreciate your being here very much. We                  3 just can't take any more time, I apologize. We have                  4 two more bills on the agenda. I mean, if you want to                  5 conclude with one sentence that would be helpful. I                  6 just, I am sorry, we are just out of time.                  7 MR. ADAMS: Okay, I would like to conclude, Madam                  8 Chairman.                  9 CHAIRPERSON: Very, very briefly.                  10 MR. ADAMS: Yes. We have had a long period of open and                  11 fair trade between Manitoba and Minnesota. It has                  12 benefited both of us. We look forward to seeing                  13 renewable energy development in Minnesota and in                  14 Manitoba, but we do think that singling Manitoba Hydro                  15 out and by implication, its aboriginal partners such as                  16 NCN in new projects is discriminatory and does not                  17 further the goals of both Manitoba and Minnesota.                  18 I would like to draw your attention to a letter                  19 that was written by the Minister responsible for                  20 Manitoba Hydro and the Minister, who is by the way also                  21 a Minister.                  22 SENATOR KUBLY: Tim Sales, yes, I've met him.                  23 KEN ADAMS: And Minister Eric Robinson, the Minister of                  24 Culture Heritage and Tourism, who is an aboriginal                  25 member in Manitoba, who felt it sufficiently important</p>	<p style="text-align: right;">Page 153</p> <p>1 I do not believe it needs to go there. If they want,                  2 if Senator Marty decides he wants to see it in his                  3 committee, I am sure Senator Kubly, you know, he can                  4 make that request, but he has not asked for this bill.                  5 UNKNOWN SPEAKER: Thank you.                  6 CHAIRPERSON: On that motion, all those in favor say                  7 "AYE".                  8 ALL: "AYE"                  9 CHAIRPERSON: Opposed "no"                  10 ALL: "no"                  11 UNKNOWN SPEAKER: Roll call.                  12 CHAIRPERSON: Well, it is too late for a roll call, but                  13 I believe the division has been requested and there                  14 will be a division. All those in favor say, raise your                  15 hand. The chair votes "AYE". All those opposed. The                  16 motion does not prevail.                  17 SENATOR KUBLY: Thank you, Madam chair and committee                  18 members.                  19 CHAIRPERSON: Senator Ranum, we have a lot of                  20 folks here. If everyone could please leave as quietly                  21 as possible, we still have a lot of work to do on our                  22 committee. Senator Ranum, do you want to start with                  23 senate file 1972?                  24 SENATOR RANUM: Madam Chair, thank you. I think what                  25 I would like to do with the Chair's permission, is we</p>

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1 will start with senate file 1973, but I just want the  
 2 members to know that the testimony as we are going to  
 3 be hearing it are on really both bills, because the  
 4 contents of senate file 1973 are in its entirety in  
 5 senate file 1972.  
 6 But what I would like to do, Madam Chair, is I  
 7 have an A1 amendment, which is an author's amendment.  
 8 Senator Kelly, you may have a copy of that. I would  
 9 like to, I would appreciate if somebody would author  
 10 that amendment because I would like to delete section 5  
 11 from the bill to put it in the shape that I wish that  
 12 particular bill which I hope to send to the floor will  
 13 be in.  
 14 UNKNOWN SPEAKER: Madam Chair, I would make the option  
 15 to do an amendment, an author's amendment in 1973 to  
 16 delete section 5.  
 17 SENATOR RANUM: Member's, just so everyone is clear.  
 18 CHAIRPERSON: Senator Ranum.  
 19 SENATOR RANUM: The contents of section 5 are in  
 20 senate file 1972, but I am only deleting that language  
 21 in 1973.  
 22 CHAIRPERSON: All right. On the author's amendment to  
 23 delete section 5, we are on senate file 1973, all those  
 24 favor say "AYE".  
 25 ALL: "AYE"

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1 CHAIRPERSON: Opposed "no". Motion prevails. Senator  
 2 Rannum.  
 3 SENATOR RANUM: Thank you, Madam Chair, I can tell  
 4 this committee has been very busy today, so I will try  
 5 to keep my remarks very short because I think many of  
 6 these issues especially some of you are familiar with.  
 7  
 8 Yesterday's tragedy in Madrid is just another  
 9 reminder of how important it is for us whether we are  
 10 in the United States or around the world to be prepared  
 11 for a crisis situation, whether it is either man-made  
 12 or natural.  
 13 Ever since 2002 the Minnesota Senate on a  
 14 bipartisan basis has strongly supported improvements in  
 15 our communication infrastructure for our emergency  
 16 responders. We took to heart in the Minnesota senate  
 17 in actions as the lessons learned from 9/11 and that is  
 18 the importance of inter-operability between our  
 19 emergency responders, whether they're law enforcement,  
 20 firefighters, emergency medical folks.  
 21 We learned, unfortunately, that two many  
 22 firefighters in New York lost their lives in the Towers  
 23 because of their lack of ability to communicate with  
 24 those, with firefighters on the ground and in the  
 25 Towers.

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1 I was so pleased in 2002 that the Minnesota  
 2 Senate unanimously passed the Anti-terrorism bill,  
 3 which contained an increase in the 911 fee, raising the  
 4 fee from 27 cents to 52 cents. And what that proposal  
 5 did was to provide for 10 cents to improve the 911  
 6 system, as well as to support, the bill that passed the  
 7 senate to support a stream of funding to support bonds  
 8 for making sure that our 800 megahertz system, which is  
 9 now being built out in the metropolitan area, would  
 10 also be expanded into greater Minnesota. And also, it  
 11 provided monies for the medical response centers in the  
 12 east and the west side of the metro area.  
 13 Unfortunately, by the time conference committee  
 14 time ended, we did not get all of the increase, but we  
 15 did get an increase from 27 cents to 33 cents, within  
 16 2005 the last one and a half cents being used to  
 17 improve the 800 megahertz system. That little penny  
 18 and a half spurred so much activity within the  
 19 expansion proposals for the 800 megahertz in the metro  
 20 area, and what really drove interest in expansion of  
 21 the 800 megahertz system was our leadership again on  
 22 the senate side last year to increase the surcharge  
 23 from 33 cents to 40 cents; a seven cent increase.  
 24 There are two issues that you will be wrestling  
 25 with this morning. I hope not doing any heavy

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1 wrestling because I think that what we have once again  
 2 is a bipartisan response to the issue of 911 and the  
 3 800 megahertz. But there are two issues that we have  
 4 to deal with.  
 5 Senate file 1973 is also the issue of governance  
 6 and that is the governance of the metropolitan radio  
 7 board. Last year the senate was on record as  
 8 supporting continuation of the governance of the metro  
 9 with the radio board and not going on record in  
 10 supporting statewide until we had finished the phase  
 11 two in the metropolitan area.  
 12 We passed off the senate floor not what came back  
 13 from conference committee, but what passed off the  
 14 senate floor was a continuation of the radio board's  
 15 governance for three years.  
 16 What 1973 does is a number of things. First of  
 17 all, it gives the metropolitan radio board jurisdiction  
 18 over the nine counties where the first phase is  
 19 located. It expands the radio, the membership of the  
 20 radio board to include one county commissioner from the  
 21 counties of Shisago (ph) and Assante (ph) which are now  
 22 a part of the expansion. It also transfers from the  
 23 public safety radio communication system planning  
 24 committee, which is the statewide committee, to the  
 25 metropolitan radio board responsibility for requesting

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<p style="text-align: right;">Page 158</p> <p>1 the metropolitan council to sell the bonds to finance  2 phases two and three of the radio system and  3 responsibility for phase three would remain with the  4 planning committee, which is the state-wide group.  5 However, for the metropolitan area the responsibility  6 would stay until that is completed.  7 We repeal the July 1st, 2004 sunset of the  8 metropolitan radio board and the purpose of that is  9 simply to make sure that we have governance by the  10 metropolitan radio board until we finish phase two.  11 You have been, I am sure, getting contacted by  12 folks about the issue of governance. We are not at all  13 saying that we shouldn't be continuing conversations  14 regarding what is the proper role of the state versus  15 the metropolitan radio board, but what this bill does  16 on the issue of governance is until we have finished  17 phase two, make sure that the folks who are invested in  18 it now have the responsibility of governance to make  19 sure that that finishes.  20 Before we get to the issue of the increase in the  21 911 fee and hear from the testifiers, and I just  22 dropped something, I would like to make sure that folks  23 understand what the bill does with regard to the twenty  24 cent increase that is being proposed today.  25 The ten cents is the same ten cents that we</p>	<p style="text-align: right;">Page 160</p> <p>1 we became aware in my division that the problem was  2 ongoing. We asked the administration if they were  3 going to try to address it last year and they chose not  4 to. They're now in the fund because of back bill owed.  5 There is a deficiency of in excess of \$9 million  6 dollars.  7 What I want everyone to understand is the bill  8 that is before you, 1972, only addresses future  9 deficiencies, it does not address past deficiencies.  10 However, for those of you that aren't aware of the  11 governor's proposal, the governor has a proposal to  12 increase the 911 surcharge, but what his proposal does  13 is, it would have the effect of only paying off back  14 bills and stopping for four years the progress that we  15 are making or have been making on the 800 megahertz.  16 That is unacceptable.  17 There are counties, there are other units that  18 have relied on what we did and what we passed with  19 regard to the 800 megahertz that would be jeopardized  20 if we went forward with the governor's proposal.  21 It is my belief that there was incomplete  22 information given to the governor's office and as a  23 result of conversations at my direction led by Peter  24 Watson from civic council, talking with the met  25 council, finance and others, I believe that now the</p>
<p style="text-align: right;">Page 159</p> <p>1 supported in 2002 and, again, we supported last year in  2 the Senate, which is ten cents to the public safety  3 answering points to make sure that we get the kind of  4 improvements that are needed there.  5 There is one cents for the medical resource  6 communication centers that I talked about earlier and  7 we'll have brief testimony on why it is that we want to  8 do this. My fear is that we have communications  9 centers dealing with a medical response, that if we do  10 not continue to find a way to fund them, we are going  11 to dismantle something that other places around the  12 country are wanting to model themselves after. And  13 yet, because of a funding problem, we are in jeopardy  14 of doing that.  15 Then what I want to make perfectly clear, is that  16 nine cents, which now adds up to twenty, is for the  17 future deficiency. When we first increased the fee in  18 2002 from twenty-seven cents to thirty-three cents, the  19 reason that Governor Ventura's administration wanted to  20 do the six cents was because there has been, there was  21 a deficiency due to bills owing to certain of the  22 telephone companies.  23 By adopting and passing the increase to six cents  24 we were told in 2002 that that would pay off those  25 bills and we would have solved the problem. Last year</p>	<p style="text-align: right;">Page 161</p> <p>1 governor's office has a better, is beginning to have a  2 better understanding of the detrimental effects of his  3 proposal.  4 I am not speaking for the governor, but I am just  5 saying I just think that they just didn't have complete  6 information.  7 I am prepared today to offer, to have someone  8 offer an amendment, and I think there may be people in  9 this committee that are willing to do so to solve the  10 past problem as well as go forward on this.  11 With that background, I would now like to  12 introduce a few people that are here to briefly speak  13 about the issues before you.  14 On the issue of the need for the increase in the  15 funding for the 911 we have Pete Aggaman (ph) from the  16 metro 911 board, he will also I believe be specifically  17 addressing the governance issue, I believe, no, just  18 the 911. Sorry. Just the 911. Also Dr. R.J. Fresconi  19 (ph), who is the co-chair of the American College of  20 Emergency Physicians is here and if he would join me as  21 well. He will be talking about the penny that goes to  22 the medical resource communication centers. And then  23 there are two other gentleman that are here I believe,  24 I am sorry, to talk about the governance issue on  25 Senate file 1973 and that is Dave McCauley who is the</p>

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<p style="text-align: right;">Page 162</p> <p>1 Anoka County commissioner, Chair of the metropolitan 2 radio board, and Dick Stafford who I believe is the 3 Chair of the Washington County board. With that - 4 CHAIRPERSON: Thank you, welcome to committee. 5 MR. AGGAMAN: Thank you. Madam Chair, members of the 6 committee my name is Pete Aggaman. I am here today 7 representing the Minnesota Chapter of the National 8 Emergency Number Association, which is the professional 9 organization that represents people in the 911 industry 10 from 911 center managers, telephone company employees 11 that work exclusively on 911 and call takers, et 12 cetera. 13 My own background includes 18 years of law 14 enforcement, ten years as a department head, including 15 two terms or eight years as the Jackson County sheriff. 16 It was in that capacity that I found out that I needed 17 an education in 911 and turned to the National 18 Emergency Number Association to get that education. 19 I am currently the director in 911 services for 20 the metropolitan 911 board, which has a responsibility 21 for managing the 911 network and database under a joint 22 powers agreement for the seven counties here in the 23 metropolitan area. 24 For the record, neither NINA nor the metropolitan 25 911 board gets any direct funding from this 911</p>	<p style="text-align: right;">Page 164</p> <p>1 longitude. 2 All of the new technology's coming down the road 3 are mobile in nature. They are all going to require us 4 to find the location of a caller that is moving or that 5 changes. In other words, the old model of 911 where 6 your telephone customer record was the basis of us 7 knowing where you are location is, is no longer valid. 8 9 Forty percent of the 911 calls coming into our 10 centers today are wireless. The cost of maintaining 11 that location database or that location infrastructure 12 is now being entirely borne by the counties. 13 The current law only permits the state to pay for 14 the location database maintained by the telephone 15 company. In other words, the telephone customer 16 record. So that pieceaps (ph) are now paying for 17 something that traditionally was a state 18 responsibility. 19 The 911 centers share of the surcharge has not 20 increased since 1994. The surcharge itself has been 21 increased several times and it is now being used for a 22 variety of public safety communication needs, but as 23 far as the pieceapp share of it or the 911 center's 24 share of it, that has not changed in ten years. 25 There are a lot of new technologies coming down</p>
<p style="text-align: right;">Page 163</p> <p>1 surcharge. As a sheriff I worked on the original 2 legislation for the 911 center back in '94 and we were 3 successful at that time in getting the ten cents that 4 is currently going to the 911 centers put in place. 5 That ten cents enabled the 911 centers to bring their 6 basic 911 systems up to what we call enhanced 911, 7 where they were starting to get the location 8 information of the caller and the call back number. 9 The dime currently only covers four to twelve 10 percent of 911 center operating budgets. The rest of 11 the 12 operating expense, the 911 centers is made up 13 from local taxes. This is making it extremely 14 difficult given the current financial climate to update 15 or maintain or even replace 911 equipment. 16 The bill you are considering today would raise 17 the surcharge by an additional ten cents and the 18 majority of that money would be used almost exclusively 19 in finishing the process of allowing us to locate 20 wireless 911 callers. 21 Part of the process in locating the wireless 911 22 callers is the use of mapping. We need to be able to 23 find out where a specific latitude and longitude is 24 located and we need to be able to determine who is the 25 proper responding agency for that latitude and that</p>	<p style="text-align: right;">Page 165</p> <p>1 the road that I am not going to get into, but the 2 technology that we are currently using in our 911 3 centers was designed in the '50s, was put in place in 4 the '60s and we cannot make it work with the new 5 technologies that are coming down the road. 6 We need this additional dime just to buy 7 ourselves some time. There is a great deal of talk 8 going on now about consolidation. We have the new 9 technologies facing us and we need help just staying 10 afloat here in the short term. 11 One thing I guess I do want to touch on because I 12 think it is significant in the current debate is that 13 911 operations compete with many other of the duties of 14 the sheriffs or the police chiefs that normally operate 15 our centers. We only have a handful of centers in the 16 state that are operated by a separate board or that are 17 not part of another agency. 18 The 911 managers have to make their case with 19 their sheriff or their police chief about where their 20 funding is coming from or what they need, and, quite 21 frankly, as a professional organization we have failed 22 in getting that message across. 23 The police chiefs and the sheriffs, while they're 24 aware that 911 needs money, have many compelling issues 25 in front of them and quite often 911 comes out second</p>

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<p style="text-align: right;">Page 166</p> <p>1 on the list.</p> <p>2 Again, I would take responsibility for that but,</p> <p>3 okay, the 911 centers need help today.</p> <p>4 CHAIRPERSON: Thank you. Mr. Aggaman, we appreciate</p> <p>5 your testimony. Any questions?</p> <p>6 UNKNOWN SPEAKER: Mr. Fresconi next.</p> <p>7 CHAIRPERSON: Welcome.</p> <p>8 MR. FRESCONI: Madam Chair, members of the committee my</p> <p>9 name is R.J. Fresconi. I am the medical director the</p> <p>10 east metro emergency medical services system, past</p> <p>11 chair of the Minnesota State emergency medical services</p> <p>12 regulatory board, and I am here today representing the</p> <p>13 American College of Emergency Physicians. And I have</p> <p>14 copies of my remarks here if you would like to see</p> <p>15 them.</p> <p>16 I promise I'll be brief. An MRCC or Medical</p> <p>17 Resource Control Center is a central radio control</p> <p>18 facility which coordinates ambulances, hospitals and</p> <p>19 patients. Its main function is to distribute</p> <p>20 appropriate patients to the appropriate hospitals in an</p> <p>21 appropriate amount of time.</p> <p>22 While an MRCC has many functions, the one I would</p> <p>23 like to address today is its role in mass casualty</p> <p>24 incidents or MCIs.</p> <p>25 MCIs by their nature are chaotic. Management's</p>	<p style="text-align: right;">Page 168</p> <p>1 took patients to the nearest hospital</p> <p>2 without any knowledge of available</p> <p>3 resources or back to non-trauma centers.</p> <p>4 Physicians, nurses and ancillary</p> <p>5 professionals at St. Luke's Roosevelt</p> <p>6 Hospital, a trauma center only three miles</p> <p>7 north sat idle and frustrated while staff</p> <p>8 at St. Vincent's and New York University's</p> <p>9 downtown hospital worked under extreme</p> <p>10 conditions."</p> <p>11 They went on to say, quote,</p> <p>12 "Communications will be unreliable</p> <p>13 and expected transport routes and</p> <p>14 methods may be unavailable. Without</p> <p>15 guidance EMS crews will bring the</p> <p>16 injured to the closest hospital</p> <p>17 further stressing existing resources.</p> <p>18 Constant assessment of operating</p> <p>19 room, intensive care unit and four</p> <p>20 bed availability must be made. The</p> <p>21 state of these resources should be</p> <p>22 used to direct field personnel to the</p> <p>23 most appropriate facility."</p> <p>24 And finally, and most importantly they stated,</p> <p>25 quote, "The lack of communication probably resulted in</p>
<p style="text-align: right;">Page 167</p> <p>1 role is to bring order to this chaos as quickly as</p> <p>2 possible. Typically, during MCIs multiple ambulances</p> <p>3 arrive from multiple jurisdictions, each picking up one</p> <p>4 to four patients and bringing them somewhere. That</p> <p>5 somewhere is what is determined by an MRCC. In effect,</p> <p>6 the MRCC is the ambulance flight control center.</p> <p>7 At the beginning of an MCI an MRCC determines how</p> <p>8 many and what kind of hospital beds are available in</p> <p>9 the community. It uses that information to properly</p> <p>10 distribute the patients. It makes sure that the right</p> <p>11 type of patient gets to the right hospital. Without</p> <p>12 this central radio communication point the result is</p> <p>13 chaos.</p> <p>14 September 11th taught us a valuable lesson about</p> <p>15 the need for centralized communication systems and the</p> <p>16 need for redundancy of those systems. In an article in</p> <p>17 Critical Care, December 2001 the following statement</p> <p>18 was made by the authors:</p> <p>19 "Communication between most hospitals and</p> <p>20 coordinators at the scene was almost</p> <p>21 non-existent. Telephone communication</p> <p>22 either via land line or cell phone did not</p> <p>23 exist. Triage from the scene of more</p> <p>24 stable patients to hospitals outside the</p> <p>25 immediate area did not occur. Ambulances</p>	<p style="text-align: right;">Page 169</p> <p>1 more problems than all other factors combined."</p> <p>2 Similar problems occurred in Washington, D.C.</p> <p>3 when patients were distributed to the wrong hospitals</p> <p>4 and the closest trauma center remained idle. In an</p> <p>5 after action report funded by the Department of Justice</p> <p>6 the following statement was made, quote,</p> <p>7 "Communications and coordination were</p> <p>8 deficient between EMS control at the</p> <p>9 incident site and area hospitals</p> <p>10 receiving injured victims. The</p> <p>11 coordination difficulties were not</p> <p>12 simple equipment failures. They</p> <p>13 represent flaws in the system present</p> <p>14 on September 11th. Regional hospital</p> <p>15 disaster plans no longer required a</p> <p>16 clearly house hospital or other</p> <p>17 designated communications focal point</p> <p>18 for the dissemination of patient</p> <p>19 disposition and treatment</p> <p>20 information. An incident with more</p> <p>21 casualties would have seriously</p> <p>22 strained the system."</p> <p>23 Another circumstance in which an MMRC is</p> <p>24 absolutely necessary is when the NDMS or National</p> <p>25 Disaster Medical System is activated. NDMS can be used</p>

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<p style="text-align: right;">Page 170</p> <p>1 to take patients from other areas of the country to  2 Minnesota in the event of a terrorist act from MCIs or  3 other causes, such as natural disasters. It can also  4 be used to evacuate patients from Minnesota to other  5 areas of the country in the event we are overwhelmed  6 locally. The system depends on and, in fact, pivots  7 around an MRCC and cannot function without it.  8 In both cases, outbound and inbound, the  9 distribution and delivery of patients is coordinated by  10 an MRCC. Because we have two functioning MRCCs in the  11 Twin Cities, Minnesota was the first state in the union  12 to report bed availability to the New York City  13 disaster, and we most certainly would have received  14 patients had NDMS been fully activated.  15 Lastly, not uncommonly when citizens from out  16 state Minnesota get very sick or severely injured, they  17 often come to the Twin Cities for medical care. MRCCs  18 direct all of that traffic.  19 Simply stated, optimal management of MCI, is a  20 death that would occur as a result of a terrorist  21 attack cannot happen successfully without an MRCC.  22 Without the central radio control that the MRCC  23 provides chaos will prevail and Minnesotans and their  24 families will suffer.  25 SENATOR RANUM: Madam Chair.</p>	<p style="text-align: right;">Page 172</p> <p>1 structure, giving them a voice in the system that they  2 are part of.  3 Secondly, they are kind of an island given the  4 build out structure that has been proposed for the rest  5 of the state. They do not fit into the other four  6 phases that are part of that build out.  7 But more importantly, I think one of the great  8 concerns we have today is the potential financial  9 vacuum created by the deficit in the 911 fund. That  10 makes the continuance of the present metropolitan radio  11 board structure even more necessary.  12 We are an independent local unit of government  13 created by the legislature and we have some flexibility  14 to continue the build out of the regional system and  15 shutting down the metropolitan radio board and  16 transferring its powers to the commissioner of Public  17 Safety will ex - situation and eliminate the capability  18 of the MRB to assist local units of government in the  19 metropolitan area in this process.  20 At the present time, we are involved at the  21 metropolitan radio board in twenty-seven different  22 projects in the metro area. Twenty-one of those  23 projects rely on funding that was authorized in the 911  24 bonds that were to be available July of this year.  25 Those projects range from Anoka County, that I</p>
<p style="text-align: right;">Page 171</p> <p>1 CHAIRPERSON: Senator Ranum.  2 SENATOR RANUM: If there are no further questions  3 about this testimony then what I will do is I would  4 like for the two gentleman to talk about the governance  5 issue and then we can take action.  6 CHAIRPERSON: Okay, would you introduce yourself for  7 the committee, please?  8 MR. MCCAULEY: Madam Chair, my name is David McCauley.  9 I am a member of the Anoka County board of  10 commissioners, Chairman of the metropolitan radio board  11 and a member of the state-wide radio system planning  12 committee.  13 CHAIRPERSON: Welcome, Commissioner.  14 MR. MCCAULEY: Thank you. First of all, just a general  15 comment. Part of the legislation that the Senator has  16 introduced involves adding the counties of Isandi (ph)  17 and Shisago (ph) to the metropolitan radio board's  18 jurisdiction.  19 The logic behind this particular move is that the  20 nine county region that is served by the backbone  21 system that is in operation today includes those two  22 counties, yet the legislation that created the  23 governance structure of the metropolitan radio board is  24 confined to the seven county metro area. It seems only  25 logic that those two counties should be added to that</p>	<p style="text-align: right;">Page 173</p> <p>1 represent, which has nearly completed its build out  2 and is relying on \$2million dollars funding from the  3 metropolitan radio board to finance that build out. It  4 is a \$12 million dollar project loss of that funding  5 at the point where we are paying bills to contractors  6 now would be a serious blow to Ramsay County, which is  7 prepared to start their process. They have I think at  8 risk a fair amount of federal money in grants from the  9 federal government that they are going to have a  10 difficult time in accessing if they are not able to  11 move ahead on that project.  12 So we have a large number of stakeholders in the  13 metropolitan area who are in various phases of getting  14 their systems going. They are going to be seriously  15 impacted if this slows down.  16 Further, the state-wide planning commission  17 committee, of which I am a member, while we have  18 discussed governance structures that would be necessary  19 to be put in place for a state-wide build out, I do not  20 think there is a consensus yet and as recently as  21 yesterday in discussing some of those proposals we have  22 come up with other areas that need additional work,  23 however, we are hopeful both on the metropolitan radio  24 board and I think on the state-wide planning committee  25 that given time we can work out a structure which will</p>

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1 work as well for the state as the metropolitan radio  
 2 board has for the metropolitan area.  
 3 I think for those reasons we are hopeful that you  
 4 will continue the metropolitan radio board in  
 5 existence, repeal our sunset. Also, I think we have  
 6 some resolutions that have been adopted by a variety of  
 7 county boards.  
 8 CHAIRPERSON: We have them.  
 9 MR. MCCAULEY: The metropolitan inter-county  
 10 association that has been passed out. We hope that you  
 11 will give some weight to those.  
 12 I also have one from the Scott County board of  
 13 commissioners. which isn't included. I got it too late  
 14 to get it in the packet. Thank you Madam Chair and  
 15 thank you committee members.  
 16 CHAIRPERSON: Senator Ranum, we are running passed  
 17 our committee time, so is there opposition to either of  
 18 these bills?  
 19 SENATOR RANUM: Well, I hope not, but I tell you what  
 20 we do have, what I wanted to do  
 21 CHAIRPERSON: Someone raised their hand. Is there a  
 22 Ron Whitehead? Are you Mr. Whitehead?  
 23 MR. WHITEHEAD: Yes, I am.  
 24 CHAIRPERSON: Okay, we'll be sure and get you to  
 25 testify. Hold on a minute, sir.

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1 UNKNOWN SPEAKER: Madam chair, may I ask a question?  
 2 CHAIRPERSON: Senator Senjem.  
 3 SENATOR SENJEM: Madam Chair, well probably  
 4 specifically to you or maybe to council, are we on 1972  
 5 or 1973 at this point, and are we on an amendment  
 6 related to governance?  
 7 CHAIRPERSON: Senator Ranum.  
 8 SENATOR RANUM: Madam Chair, the content of Senate  
 9 file 1973 are in Senate file 1972. I offered an  
 10 amendment to section five from 1972, but I perhaps you  
 11 weren't here. I made it clear that those contents are  
 12 in Senate file 1972. My intent if I am lucky is that  
 13 the committee will pass out Senate file 1973 as amended  
 14 on the floor and Senate file 1972 needs to go to  
 15 finance.  
 16 CHAIRPERSON: Okay. Senator Senjem.  
 17 SENATOR SENJEM: Madam Chair, I may still be somewhat  
 18 confused, but at the proper time I have a couple of  
 19 amendments in 1972.  
 20 CHAIRPERSON: The one that is going to finance, okay.  
 21 SENATOR SENJEM: If the Chair would help me at the  
 22 proper time.  
 23 CHAIRPERSON: I'll consider helping you. Just  
 24 kidding, just kidding.  
 25 SENATOR SENJEM: Madam Chair, I appreciate your utmost

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1 consideration.  
 2 CHAIRPERSON: I will do my utmost best, but probably  
 3 council will help you.  
 4 SENATOR RANUM: Senator Senjem, I was really trying  
 5 because the two bills are so similar to spare time and  
 6 confusion by hearing the testimony together.  
 7 CHAIRPERSON: Okay, Senator Ranum, if you want to  
 8 wrap up your testimony in favor we will hear from the  
 9 gentleman against and then we'll take the amendments  
 10 and vote.  
 11 SENATOR RANUM: Chair of the Washington board wants to  
 12 speak just briefly.  
 13 MR. STAFFORD: (\*\*\*) tape was hard to hear) Madam  
 14 Chair, I am Dick Stafford, chairman of the Washington  
 15 County board. I've reduced my eight and half by eleven  
 16 down to four. It has been partially pointed out that  
 17 metro radio board, it is not anywhere near done on this  
 18 project of the seven counties, Hennepin and Carver are  
 19 on board and Hope is almost there, Ramsay is in the  
 20 development stage, Washington and Dakota are in the  
 21 sort of an investigative stage getting questions  
 22 answered, and Scott County is interested in it. It is  
 23 a long ways to go. We think radio board's the way to  
 24 do that.  
 25 I just want to sum up my brief comments by

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1 putting this in perspective from someplace like  
 2 Washington County, a population of two hundred and ten  
 3 thousand people. Our best estimate and these figures  
 4 change as we speak, that will cost our county somewhere  
 5 around ten million dollars to build up. Under the most  
 6 ideal circumstances we are looking at a (inaudible)  
 7 this means the county will have to go (inaudible)  
 8 people and ask for five million dollars to support the  
 9 system and turn it over the state without any semblance  
 10 of governance involved.  
 11 I have nothing against the state. I love  
 12 Minnesota, but I also love the metropolitan radio board  
 13 and I feel like I have (inaudible) and how things are  
 14 done, so it is a matter of if we are going to supply a  
 15 significant amounts of taxpayers' money we ought to  
 16 have a significant say in the product that is  
 17 developing. It is governance for me that is the main  
 18 issue, thank you.  
 19 CHAIRPERSON: Okay thank you, Commissioner Stafford.  
 20 So Senator Ranum, then why don't we let Mr. Whitehead  
 21 testify.  
 22 MR. WHITEHEAD: Thank you, Madam Chair, members of the  
 23 committee, my name's Ronald Whitehead. I am the  
 24 program director for Armour Program, the state-wide  
 25 public safety radio system. I will give you a little

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1 bit of background. I recognize that you are past your  
 2 term of this committee and I'll try to make my comments  
 3 brief.  
 4 CHAIRPERSON: Long-winded people from Manitoba!  
 5 MR. WHITEHEAD: I my background is I retired as the  
 6 deputy chief of the Bloomington police department, was  
 7 there twenty nine and half years, so I am intimately  
 8 aware of the metropolitan radio board and their  
 9 activities, and was actually engaged in the planning  
 10 for Bloomington as they made a determination to go onto  
 11 the metropolitan radio system there, so I am familiar  
 12 with that and I am also having been a past member of  
 13 the state-wide planning committee, was familiar with  
 14 their work, and when I retired went to work as a  
 15 program director with the state-wide planning  
 16 committee.  
 17 I do feel it incumbent upon me, however, to  
 18 clarify a few issues and that being with respect to the  
 19 governance issue. I feel fairly strongly myself and  
 20 that would be evidenced in a proposal that has been  
 21 approved by the governor and should be submitted  
 22 reasonably, should have been submitted at this point in  
 23 a legislative package that -- we are not talking about  
 24 the sunset and going away of the metropolitan radio  
 25 board. We are talking about a provision or language

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1 that would allow the metropolitan radio board to  
 2 continue as a regional radio board to do the local  
 3 enhancements, and I have to take a moment to explain  
 4 the nature of the system.  
 5 There is a backbone to that system, a  
 6 communications and inoperability backbone that was  
 7 built as part of phase one in the metropolitan area.  
 8 There were some sub-systems in phase one because  
 9 Hennepin County in Minneapolis also went on the system,  
 10 but there is a basis communications backbone that was  
 11 part of phase one.  
 12 Phase two are local enhancements to that system  
 13 for local communities to come onto the system and  
 14 clearly, the governors or our proposal from public  
 15 safety and one that we have had out there talking with  
 16 the metropolitan radio board for about a month, is that  
 17 the metropolitan radio board would become a regional  
 18 radio board with total autonomy to continue the local  
 19 enhancements of the system.  
 20 The reason I say that is that the state-wide  
 21 planning committee is charged with going forward with  
 22 the extension of the backbone throughout the rest of  
 23 the state.  
 24 The statute, as it exists now, allocates total  
 25 autonomy or authority over that state-wide backbone

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1 piece to the metropolitan radio board, and there is a  
 2 conflict between the state-wide in the statute, who is  
 3 in charge of the system? Is it the backbone that needs  
 4 to be expanded throughout the state or is it the local  
 5 group, the metropolitan radio board that controls that  
 6 backbone as it is expanded throughout the state.  
 7 I will tell you as part of this proposal and at  
 8 the current time the state-wide planning committee is  
 9 actually a committee composed of state and local  
 10 representatives. There is currently four department  
 11 heads on the state-wide planning committee and five  
 12 local representatives, one from the State Sheriffs  
 13 Association, Steve Borchard (ph) from Rochester  
 14 Olmstead county, one from St. Cloud, Tom Hannon, he's  
 15 the IT director in St. Cloud. There is one from  
 16 Minneapolis, Ewie Seals (ph) is a delegate of the  
 17 league of cities. There is a representative Bruce  
 18 Tollsman (ph) from Redwood county. He's appointed by  
 19 the Minnesota, the association of counties. And I am  
 20 trying to think off the top of my head who the fourth  
 21 member, the fifth member is.  
 22 I guess the point is there is local  
 23 representation on the board and our proposal is that  
 24 that representation continue as regional boards  
 25 formulate and regional groups build the system out.

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1 So to say, to imply that the metropolitan radio  
 2 board, there is anybody saying they should go away, no,  
 3 we are not saying that. To imply that they haven't  
 4 done good, they've done excellent work. It is time for  
 5 them to turn over that backbone infrastructure over to  
 6 the state-wide planning committee, continue their good  
 7 work on a very important projects, a project that is  
 8 important to the people outside of the metropolitan  
 9 area also. It is very, very near and dear to people in  
 10 Rochester, St. Cloud at the present time and many  
 11 people in regions throughout the state.  
 12 CHAIRPERSON: Okay, thank you very much. Any questions  
 13 for Mr. Whitehead? Senator Kelly.  
 14 SENATOR KELLY: Madam Chair, Mr. Whitehead, it is good  
 15 to know that the governor is going to have a proposal  
 16 with respect to the governance. I think it is  
 17 important to get some other ideas out on the table and  
 18 I am pleased that there are some progressive aspects of  
 19 it. I gather from that, that peace and harmony does  
 20 not reign in the valley yet, but that progress is being  
 21 made.  
 22 So I hope that progress on the governance issue  
 23 continues as you and I have talked about. It is really  
 24 essential to the success of this that the users feel  
 25 like they can affect the outcome of the decisions and

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1 the end users, in addition to the state agencies, like  
 2 control and so forth, are clearly there. Greater  
 3 Minnesota counties and cities that will have to do  
 4 (inaudible) system, so I think the words that need to  
 5 go on here is important to the success of the overall  
 6 project.  
 7 UNKNOWN SPEAKER: I agree.  
 8 SENATOR KELLY: I know you have been working hard on  
 9 that and I am sure that the radio board and Senator  
 10 Rannum are going to continue to try to work on getting  
 11 this issue solved.  
 12 CHAIRPERSON: Senator Ranum.  
 13 SENATOR RANUM: And so Madam Chair, members, as  
 14 Senator Kelly has correctly stated, there is not a  
 15 meeting of the minds yet. And so to have confidence I  
 16 would consider the passage of senate file 1973 as  
 17 amended and that does not mean to say that then  
 18 communication stops. Communication does not stop.  
 19 What it does is keep the dialogue open.  
 20 CHAIRPERSON: Okay, is there a motion? Senator Dibble  
 21 moves that senate file 1973 as amended be recommended  
 22 to pass and sent to the floor. Is there any more  
 23 discussion? Anyone else want to testify? The  
 24 amendment is to 1972. Senator Ranum.  
 25 SENATOR RANUM: Someone just wanted me to make sure

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1 that there was clarity. Mindot (ph) owns and operates  
 2 the metro.  
 3 CHAIRPERSON: All those in favor say "AYE".  
 4 All: "AYE".  
 5 CHAIRPERSON: Opposed "nay", motion prevails.  
 6 SENATOR RANUM: Thank you very much and now  
 7 CHAIRPERSON: 1972 and Senator Senjem has the A1  
 8 amendment or the A2.  
 9 SENATOR SENGUM: Madam Chair, I have the A1, pardon me  
 10 it is the A2 amendment actually.  
 11 CHAIRPERSON: A2 amendment.  
 12 SENATOR SENGUM: The A2 amendment proposes to add to or  
 13 to actually make on page two line 21, it proposes to  
 14 make that 65 cents.  
 15 CHAIRPERSON: 65, okay. And Senator Ranum.  
 16 SENATOR RANUM: Madam Chair, Senator Senjem, thank  
 17 you for offering this amendment. Just so that folks  
 18 understand I think they are really two ways. I am  
 19 perfectly fine with the A2 amendment that Senator  
 20 Senjem has just offered which would increase the fund  
 21 by 5 cents and what that would do is within three years  
 22 that would pay off the back bills.  
 23 There is another way and again, I am perfectly  
 24 comfortable with the A2 amendment. But another option  
 25 is, is a one-time increase of 15 cents, which is from

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1 July 1st, 2004 to June 30th, 2005.  
 2 CHAIRPERSON: And that is the A1 amendment. And  
 3 Senator Ranum, since this is not a finance committee,  
 4 it is a policy committee, you know, you could choose  
 5 either way or neither and adjust it in finance.  
 6 Senator Kelly.  
 7 SENATOR RANUM: Right.  
 8 SENATOR KELLY: Madam Chair, in a really brief  
 9 consultation with Senator Senjem we concluded that a  
 10 more gradual approach would be at least the one we are  
 11 recommending from this committee.  
 12 SENATOR RANUM: And I think that is a I am very  
 13 comfortable with that. So thank you, Senator Senjem.  
 14 CHAIRPERSON: Senator Senjem.  
 15 UNKNOWN SPEAKER: Madam Chair, and perhaps Senator  
 16 Rannum, and maybe even Mr. Whitehead, but, you know, as  
 17 I sit here I've been somewhat involved in my life in  
 18 this kind of stuff, if you will. We are literally 25  
 19 to 30 years, that virtually every disaster drill I was  
 20 part of back home where I worked, communication has  
 21 broken down.  
 22 As a chair of the Minnesota Response commission  
 23 for eight years virtually every time that we evaluated  
 24 a drill anywhere or for that matter evaluated an  
 25 incident it was always communication, and the

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1 professionals can tell you better than this. And we  
 2 have some deadlines relative to, some FCC deadlines  
 3 that go on into 2018 and, frankly, they're going to be  
 4 on us before we know it. And I am not sure what the  
 5 number ought to be right now, but what I am trying to  
 6 do is make some amendments here that kind of move this  
 7 process along, get it done, not only for metro, take  
 8 care of the deficit, enable outstate and initially, as  
 9 I understand the plan, is southeast and central and  
 10 then beyond that the whole state, to move this whole  
 11 process forward and to have plenty of money available  
 12 for the governor to make the decisions through his  
 13 commissioners, along the lines of the necessary  
 14 expenditures and to have that ability to make those  
 15 necessary expenditures.  
 16 I just think we live in a uncertain world and I  
 17 won't get into all that because that is like raising  
 18 red flags. But virtually police, firemen, ambulance  
 19 folks and for that matter even private sector folks  
 20 that interact with these folks are needing to talk to  
 21 each other every day across this state in emergency  
 22 situations. So we can't do it right now.  
 23 In 2004 we still can't do it. So what's the  
 24 proper number to get us there? Is this the right plan  
 25 or in fact I have another amendment which takes it up

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1 to 75 cents and I would just like to have some  
 2 consultation. The good Senator Kelly and I, you know,  
 3 these three second things sometimes I wonder about them  
 4 and what is good public policy, how do we get there,  
 5 what should the number be? But I think it is important  
 6 to get there.  
 7 CHAIRPERSON: Senator Senjem moves the A2 amendment.  
 8 All those in favor say "AYE".  
 9 ALL: "AYE"  
 10 CHAIRPERSON: Opposed "nay". Motion prevails. Then we  
 11 have the bill. Senator Kelly, do you want to say  
 12 anything?  
 13 SENATOR KELLY: Madam Chair, it is really nice to have  
 14 Senator Senjem, you know, be supportive of this  
 15 because, you know, eleven years ago I had to try the  
 16 first when I was in the other body and I had to try to  
 17 explain this to people who, that was you know, before  
 18 September 11th, before all these other things, talk  
 19 about the importance of communications, and it seems  
 20 like it shouldn't have taken this long to get where we  
 21 are and it'll still take a while before we get this  
 22 state-wide, but I think that the amendment gets us  
 23 there.  
 24 CHAIRPERSON: Is there a motion to move the bill?  
 25 SENATOR RANUM: Madam Chair, before that, thank you

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1 SENATOR DIBBLE: Madam Chair, I move the bill.  
 2 CHAIRPERSON: Senator, good thank you. Senator Dibble  
 3 moves that Senate file 1972 as amended be recommended  
 4 to pass and sent to the finance committee. All those  
 5 in favor say "AYE".  
 6 ALL: "AYE".  
 7 CHAIRPERSON: Opposed, no. Motion prevailed. The  
 8 committee is adjourned.  
 9  
 10  
 11 REPORTER'S CERTIFICATE:  
 12 I, Roberta Baty, an official examiner, certify that the  
 13 following is a true transcript of tape recordings,  
 14 typed to the best of my skill and ability.  
 15  
 16   
 17 \_\_\_\_\_  
 18 ROBERTA BATY  
 19 OFFICIAL EXAMINER  
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1 for offering the amendment, again it looks like on a  
 2 bipartisan basis, the Senate's going to -- I encourage  
 3 you however, for all of us to consider what I thought  
 4 was another amendment, thinking about, which is, you  
 5 know, I don't think ten pennies make much -- I mean,  
 6 they're going to make a big difference with the system  
 7 and so between now and the floor we may want to think  
 8 about that, but with that if anybody'll just offer it  
 9 and let's move.  
 10 CHAIRPERSON: Senator Kelly.  
 11 SENATOR KELLY: Madam Chair, it has been around. I  
 12 didn't think even you wanted to do both of them.  
 13 SENATOR RANUM: Madam Chair, we spend a lot of time,  
 14 you are tired. The reality is what I heard Senator  
 15 Senjem say, that I couldn't agree with more, let's  
 16 just figure out what it means and we do not have to  
 17 come back in 2005 to (inaudible).  
 18 CHAIRPERSON: Senator Ranum, I recommend that you  
 19 have that discussion in finance committee. Senator  
 20 Senjem.  
 21 SENATOR SENJEM: Perhaps that is a good idea and  
 22 perhaps we'll defer this to the finance committee and I  
 23 may walk in there with her because, as I understand it,  
 24 we do need a little bit more money to get this project  
 25 really done and that is important.

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