

To: Chair Hodges and Committee Members
Fr: IGR Staff
Date: November 18, 2008
Re: Draft 2009 legislative agenda

Public Finance

The section has been updated to include the current information related to 2008 legislative actions. New language on page 2 is redraft of existing language and information reflecting 2008 changes to the local government aid program.

Priority Issues

The LGA policy recommendations (page 3) delete two statements that have been achieved and a new recommendation regarding 2009 LGA amounts.

The Mall of America (MoA) policy (a) regarding the source of funding (non-regional) was achieved. The parking lot will not be self financed but the non-regional taxes combined with a tax increment financing district will assist in the development and maintenance of the facility. The theater policy (c) was discussed by the tax conference committee but the final report prohibits live theater at Phase II of the MoA. There was no explicit language implementing the policy (d) supporting the non-competitive nature of the MoA's conference center with other regional convention centers. Being aware that the MoA could be revisited in 2009 the policy is proposed to remain in the agenda.

Support Issues

The 2008 agenda recommends the continuation of the limited market value program. The program terminates after 2009. During the 2008 session the House discussed the extension of the program but the proposal was not included in the final bill. The Minnesota Department of Revenue in its report to the legislature indicated that in 2008 the amount of limited value is 3.8% of total value statewide. Of the limited value approximately 60% of the value is in farm and cabin properties.

The draft recommends a new support item that recommends increased state property tax relief for properties impacted not only by the loss of the limited market value but also by tax levies and changes in tax base.

The city also recommended that the Minnesota Department of Revenue (DoR) be directed to increase efforts to inform Minnesota property tax payers of the available property tax relief programs. The DoR developed and implemented an information program that included information about the property tax relief programs in the state income tax instructional booklets, and on the department's website. County governments put similar information on websites and in some counties on the backside of the property tax statement. In addition to the public efforts DoR staff spoke at public meetings or events.

The impact of the efforts will not be known until April 2009 when DoR releases its tax incidence study.

The draft recommends separating the public information policy from the limited market value policy. The public information policy is further modified to recommend continued efforts.

Opposition.

A statement opposing the expansion of the uses of the legacy fund revenues has been added.

Capital Bonding

It is possible that there could be a smaller bonding bill in 2009. The bill could include projects included but vetoed in the 2008 session. Therefore, the 2008 bonding priorities are recommended for 2009. The introductory paragraph was rewritten to reflect 2008 legislative and gubernatorial actions.

Public Safety

For the 2009 legislative session, we are working with the City Attorney's office and other related departments to develop a more strategic and targeted legislative agenda. Many items that were priority items in 2008 are key legislative items for other partners and the City's role in promoting these issues should be more of a support role, rather than as the primary advocate. Therefore, the items identified here represent the key priorities to the City of Minneapolis and are issue areas where the City's unique perspective can truly help advance these policies. The majority of the items that have a ~~strikethrough~~ remain on the agenda but have been moved to another section.

Priority Issues:

Support for general funding for the overall operation of the **public safety system** continues to be a key priority for the City.

Several partner organizations such as the Criminal Justice Coordinating Committee are advocating for the creation of a statewide coordinated plan for dealing with **released sex offenders**. While this is an important issue to the City, it is a multi-jurisdictional issue, and advocating for it through that lens will prove more impactful than the City being the lead body supporting the issue. We have moved this item to the *support* section and will continue to work with partners.

The "**Stop-on-Red**" initiative was moved to the *support* section under *traffic and driving offenses*. Other partners, such as RedFlex, will be the lead

advocates for this issue. It is important to reframe the importance of red-light technology as not just a Minneapolis issue, but as a tool that can benefit law enforcement throughout the state. This frame is more easily achieved with Minneapolis taking a supportive, rather than a lead role on this issue.

The agenda item calling for **gun measures** including the mandatory reporting of stolen firearms, the prohibition of possessing replica guns in public, and measures to stop the flow of handguns to youth has been moved into the *support* section. There is not consensus with City departments on this issue, and other partners are working on these and other related issues. The City will remain supportive of sensible gun laws and initiatives.

The agenda item calling for a gross misdemeanor to **enter a perimeter** established by police, fire, or incident commanders at the scene of a natural disaster or mass casualty has been expanded, and will remain in the *priority* section. The 2008 agenda established 3 very narrow situations under which the gross misdemeanor would be chargeable (protect evidence, protect the chain of custody, and prevent unauthorized photography). The 2009 agenda language is more general and seeks to make it a gross misdemeanor to enter a perimeter established by police, fire, or other emergency personnel without permission, for any reason.

The agenda item opposing legislative efforts to reduce the effective use of the **Automated Pawn System (APS)** has been moved to the *support* section. While this remains an important item to the City, the issue has been dormant at the Capitol for the last few years.

The agenda item seeking a change in the criminal code to address **chronic offenders of indecent exposure laws** and allowing for enhancement to felony level offenses has been moved from the support section in the 2008 agenda to the *priority* section for 2009.

The agenda item seeking to amend the **Victims' Rights Statute** to allow prosecutors to obtain victims' input on potential terms of plea agreements prior to attendance in court has been moved from the support section in the 2008 agenda to the *priority* section for 2009. The significant budget cuts to the courts and public safety systems mean that we must look for procedural efficiencies in the process that can save time and money. Allowing prosecutors to obtain victims' input prior to appearing in court will speed up the process, and allow the victim to be better prepared to respond to possible plea agreements.

The 2008 agenda item to define "chronic offender" and providing for gross misdemeanor penalties or enhanced penalties for chronic offenders remains a priority issue for the City.

Prostitution and Human Trafficking

Prostitution and Human Trafficking items have been moved from the support section in the 2008 agenda to the *priority* section for 2009. These are priority issues for the City Attorney's office, Minneapolis Police Department, other municipalities, community partners, and the State of Minnesota. One technical amendment is found in #7 below. The word "women" was changed to "people," as both women and men work to leave prostitution. The City of Minneapolis will lead on our own legislative efforts, and will support partners in their efforts. City priority efforts will include:

1. Efforts to reduce prostitution and domestic human trafficking.
2. Streamlining statutes in order to more effectively prosecute prostitution-related offenses.
3. Broaden the definition of "public place" for gross misdemeanor prostitution and patron cases to be the same as that in the Minnesota Human Right Act. **(new item)**.
4. Strengthen the gross misdemeanor "public place" prostitution statute so that the elements of the offense are the same as those in the misdemeanor prostitution statute, except for the additional requirement that the offense must take place in a "public place." **(new item)**
5. Modify the prostitution statute to provide that on a second offense, the Department of Motor Vehicles will classify as "public data" the fact that a prostitution patron was convicted of a prostitution offense using a motor vehicle. **(new item)**
6. Amending the prostitution in a public place statute to make a second violation of this section a gross misdemeanor by enhancement.
7. Legislation designating funding for treatment and creation of transitional housing programs to support people leaving behind a life in prostitution.

Support Issues:

The agenda item seeking the creation of a statewide **disaster victim compensation** fund has been *deleted* from the agenda because it was achieved in the 2008 session.

The agenda item supporting continued funding for **re-entry programs for ex-offenders** enacted last session and efforts to coordinate the programs with existing opportunities has been *updated and expanded*. The statement "enacted last session" was deleted, as it is out of date. The item was also expanded to include support for additional legislation that could benefit ex-offenders re-entering their communities, such as voting rights, public/private training and employment programs, and access to affordable housing.

The item to amend the **Victims' Rights Statute** was moved to the priority section.

The item supporting the **Lost or Stolen Firearm Reporting Act and Universal Background Check Act** has been *deleted*. The titles of these bills are from previous legislative session and are out of date. The goal of these bills is encompassed in a separate agenda item calling for sensible gun measures, so this item is duplicative and unnecessary.

The agenda item supporting exploring the combinations of the **Crime Lab** functions of the City of Minneapolis and Hennepin County is in the *Capital Bonding* section, so this item was duplicative. This is a priority agenda item for the Minneapolis Police Department.

Domestic Abuse/Orders of Protection:

The language in the **domestic abuse/orders of protection** section has been amended and narrowed. Minneapolis is working very closely with partners in the domestic abuse and law enforcement communities to support various changes to the criminal code. Key items that Minneapolis will *support* include:

1. Expanding the definition of “family or household members” to include persons *formerly* involved in such a relationship;
2. Legislation disqualifying an offender who violates a domestic abuse no contact order or interferes with an emergency call from owning or possessing a pistol;
3. Amend the domestic abuse no contact statute to permit prosecutors to charge this offense under circumstances in which a defendant has violated a no contact order issued after he or she was convicted of an offense *arising from* a domestic abuse assault-related offense, rather than convicted of the domestic-assault related offense itself.
4. Amend the domestic abuse gross misdemeanor statute to remove the requirement that the prior qualified offense be against a family or household member.
5. Modify the language in the domestic abuse definitions statute from “qualified domestic violence related offense” to “qualified prior offense” to allow clearer application for non-domestic assaults.
6. Amend the domestic violence probable cause statute to expand the time frame in which police officers can arrest a person who has committed domestic abuse from 12 hours to 24 hours. **(new item)**
7. Strengthen the domestic abuse no contact order statute to make the order applicable throughout the state.
8. Improve the processes to access court records.
9. Improve the process for authorizing when arrests maybe made for violations of orders for protection.
10. Permit prosecutors to show that the respondent to an order for protection either knew, or had reason to know, of the existence of the order.

Traffic and Driving Offenses:

All of the support for **traffic and driving offense** items in the 2008 legislative agenda have been maintained. The only amendment is to the item attempting to prohibit the use of hand held cell phones for phone calling or **text messaging** by all drivers. The text messaging portion was enacted into law in the 2008 transportation policy bill and can therefore be *deleted* from the agenda.

Vulnerable Adults

This section remains unchanged.

Prostitution and Human Trafficking

This section was expanded and moved to the *priority* section.

Fire Safety

The Fire Safety items from the 2008 agenda remain unchanged. The only edit was to move the City's opposition to the expansion of fireworks from its own stand-alone *opposition* section, to a general statement of opposition located in the main support section.

Miscellaneous Changes to Criminal Code

This section remains largely unchanged from the 2008 legislative agenda. The only amendment is that the last item, seeking a change in the criminal code to address **chronic offenders** of indecent exposure laws and allowing for enhancement to felony level offenses has been moved to the *priority* section.

Pension Sustainability

The section has been updated to include financial projections for 2010. The projections are based on 2008 investment performance and state the added financial impact on the general fund/property tax.

Transportation

The section is redrafted to emphasize the need to adequately finance with sustainable and reliable funding the operations of the Metropolitan transit system. The section also supports funding for all modes of transportation and recommends a high priority on modes that are alternatives to single occupancy vehicles.

Priority Issues.

Two new priority issues are recommended. One supports funding for the I35W bus rapid transit project including a Lake Street station. The second policy recommends funding for the transportation mitigation projects related to the

central corridor project located around the Minneapolis campus of the University of Minnesota.

Affordable Housing and Homelessness Prevention

The introductory paragraph has been redrafted to provide additional information regarding 2008 efforts. The priority policies are the same as 2008 except that the additional policy areas are identified. Among the emerging policies are amendments to the scrap metal and trespass statutes. This policy area will be very active in 2009 and it is probable that the committee would be reviewing additions to the agenda during the session. For example contract for deed placeholder language has been added to the priority statement and will be change as specific proposals are developed.

Support Issues

The reference to historic buildings in the tax credit policy is deleted and inserted as a priority in the economic development and jobs section.

Municipal Governance

Priority Issues:

The third item in this section requesting an amendment to state law to allow **organic waste** to be mixed with yard waste for municipal collection should be *amended*, as part of the legislation necessary was achieved in 2008.

Language for the forth item was amended. The word, “oppose” was added to the beginning of the item. It now reads, “*Oppose* legislation restricting the authority of cities to **license and regulate the pawnshop industry**; efforts to limit the authority of cities to set licensing and transaction fees that enable cities to recover their full regulatory and enforcement expenses.” This item was also removed from the *priority* section in 2008 to the *support* section for 2009.

The item on the 2008 legislative agenda regarding **on and off sale liquor sales during the RNC** was deleted. Legislative was enacted and used effectively by the City in 2008.

A new *priority* item on the 2009 agenda will be legislation enabling the charging of a felony when there is evidence that a person uses, trains, or possesses a dog or other animal for the purpose of participating in, engaging in, or promoting **animal fighting**; increased penalties for animal fighting and possession of animals for fighting; and allowing for the charging of a felony for being a spectator at an animal fight.

Support Issues:

The 2008 item seeking legislation to provide election judges with the ability to choose to be unaffiliated with a political party was deleted. This was enacted into law in 2008.

The 2008 item seeking legislation to allow cities to enact policies allowing **dogs in sidewalk cafes** was *deleted*. This was enacted into law in 2008.

The 2008 item regarding legislation that would authorize **state regulation of dog and cat breeders** has been *amended*. The 2008 agenda listed a specific bill number. If this item is reintroduced in 2009 it will have a new bill number.

The 2008 item that would permit qualifying animal welfare organizations to provide **subsidized spay and neuter services** to animals belonging to low income persons has been *shortened and amended*. The new language references “qualifying *nonprofit* animal welfare organizations” and therefore makes the longer description of what a nonprofit organization is unnecessary. Additionally, the specific language describing the requirements of a qualified organization has been eliminated to ensure maximum flexibility during the legislative process.

A new *support* item for 2009 is regarding **rental property maintenance codes**. *We expect updated language will be coming soon from the League of Cities, so this item may need to be amended at a later date.* This new item arises out of a 2008 State Supreme Court decision that restricts municipalities’ ability to enforce their own rental property maintenance standards. The City of Minneapolis has been working with the League of Minnesota Cities, the Department of Labor and Industry and other cities and partners to reach a consensus on a legislative remedy to this situation. The current language will allow municipalities to adopt and enforce a housing, property maintenance, rental licensing or point of sale ordinance and not be in conflict with the State Building Code provided the adopted ordinance does not require provisions more restrictive than the most current property maintenance code adopted as part of the Minnesota State Fire Code or the State Building Code under which the facility was built, whichever is the more restrictive.

A new support item for 2009 is regarding **residential care facilities**. *There is a possibility that legislative action will not be sought on this issue. Partners are discussing possible administrative changes rather than legislation.* The City is working with the League of Minnesota Cities, direct service providers, and various State agencies to find mutually agreed upon legislative language. The current policy would require agencies and licensed and registered providers that operate residential care facilities to notify the city before properties are operated as residential care facilities. The legislature should also require establishment of non-concentration standards for residential care facilities to prevent clustering.

The prior notification to cities is particularly important as a public safety issue for emergency responders attending to a situation at a facility.

City Livability

Priority Issues:

In 2008, City Livability was a catch-all section. For the 2009 agenda, we have attempted to differentiate issues and create subsections: General City Livability, Youth Violence Prevention, and Public Health.

General City Livability

The first agenda item seeking legislation authorizing the development of a statewide **aviation policy** to diversify air traffic throughout the state was moved to the Municipal Governance section. It could remain in the City Livability section.

The item addressing investment in **youth development** activities is amended and expanded upon in the “Youth Violence Prevention” section.

Language regarding the development of the “Framework for the Future” was deleted. It was listed twice in the same section in 2008. Remaining language has been updated to reflect the current status of the program.

Language regarding the request for legislative authorization to establish a new nonprofit to support and coordinate continued riverfront revitalization was deleted. This legislation was achieved in 2008.

Youth Violence Prevention

The second agenda item in this section regarding youth development activities was deleted and rewritten. The previous policy statement referenced funding such as the tobacco settlement funding. This funding stream was absorbed into the General Fund in 2003 and no longer exists. A new policy statement on youth violence prevention was added and youth violence prevention was given its own section to reflect its importance to the City. Legislative priorities in the youth violence prevention section include:

1. Establish a state policy that defines youth violence as a public health issue that can be prevented by drawing on public health methodologies used to address other acute health concerns. **(new item)**
2. Align existing state resources to fund prevention and intervention programs that address youth violence and associated risk factors including but not limited to teen pregnancy prevention. **(new item)**

3. Allow for a coordinated case file so that cross-jurisdictional entities of the juvenile justice system can coordinate support services. **(new item)**
4. Support sensible gun laws that restrict access to guns. **(existing policy, new item for this section).**
5. Establish competitive grant funds for existing state or local mentoring partnerships to increase the number of mentors statewide. **(new item)**
6. Maintain state and federal workforce funding to employ at-risk youth and youth reentering the community from the criminal justice system. **(new item).**

Public Health

Priority Issues:

In 2008, the City's legislative agenda supported the creation of a new "statewide comprehensive health promotion plan to prevent chronic disease and substance abuse." This legislation was successful and the State Health Improvement Program (SHIP) was created. For 2009, the City's legislative agenda is updated to reflect ongoing support for this new program by calling for "maintained funding for the State Health Improvement Program."

Support Issues:

A technical change was made to the first item in the support section regarding **minor's rights to access confidential medical care**. The phrase "or obtaining the permission of" a parent or guardian was added. Regarding minor's access to confidential health care, there are two statutory standards: Parental Notification, and Parental Consent. The City supports young people's right to access medical care without notification or consent. The agenda as previously drafted only addressed the issue of notification.

The Minneapolis Department of Health and Family Support provided updated language for the support item regarding childhood **lead screening, abatement and window replacements**.

The agenda was also amended to reflect the legislative priority of both nonprofit partners, and the House Caucus on Early Childhood Education on establishing and enforcing quality standards, and well as seeking funding, for **early childhood** programs.

The agenda item that called for a **statewide comprehensive health promotion plan** to prevent chronic disease and substance abuse was moved from the *support* section to the *priority* section. This legislation was enacted in 2008 and is known as the State Health Improvement Plan (SHIP).

The ninth item in the support section regarding **Park Dedication Fees** was removed. This legislative was achieved in the 2008 legislative session.

A new agenda item was added to address the City's support for **affordable, quality, accessible health care** as a way to reduce health disparities and improve the quality of life for all residents of Minneapolis.

The 2008 agenda language supporting a phase-out of **bisphenol-A and phtalates** was updated to reflect current federal legislation. The old bill numbers were deleted.

A new item was added supporting policies and enhanced funding to increase the number of children who can bike and walk to school safely. Specifically increase funding for **Safe Routes to Schools** programs and school student safety programs.

Oppose Issues:

The second agenda item opposing any portion of legislation that addresses governance issues of a future neighborhood revitalization program until completion of the community feedback process about the **Framework for the Future** including a final decision by the City Council was deleted.

New language regarding the governance of the **neighborhood revitalization program** was added.

Environment

Because the environmental advocacy community was fully engaged in the "vote yes" amendment, progress on most organizations' 2009 legislative priorities began latter than usual. Currently city staff has updated the environmental agenda and that agenda has been reviewed by the Citizens Environmental Advisory Committee. The City's full Environmental Coordinating Team will be reviewing and approving the draft on Tuesday November 18th (same day as IGR) Because of this timing we will be bringing the recommended changes to the committee for adoption as a separate item at the December 9th IGR meeting.

Jobs and Economic Development

The section has been rewritten to be clearer on recommended actions. The tax credit policy has been moved from support to a priority. The priority statements also include a recommendation for resources to be made available for green manufacturing and sustainable projects.