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In this issue:

NUCLEAR STORAGE BILL FAILS

FAMILY LAW PROVISIONS, PUBLIC FINANCE, AND MORE

HF1605-HF1625

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On the cover: A teepee stands on the Capitol Mall as part of an American Indian Month celebration. It is also there to show support for a bill that would permit the Red Lake Nation and White Earth Band of American Indians to operate a casino in the Twin Cities metropolitan area.

— Photo by Andrew Von Bank

# Nuclear meltdown

House rejects, reconsiders vote, then tables a plan that would allow more storage at nuclear power plants

BY TOM LONERGAN

The House defeated a bill May 15 that would have provided additional radioactive waste storage at Xcel Energy's Prairie Island nuclear plant and would have allowed a similar dry cask storage area at its Monticello facility.

Following a nearly four-hour debate, the bill (HF775/SF794\*), passed by the Senate May 13, was rejected 99-33. The House later reconsidered the vote and then voted to table the measure for possible consideration at a later time.

House members had approved an amendment by Rep. Torrey Westrom (R-Elbow Lake) that changed many provisions of the Senate bill, par-

Xcel Energy officials told House members in February that it would have to shut down the plant in 2007 without additional storage casks.

As amended by Westrom, the bill would have transferred authority for future nuclear waste storage to the state Public Utilities Commission, subject to subsequent legislative approval. The Legislature has had direct jurisdiction over establishment of nuclear waste storage areas since a 1994 compromise bill was approved that authorized the existing 17 dry storage casks at Prairie Island.

The proposed transfer of authority prompted a number of members to speak against the bill.

Rep. Jean Wagenius (DFL-Mpls) said the amended bill meant the Legislature would "give up our authority" to the commission.

Westrom responded that the Legislature could review any decision the commission made regarding future nuclear waste storage. "We have all the authority the Legislature has to change any agency's decision or outcome," he said.

The bill also would have allowed Xcel Energy to establish a dry cask nuclear storage facility for waste from its Monticello plant. That plant's federal license expires in 2010. By that time, according to the utility, the spent fuel pool at Monticello will be full, necessitating the additional storage.

If it received additional state approval for more nuclear waste storage at the plants, Xcel Energy officials have said they may seek federal approval to keep the plants operating beyond their current licenses.

The Westrom amendment also caused the House and Senate bills to differ somewhat on the method and amount of funding for renewable energy such as wind, biomass, and hydrogen development initiatives.

Both bills proposed to fund a settlement agreement between Xcel Energy and the Prairie Island Indian Community through utility pass-through charges to its state ratepayers. The settlement, recently ratified in a tribal referendum, would provide the tribe \$2.2 million annually for 10 years and additional money annually as long as the plant operates.

That agreement could be in jeopardy if the Legislature doesn't approve additional waste storage at Prairie Island this session.

Westrom said the bill, as amended, would strike a balance between providing Xcel Energy with the nuclear waste storage it needs, while the state and utility would invest more money into renewable energy sources.

"We will continue to pursue more renewable energies that make sense," Westrom said.

Some House DFL members said the Westrom amendment weakened a compromise bill the Senate had passed on a 42-24 vote, and said its "good faith" pledge that the utility would invest more in wind energy sources would not be fulfilled.

"The choice is between Yucca Mountain on the Mississippi River or wind farms on the prairie," said Rep. Aaron Peterson (DFL-Madison). "You can't tell me how many years the casks will be on the banks of the Mississippi. They could be there for many, many, many years."

Peterson referred to the proposed national



PHOTO BY TOM OLMSCHIED

Xcel Energy is seeking more capacity for nuclear waste storage at its Prairie Island plant, pictured here, and its facility near Monticello.

ticularly the Legislature's direct authority over future nuclear waste storage and how much money Xcel Energy would be required to commit for renewable energy development.

The bill proposes additional nuclear waste storage to allow the utility to keep operating Prairie Island, located near Red Wing, for at least the duration of its federal licenses to 2013 and 2014.

Gov. Tim Pawlenty has also indicated he favors keeping the authority for additional nuclear waste storage with the Legislature.

"The worst part of the bill is that it removes the Legislature's authority over future nuclear waste," said Rep. Irv Anderson (DFL-Int'l Falls). "The Public Utilities Commission is nothing more than a rubber stamp for Xcel Energy."



## Man of many hats

Schmahl went from small newspaper to top posts during distinguished career

waste repository at Yucca Mountain, Nev. to be operated by the U.S. Department of Energy. The site is a potential source for transfer of Prairie Island's nuclear waste, but it is not expected to be available until at least 2015.

If the waste repository opens as predicted, it is not expected to accept all the nuclear waste generated by more than 100 commercial reactors in the country.

"The waste problem won't go away," said Rep. Alice Hausman (DFL-St. Paul), who was among a number of members that considered the 1994 legislative compromise that provided Xcel Energy's predecessor, Northern States Power the 17 existing waste storage casks for the plant. The last of those casks was filled in 2002.

"The bill gives this company an unlimited future and gives us an unknown burden," Hausman said. "It's irresponsible to move forward."

Rep. Al Juhnke (DFL-Willmar) said he would have supported the Senate bill, sponsored by Sen. Steve Murphy (DFL-Red Wing), had it not been amended.

"This is not a bill to help rural Minnesota with wind," Juhnke said. "This is nothing but a business plan for Xcel Energy."


Juhnke predicted 84 casks could be added to the Prairie Island storage facility under the amended bill should the utility seek federal approval to operate the plant beyond 2014. The utility's federal license currently allows up to 48 casks on the site.

The amended bill would be "a good step in the right direction," on renewable energy development, said Rep. Lynne Osterman (R-New Hope). She said the state's renewable policy since the 1994 legislative mandates had been "willy-nilly," favoring "very expensive options rather than viable options."

The amended bill would have taken \$10 million unspent from the renewable development fund established by the 1994 legislation and apply it to hydrogen research, Osterman said. It would also provide \$4 million from the state's conservation improvement fund to the University of Minnesota for research on hydrogen usage.

Westrom said the amended bill would add \$3.5 million to the renewable development fund to provide \$12 million annually in output. That would allow additional funding of the state's wind incentive program for small wind energy development projects.

Up to \$3 million annually would be allocated for low- or no-interest loans to provide capital assistance to wind energy conversion systems of two megawatts or less.

"This has the potential to be a tremendous rural development opportunity," said Rep. Elaine Harder (R-Jackson). 

A number of colorful characters have served the Minnesota House of Representatives over the years. At the dawn of the 20th century, the House's chief parliamentarian had a bright political future ahead of him.

Julius A. Schmahl, chief clerk of the House during the 1901, 1903, and 1905 sessions would later become the secretary of state and the state treasurer. In fact, he is the longest serving treasurer in state history, and with the office's abolishment earlier this year, he's not likely to be topped.

Schmahl was born in 1867 in Nicollet County to parents who emigrated from Germany. They later moved to Redwood Falls where Schmahl spent most of his formative years working on area farms. At age 14, he took an apprenticeship in the printing office of the *Redwood Gazette*. Three years later, he began working at the *Fargo Argus* in North Dakota.

At age 18, he moved to the Twin Cities and worked as a reporter for both the Minneapolis and St. Paul daily newspapers until 1892. At that time, he left to return to Redwood Falls, and purchased an interest in the *Redwood Gazette*.

He would return to St. Paul in 1901 to serve as the House chief clerk, and during his tenure as a House officer, he remained editor of the Redwood Falls paper.

But in 1907, he assumed the post of secretary of state, where he served for the next 14 years. During his tenure, he produced a number of written works and delivered speeches, including two in 1919 in honor of soldiers returning from World War I, where he decried the "evils" of the socialism movements at the time, and he also expressed his anger regarding the Nonpartisan League, a populist political movement of the day.

In the speeches, Schmahl acknowledged his German heritage, and that despite his German pride, he in no way

sided with the sentiments of Germany during the war that had just been suppressed. He listed the following as virtues common to people of German descent: sunny-tempered, good-natured, peace-loving, thrifty, economical, and provident.

Socialism, he said, goes contrary to those values, and should be fought on the plains of America, just as it was in Europe.

Schmahl suggested that movements toward public ownership of businesses and other services was a form of socialism contrary to values Americans naturally embody.

In turn, the Nonpartisan League took away individual freedom, Schmahl said, and placed the values of the group on a higher plane.

He would continue fiery oration in his next post as state treasurer. He served in that role for 10 years beginning in 1927, and again from 1939 to 1951 — a total of

22 years. He has the longest tenure in that office, beating out the next longest-serving treasurer, Val Bjornson, by one day.

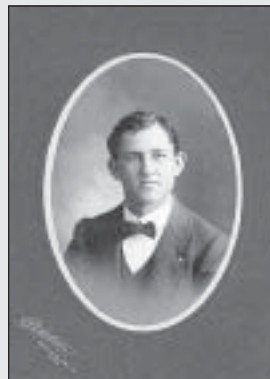
As treasurer, his speeches and written works focused primarily on items of state history, such as the origin of the word "Itasca," the history of the source of the Mississippi River, and the state's school trust fund lands.

Schmahl penned a pamphlet on the latter, chronicling the revenue the state was able to raise by retaining ownership of the trust fund lands, given to the state by the federal government as an "asset of the people" rather than a direct source of revenue.

He told one story of a state auditor in the 1880s who would not allow the lands to be sold outright, but instead insisted the state retain fee title over the lands and collect a portion of what they produced, be it timber or iron ore. The wealth of the funds must be maintained for future generations, he wrote.

Schmahl died in 1955 at age 88.

(M. KIBIGER)



Julius A. Schmahl

**★ AGRICULTURE**

**Foreign farmers**

A bill that, among other things, would allow immigrant holders of investment visas to purchase dairy farms in the state passed the House 79-52 on May 9.

Amended on the floor to the omnibus agriculture policy bill (SF990\*/HF1213), the proposal would allow the state Agriculture Department to recruit farmers from the Netherlands as a potential boost to rural economic development. It was originally proposed in HF447, sponsored by Rep. Greg Blaine (R-Little Falls).

The omnibus bill, sponsored by Rep. Howard Swenson (R-Nicollet), would also slightly increase ethanol content in gasoline, give the state's organic food growers some promotional help, and bring the state into compliance with more than a dozen federal regulations regarding pesticide chemicals, food, drugs, color additives, fair packaging and labeling, as well as product rules covering dairy grades, fruits, vegetables, meat, poultry, and fish.

The immigrant farmer amendment, which passed 70-58 following a nearly three-hour debate, would ease the state's restrictions on foreign ownership of farmland by amending state law to include holders of E-2 investment visas in the definition of a "permanent resident alien of the United States." Such individuals could purchase dairy farms of up to 1,500 acres, according to the bill.

"We have an increasing number of vacant dairy farms across the state for sale," said Blaine. He said the state's restriction on foreign ownership of farmland means that potential purchasers from Belgium and the Netherlands were buying farms in other Midwestern states, to Minnesota's disadvantage.

"They do have capital and are looking to dairy," Blaine said. Urban sprawl, land-use, and livestock herd restrictions were squeezing Dutch farmers out of their home country, he added.

Rep. Aaron Peterson (DFL-Madison) called the proposal "an anti-Minnesota farmer amendment," adding, "I don't buy the argument that the investment is going to come."

However, Rep. Al Juhnke (DFL-Willmar), who supported the amendment, said the Dutch extension service estimates 7,000 farmers could emigrate from the Netherlands. He said the proposal was making state "farmers and growers nervous" due to longstanding concerns about corporate- and foreign-owned farms.

Immigrant purchasers of dairy farms, according to the bill, would be required to maintain their principal dwelling place in Minnesota for 10 months of every 12-month period, pursue federal citizenship status within three years, and report a dairy farm purchase to the state agriculture commissioner within 30 days of the transaction.

Blaine accepted a Juhnke amendment that would place a four-year time limit (to June 30, 2007) on dairy farm purchases by immigrants.

Regarding ethanol, the bill would require all gasoline sold or offered for sale in the state to contain 10 percent denatured ethanol by volume. Current law requires most gasoline sold in the state contain 2.7 percent oxygen by weight. That standard is met by blending ethanol into petroleum gasoline at a ratio of 7.8 percent ethanol to 92.2 percent gasoline.

Besides the increase in the oxygenate blend to 10 percent, the bill would require that denatured ethanol must be the oxygenate used as the fuel additive. The mandatory ethanol content was proposed in HF899, sponsored by Rep. Dan Dorman (R-Albert Lea).

The omnibus bill would amend state law governing organic farming to match the federal definition of "organic production." It would create a 14-member organic advisory

task force on improving organic agriculture, by assisting producers to meet organic certification, conducting education and marketing activities, and addressing "production or marketing obstacles to the growth and well-being of the industry." The proposal was originally contained in HF1213, sponsored by Rep. Ray Cox (R-Northfield).

The Senate companion (SF990), sponsored by Sen. Steve Murphy (DFL-Red Wing), was passed by the Senate May 5. A conference committee is expected to work out a compromise between the two bills.

**New investors**

Despite three unsuccessful attempts to alter its language or send it back to a committee, a bill that would allow a variation on member-owned cooperatives in order to incite capital investments passed the House May 12 on a 111-18 vote.

HF984, sponsored by Rep. Howard Swenson (R-Nicollet), would allow all forms of co-ops in Minnesota to take on investor-members in addition to the traditional patron-members. Investor-members may not necessarily purchase products from the co-op but join the

**SPECIAL SPEAKER**



PHOTO BY KRISTINE LARSEN

Alex Crowley, 8, of Oakdale, bangs the gavel and brings the May 12 House floor session to order. He brought a special message to legislators and staff: "Go Wild!" The Minnesota Wild hockey team was set to play game two in its playoff series against the Anaheim Mighty Ducks that evening. The winner of the series advances to the Stanley Cup Finals.

cooperative to earn a profit on an investment and to provide capital funds for cooperative expansion.

The bill is based on a law passed last year in Wyoming, said Swenson, who added he was asked to carry similar legislation by the Minnesota Association of Cooperatives. In allowing for investor-members, HF984 largely combines portions of the traditional cooperative statute with portions of limited liability statute.

However, several members objected on the House floor to the fact that neither the House Agriculture Policy Committee nor the House Agriculture and Rural Development Finance Committee had heard the bill. A motion by Rep. Mary Ellen Otremba (DFL-Long Prairie) to send the bill to the policy committee failed 81-48.

Swenson replied that two House committees heard the bill. Furthermore, he said, it relates not just to traditional agricultural supply and grain marketing co-ops, but also to others. Those include electric, telecommunications, energy, natural food and grocery, financial, and consumer and purchasing co-ops, as well as to credit unions.

A second amendment, proffered by Rep. Aaron Peterson (DFL-Madison), called for placing a sunset provision on the bill, thereby having it expire in 2006 unless acted upon further.

"I really do feel like this is being stuffed down some throats today," Peterson said.

The amendment failed.

Rep. Kent Eken (DFL-Twin Valley) offered a third amendment, which also failed, limiting a cooperative's membership to individuals living within 100 miles of the co-op's property. "This is to ensure local control," he said.

The amendment, said Rep. Greg Blaine (R-Little Falls), would defeat the purpose of the bill, which is aimed at seeking investments from those who aren't necessarily patrons of the cooperatives.

The bill now goes to the Senate, where Sen. Rod Skoe (DFL-Clearbrook) is the sponsor.

## ★ ARTS

### ★ Spending for art in state buildings

A plan that would potentially limit the amount of art in state buildings was approved 81-51 by the House May 13.

Sponsored by Rep. Chris Gerlach (R-Apple Valley), HF575 would require that any future state building construction or renovation be limited to \$100,000 for art or 1 percent of the total cost, whichever is less.

As part of the Minnesota Percent for Art in

Public Places program, current law provides that an appropriation of at least \$500,000 for construction or alteration of a state building may contain up to 1 percent of the appropriation for acquisition of works of art for the building.

Gerlach expressed concern that under current law the new \$39 million Bureau of Criminal Apprehension building could contain up to \$390,000 in art (\$361,200 has been budgeted), and that the building now under construction to house labs for the Health and Agriculture departments with its \$60 million price tag, may have \$600,000 in art.

"That may be a little much as far as public investment for art in these buildings," he said. "We are not eliminating art. We are simply bringing this in line with a rational limitation." According to the Minnesota State Arts Board, which administers the program with the Department of Administration, of the 127 construction or renovation projects between November 1984 and December 2002, 24 had more than \$100,000 worth of art.

The bill would also limit the amount available each fiscal year for administration of the program to 10 percent of total appropriations for art. Gerlach previously said that the administration of programs has averaged about 17 percent annually.

During debate, members asked Gerlach to define the difference between art and architecture. He said the arts board has an apparatus for determining which category something would fall into. "Under my bill what is judged as art or architecture does not change," Gerlach said. "The only difference is the limitation."

Rep. Phyllis Kahn (DFL-Mpls) said that sometimes art doubles as a security measure. She noted that things like sculpture parks, benches, and planters are being put up around more buildings, such as at the federal building in Minneapolis. She said that looks much better than large concrete "freeway barriers."

Rep. Cy Thao (DFL-St. Paul), an artist by profession, said the state is "already very bland and this bill will lead to more of that blandness."

The bill next goes to the Senate, where Sen. Claire Robling (R-Jordan) is the sponsor.

## ★ BANKING

### ★ New hours, loan policy

Banks would be allowed to close early on Christmas Eve and New Year's Eve and bank employees could get loans from the banks at which they work without special approval from the bank's board of directors, under a bill that passed the House 131-0 May 8.

Sponsored by Rep. Greg Davids (R-Preston), HF1039/SF1069\* would make a variety of changes, some technical or clarifying in nature, to laws governing financial institutions, as well as to laws regulating annuity contracts provided by insurance companies.

Among other things, the bill would:

- reduce the required frequency of financial examinations from 18 months to 24 months for financial institutions and state credit unions;
- eliminate the requirement that banks opening new sites or relocating notify by mail other banks in the area, and instead allow them to declare the same in a legal notice in a qualified newspaper within the city;
- eliminate the requirement that the board of directors of any given bank approve loans to bank directors, officers, and employees. Such loans would remain subject to other existing approval provisions, however;
- eliminate the prohibition against advertising bank ownership of particular automated teller machines on the device itself, as well as eliminate the prohibition against advertising on machines the location of other ATMs owned by the bank;
- permit state bank board members to be non-residents of the state, provided they live within a certain district of the bank's main office; and
- allow a financial institution to post general obligation securities of a local government as collateral against funds deposited by that local government.

The amended bill was returned to the Senate May 9. Sponsored by Sen. Dan Sparks (DFL-Austin), the bill was initially approved 65-0 May 5.

## ★ CONSUMERS

### ★ Fair phone competition

A bill to allow so-called "hard wire" telephone companies to offer service promotional packages similar to those offered by less-regulated wireless companies passed the House 118-12 May 12.

Sponsored by Rep. Bob Gunther (R-Fairmont), HF671 would permit a telephone company to offer "bundled" service packages and to establish package prices, terms, and conditions, provided that the following conditions are met:

- each telecommunications service subject to state Public Utilities Commission regulation is available on a stand-alone basis;
- the packaged rate or price does not exceed the sum of the unpackaged prices of each individual component offered in the promotion; and

- the company lists all regulated and unregulated services included in the package.

The bill would also amend state law to limit a customer to receiving the benefits of a service promotion package to nine months. State law currently provides that no single promotion may be effective for longer than 90 days at a time.

The bill would allow primarily older companies whose core business remains wire connected phones to “promote what they have and create competition,” Gunther said.

There was no floor debate on the bill, which would also amend current law to relieve a telephone company from filing cost information with the state regarding a service promotion package.

Furthermore, the commission, state Commerce Department, or attorney general’s office would be allowed to request company information if needed to determine whether a promotion meets legal requirements.

The scheduled expiration date of Jan. 1, 2006 of state law governing experiments in alternative regulation for phone companies would be repealed if the bill were enacted.

The bill next heads to the Senate, where it is sponsored by Sen. James Metzen (DFL-South St. Paul).

## ★ CRIME

### Less courtroom time

Signed  
by  
the  
governor  
★ ★ ★

Gov. Tim Pawlenty signed a new law May 12 that will allow Minnesota’s forensic scientists to spend more time in the laboratory and less time in courtrooms.

Effective Aug. 1, 2003, courts can accept reports about who handled particular pieces of evidence without requiring scientists to verify those reports in person. Currently, forensic scientists from the state Bureau of Criminal Apprehension must appear in court to testify that a chain of custody report is accurate. Chain of custody reports detail when, where, and by whom pieces of evidence were handled.

Rep. Eric Lipman (R-Lake Elmo), who sponsored the legislation in the House, said that such reports are relatively administrative matters that rarely become important in a criminal case. Much more important, he said, are reports detailing a scientist’s analysis of the evidence, which do not require scientists to appear in court.

The law will now treat both types of reports the same way. Defense attorneys who wish to challenge or question the reports can still subpoena scientists up to 10 days before a trial.

Sen. Satveer Chaudhary (DFL-Fridley) was the Senate sponsor.

HF909/SF942\*/CH29

## ★ DEVELOPMENT

### Increased housing assistance

Affordable housing efforts in the St. Cloud area would be enhanced under a bill that awaits the governor’s signature.

HF1143/SF891\* would allow all housing and redevelopment authorities to form corporations for developing, preserving, and rehabilitating housing projects. Such entities could also become members of existing corporations, under the bill.

It was approved 125-6 by the House May 8 and 63-0 by the Senate May 5.

Sponsor of the House bill, Rep. Dan Severson (R-Sauk Rapids), said current law prohibits housing and redevelopment authorities from forming corporations or limited liability partnerships. However, gaining federal

assistance and selling low-income housing tax credits to raise funds for low-income housing projects is difficult unless the entity seeking them is a member of a corporation, he said.

Making changes to facilitate the sale of low-income housing tax credits would promote private sector investment and therefore reduce the need of affordable housing initiatives on state taxpayer dollars, Severson added.

“I believe in this fiscally challenged environment, creative ideas make for viable solutions,” Severson said.

Those in the financial community who consider buying federal tax credits from the St. Cloud Housing and Redevelopment Authority often ask why the agency is not a limited liability partnership or a limited liability corporation, according to its executive director, Marshall Weems. The proposed change in state law would help the housing authority gain acceptance in the financial community, he added.

Sen. Ann Rest (DFL-New Hope) is the Senate sponsor.

## ★ STUDENT PLANTERS



PHOTO BY ANDREW VON BANK

Calia Xiong is one of many fifth graders from North End Elementary in St. Paul planting flowers as part of a Capitol beautification project May 13. The event is a collaboration between the St. Paul Schools and the group Kids, Education, the Environment, and You.

## ★ EDUCATION

### Cause for termination

A school district would be required to provide written reasons for not renewing a varsity sport head coach’s annual contract during the off-season, under a bill passed 127-3 May 12 by the House.

Sponsored by Rep. Dean Urdahl (R-Grove City), HF680 would amend state law to also require that school boards provide “timely notice” for a dismissed coach and a “reasonable opportunity” for the coach to respond to her or his dismissal at a public board meeting.

“Coaches fired in season can know why,” said Urdahl, a teacher with 25 years of high school coaching experience. “But after the season is concluded, there is no recourse.”

He said the bill would provide coaches that have annual contracts with a school district similar hearing rights as those provided a probationary teacher. The bill would apply to unlicensed coaches, as well as coaches who are licensed teachers.

The bill would require school boards to give a dismissed coach written reasons for not renewing the annual contract within 10 days of his or her request.

The bill, which would take effect Oct. 1, 2003 if it became law, now goes to the Senate where Sen. Steve Dille (R-Dassel), is the sponsor.



## Election law changes

Voters may notice some small changes on Election Day if a bill passed by the House becomes law.

HF1119 addresses such topics as electronic voting machines, news media at polling places, filing an election complaint, and requiring a photo identification if a person is not pre-registered to vote.

The bill passed 79-52 on May 8.

Sponsored by Rep. Tony Kielkucki (R-Lester Prairie), HF1119 also addresses changes in technology, such as allowing agencies to give the secretary of state electronic notices of an open appointment, which would then be posted on the Internet. Agencies would be required to give the secretary information in electronic format and provide members' e-mail addresses.

The secretary would have the power to use experimental electronic voting systems during a state primary, general election, or municipal election under the proposed changes.

Rep. Bill Hilty (DFL-Finlayson) failed to amend HF1119 to require the secretary to get approval from the Legislature before installing electronic voting systems. National publicity on the failures of the machines, such as the situation in Florida during the last presidential election, has prompted fears of the validity and reliability of the systems, said Hilty. "Hundreds of computer experts nationwide expressed concerns," he added.

Rep. Eric Lipman (R-Lake Elmo) offered a successful amendment that would add student identification cards that contain a student's valid address in the precinct as one of the required forms of identification that can be used for Election Day registration. Opponents said students move often, and most cards don't have an address for that reason. Lipman said the measure would help prevent voter fraud, which occurs when students vote in the wrong precinct.

Voters who cannot speak or read English and need an interpreter would have an election judge to help the individual cast a ballot, according to a successful amendment by Rep. Cy Thao (DFL-St. Paul).

Also, the bill would require write-in candidates to file a written request by the fifth day before an election in order to have their votes counted. Current law allows for filing the day before the election.

Unsuccessful amendments included the declaration of Election Day as a holiday, and allowing high school students to have the morning of Election Day off from school to make their way to the voting polls.

The bill now moves to the Senate, where Sen. Linda Higgins (DFL-Mpls) is the sponsor.

## Extended campaign season

Longer and sooner could describe the campaign season for public officials under election changes proposed in HF1506, sponsored by Rep. Ron Abrams (R-Minnetonka).

"We have to get the electorate more involved in political parties ... we have to strengthen political parties," Abrams said as he testified before the House Governmental Operations and Veteran Affairs Policy Committee May 8.

The committee approved the bill and forwarded it to the House Rules and Legislative Administration Committee.

HF1506 would push back the precinct caucus date from March to the third Tuesday in February, which would "make Minnesota more of a player in the national political process," Abrams said.

Minnesota would be one of only two states that would caucus on that night, with the hope that political parties on the national level would pay more attention to the state.

The state's primary election would be moved from September to the third Monday in June, and it would be officially called the state party nominating election. Abrams said this would put more emphasis on the differences between the parties, rather than on contests between candidates of the same party. Under the bill, a candidate must file eight weeks prior to the June date to be considered.

"You're going to turn them off so fast, they're going to throw their hands up," said Rep. Bill Haas (R-Champlin), referring to how voters will respond to the extended campaign season. Haas said the focus should instead be on political parties sitting down to talk about how they campaign and look at different ways to energize people.

HF1506 would also change the requirement for candidates to get on the partisan primary ballot at the party endorsing conventions. Under the bill, a person must get 30 percent of the vote at the convention to qualify for the ballot. If they fail, candidates could still get on the primary ballot, but they would need to get 10 percent of the number of delegates voting for the office in the last endorsing convention to sign a petition for them to be put on the ballot for the primary. The secretary of state's office would oversee the percentage calculations.

Under current law, candidates may still move forward to the September primary whether they were successful at the endorsing convention or not, and without petitioning convention delegates.

A major party-endorsed candidate would have their name on the ballot followed by the word "endorsed," on the primary ballot, unless the candidate filed an affidavit declining.

Representatives from the Republican and DFL parties testified in favor of HF1506 before the committee.

Said Annette Meeks, vice chair of the Republican Party of Minnesota, "It will strengthen our political parties, as well as our political process."

A Senate companion (SF1437), sponsored by Sen. Linda Scheid (DFL-Brooklyn Park), awaits action on the Senate floor.

## Voting changes

Minnesota election laws must be adjusted to comply with the federal Help America Vote Act signed into law by President Bush last year. HF1006, passed by the House 83-47 May 14, would make those modifications.

Among other things, the federal law helps establish election standards for states and local units of government.

Sponsored by Lynda Boudreau (R-Faribault), HF1006 would require voters registering on Election Day to present a form of picture identification, would require the commissioner of health to report deceased residents via electronic reporting so they can be removed from polling place rosters, and would allow the secretary of state to approve any use of experimental electronic voting systems.

Concerns have been raised nationally about certain systems of electronic voting, said Rep. Bill Hilty (DFL-Finlayson), in proposing an amendment that would require the secretary of state to bring any changes in electronic voting systems before the Legislature. He cited a report from the Caltech-MIT Voting Technology Project, which found major problems with machines used in the 2000 presidential election. The amendment failed.

The state currently allows optical scan voting equipment, found to be the most reliable of systems in use among other states, the report noted.

Boudreau responded that any new system introduced for experimentation by the secretary would go through rigorous testing.

Opponents of HF1006 say the new requirements make it harder for people to exercise their right to vote.

Rep. Phyllis Kahn (DFL-Mpls) failed to amend a provision onto the bill that would have required cities to notify voters if they are removed from the list of eligible voters for reasons other than death.

Felons most likely wouldn't know when they are once again eligible to vote, because they



have finished serving their sentences, under the election laws, said Rep. Keith Ellison (DFL-Mpls), speaking in favor of the Kahn amendment.

The bill now goes to the Senate, where it is sponsored by Sen. Chuck Wiger (DFL-North St. Paul).

### Public money usage

The state or a political subdivision would be officially restricted from using public money to promote or defeat ballot questions in elections, under a bill (HF42) that passed the House May 13 90-41.

Currently an attorney general's opinion serves as the legal authority dictating that public money cannot be used for this purpose.

Rep. Eric Lipman (R-Lake Elmo), the House sponsor, said he isn't trying to change current practice, but rather make it part of state statute, where local officials can find it and are likely to look for it.

Though other materials exist to help officials determine the law, including a League of Minnesota Cities handbook for city officials, Lipman said officials have no specific law to cite when questioned about the use of local funds for ballot initiatives.

HF42 would not prohibit the state or a political entity from distributing factual information or a description of alternatives to a ballot question.

Lipman's intentions are good, said Rep. Jim Knoblach (R-St. Cloud), but the law "assumes whoever is writing the ad is objective and evenhanded." He used the example of Gov. Jesse Ventura advocating for a unicameral legislature when he was in office, and if the question had been put on the ballot, he could have used campaign funds to distribute literature.

Speaking in favor of HF42, Rep. Rebecca Otto (DFL-Marine on St. Croix), said she experienced firsthand how literature on ballot questions works in school districts. When she was serving in the Forest Lake school district, a parent fundraising group sent out literature telling residents to vote up or down a school levy. Otto said the Legislature doesn't "want to tie the hands of school districts."

The bill now goes to the Senate, where Sen. Warren Limmer (R-Maple Grove) is the sponsor.

## ★ ENERGY

### Reporting requirements

A bill that would relax state required conservation reporting requirements for small municipal-owned electric utilities passed the House 131-0 May 12.

Sponsored by Rep. Bob Gunther (R-Fairmont), HF860 would exempt municipal utilities with annual gross sales of less than \$2.5 million from certain conservation program reporting and allow use of conservation funds for the improvement of municipal district heating and cooling systems.

The state's 20-year-old conservation improvement program requires a municipality to spend 1.5 percent of its gross operating revenues from the sale of electricity on conservation improvement spending and investments. The conservation law also applies to a cooperative electric association that provides retail service to its members and privately owned utilities such as Xcel Energy.

The law requires a municipality or cooperative to file a detailed overview every two years with the state Commerce Department regarding its conservation program that analyzes increased efficiency and cost effectiveness.

Gunther said eligible municipal utilities "can use a short reporting form" under the bill to satisfy the state's requirement to certify the utility has spent the required amount on conservation programs.

There are 126 municipally owned electric utilities and 34 gas utilities in the state.

The bill would also allow a municipal utility to use up to 50 percent of its required conservation spending to refurbish steam-powered district heating systems. Such heating systems exist in five small cities. The bill would establish an expiration date of July 1, 2007 for a utility to use conservation funds to improve a district heating system.

The bill now moves to the Senate, where a companion bill (SF866), sponsored by Sen. Dallas Sams (DFL-Staples), has been incorporated in the conservation provisions of a larger bill (SF733), sponsored by Sen. Ellen Anderson (DFL-St. Paul). The Anderson bill awaits action on the Senate floor.

## ★ ENVIRONMENT

### Lands bill with teeth

A bill that would authorize a number of state land transactions passed the House May 14 by an 81-51 margin.

The omnibus lands bill (HF810), sponsored by Rep. Larry Howes (R-Walker), would grant

legislative approval of land sales, exchanges, or acquisitions in the following designated areas:

- Fort Snelling State Park;
- Lake Bemidji State Park;
- Tettegouche State Park;
- Iron Range Off-Highway Vehicle Recreation Area;
- Paul Bunyan State Forest;
- Savanna State Forest;
- Waukenabo State Forest; and
- Big Bog State Recreation Area.

Land is deleted in the following areas:

- Tettegouche State Park;
- Foot Hills State Forest;
- Kabetogama State Forest;
- Mississippi Headwaters State Forest;
- Red Lake State Forest; and
- Red Lake Wildlife Management Area.

The bill would establish boundaries for Greenleaf State Park in Meeker County, but specifies that the Department of Natural Resources (DNR) could not use the general land acquisition account to pay for the land.

"Typically, a lands bill — year in and year out — is noncontroversial," Howes said. "I hope that at the end of the day this one will be noncontroversial, also."

His comments foreshadowed a fairly lengthy floor debate revolving around the continuing saga of state-owned Permanent School Fund lands within the Boundary Waters Canoe Area Wilderness.

Rep. Tom Rukavina (DFL-Virginia) successfully amended the bill to require the DNR to establish by June 1, 2004, a fee system for the use of state-owned land within the wilderness area that produces income for the permanent school fund in approximately the same amount as that earned on similar trust lands outside the area.

As amended, the bill also would require the DNR by July 1, 2005, to present to a land exchange board, made up of the governor, state auditor, and attorney general, a proposal to exchange state-owned lands within the wilderness area for Superior National Forest land outside of the area.

If, by that date the DNR has not reached an exchange agreement with the federal government, the bill would allow the attorney general to begin inverse condemnation proceedings in federal court demanding compensation from the federal government. Inverse condemnation invokes the last phrase of the Fifth Amendment of the U.S. Constitution: "nor shall private property be taken for public use without just compensation."

The DNR has been admonished since 1972 to do something on this issue, Rukavina said. "We have lost over 30 years of income that would have generated hundreds of millions of dollars.

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"This is about the permanent school fund and how it generates money for our school kids," Rukavina said. "Our students have not gotten the money they deserve."

Rep. Mindy Greiling (DFL-Roseville) said she was "perplexed" that the issue was being portrayed as something that would help school children. If all the land in the Boundary Waters was sold, she said, the interest gleaned would be nearly \$1.3 million or \$1.30 per child.

"That is not enough money to make that the issue," Greiling said. "The issue is whether or not Rep. Rukavina's constituents and the loggers need to make this change."

Also under the bill, language authorizing a whitewater trail on the Mississippi River in Minneapolis is modified to be less restrictive in its boundary designation. Currently, the law limits kayakers and others to an area below the Stone Arch Bridge and the bill would clarify that the trail follows a larger route near St. Anthony Falls.

Finally, the bill also would re-establish the Minerals Coordinating Commission as a state-supported resource to promote research and development of mining assets.

The bill now goes to the Senate, where it is sponsored by Sen. Tom Saxhaug (DFL-Grand Rapids).

### Arsenic in fertilizers

**Signed by the governor** ★ ★ ★  
Effective Aug. 1, 2003, fertilizers containing certain levels of arsenic will be illegal in Minnesota under a new law signed by Gov. Tim Pawlenty May 12.

Under the law, the state's agriculture commissioner "may not license or register for sale or use in Minnesota any fertilizer containing more than 500 parts per million by weight of arsenic."

Fertilizer must be registered with the state before it is sold.

Arsenic is a very poisonous chemical element, compounds of which are used in insecticides. Rep. Dan Dorman (R-Albert Lea), the House sponsor, said the legislation was modeled after a similar proposal in Maine directed at fertilizers containing tailings, which are mining waste byproducts.

A particular brand of fertilizer called Ironite has been cited nationally by public health and environmental groups as heavily contaminated with arsenic. According to those advocates, Ironite is produced from the mine tailings of a proposed Superfund environmental cleanup site in Arizona and sold to consumers as a lawn and garden fertilizer. The company that produces Ironite has claimed the fertilizer is

safe.

Sen. D. Scott Dibble (DFL-Mpls) is the Senate sponsor.

HF258/SF680\*/CH33

### Sensing unnecessary sprinkling

**Signed by the governor** ★ ★ ★  
A new law signed by Gov. Tim Pawlenty May 14 aims to reduce water bills and unnecessary irrigation.

Effective July 1, 2003, it will require that all new landscape irrigation systems installed after that date have mechanisms to prevent sprinklers from operating during rainstorms and at times when the ground is saturated to a pre-programmed level.

The average cost of the rainfall sensor is \$30 for a residential system, according to House committee testimony from landscape professionals.

Similar legislation passed the House and Senate in 1999 but was vetoed by then-Gov. Jesse Ventura, who called it an unenforceable government mandate.

### FAN DANCERS



PHOTO BY ANDREW VON BANK

University of Minnesota student Xiao Wang performs a traditional Chinese fan dance in front of the State Capitol May 13 as part of a World Falun Dafa Day that celebrates 11 years of the practice in the world. Those who practice Falun Dafa, part of an ancient practice refining the mind and body through special exercises, emphasize cultivation of moral character as well as physical development.

The legislation was introduced again at the behest of landscape industry representatives who said they wanted to "level the playing field" in competitive bidding situations, according to House sponsor Rep. Dennis Ozment (R-Rosemount).

Sen. John Marty (DFL-Roseville) is the Senate sponsor.

HF335\*/SF781/CH44

## ★ FAMILY

### Birth parent background

The House passed a bill May 13 that would make it easier for people who were once adopted and their parents to get social and medical background information from biological parents.

On a 132-0 vote, legislators approved HF653/SF727\*, which would require adoption agencies to provide such information about someone's birth parents when requested by the person or their adoptive parents. The bill, passed by the Senate 61-0 April 15, now goes to Gov. Tim Pawlenty for approval.

Since 1994 the state has mandated collection of detailed social and medical histories of all parents putting children up for adoption. That information is collected on a particular form developed by the commissioner of human services that is designed not to reveal any personally identifiable information about the biological parents.

The bill would require adoption agencies to provide that form to the people requesting the information.

In addition, agencies that are asked to find the same information from birth parents, who had not previously given it, would be required to use the same form to collect the information.

Rep. Lynne Osterman (R-New Hope), an adoptee herself, told a House committee March 17 that she has had a very difficult time tracking down important medical information from her birth parents. She said a lack of uniform reporting requirements compounds the problem.

The information can be useful in determining the best medical treatments for a given individual based on family medical history.

Rep. Stephanie Olsen (R-Brooklyn Park) and Sen. David Knutson (R-Burnsville) sponsor the bill.

If you have Internet access, visit the Legislature's web page at:  
<http://www.leg.mn>

## ★ GOVERNMENT

### Disclosing fiscal impact

A bill that would give local authorities a better understanding of what the potential costs would be to comply with proposed rules received House approval May 8.

"This way government entities can find out what a mandate may cost before it goes into effect," said Rep. Marty Seifert (R-Marshall), the sponsor of HF624. A rule has the full effect of law once enacted.

Under the bill, the commissioner of finance would be directed to prepare a local government fiscal impact and fiscal benefit note if requested by a unit of the political subdivision, which is defined as the elected governing body of a city, township, county, school district, or sanitary district.

If more than one entity requests a note, the cost to prepare the note, which is up to \$35 per hour, could be divided. The commissioner is to give a fee estimate once a request is received at which time the request may be withdrawn. A fiscal note shared with the House State Government Finance Committee April 1 indicated that a typical note would take 21 hours to complete. Seifert said during the committee process that the goal was for the bill to be revenue-neutral.

Additionally, the bill would require state agencies to determine the costs of complying with the proposed rules. If the cost were estimated to exceed \$10,000, an administrative law judge must approve the determination. If the judge fails to approve the agency's determination, the rules may not take effect until legislative approval is given. This is not applicable if the Legislature gives money to fund the expected cost or the rule has been proposed to address a specific federal mandate.

The bill awaits action by the full Senate, where Sen. David Senjem (R-Rochester) is the sponsor.

## ★ HEALTH

### Alzheimer's training

Organizations that provide care for people with Alzheimer's disease will have to ensure their staff is trained to work with Alzheimer's patients under a new law Gov. Tim Pawlenty signed May 12.

Effective Aug. 1, 2003, direct care staff and supervisors working in nursing homes, home care, and adult day care facilities will have to be trained in caring for people with dementia, according to the law. That training will include an explanation of Alzheimer's disease and related disorders,

## STEP RIGHT UP



PHOTO BY TOM OLMSCHIED

Interested people grab different articles of the health and human services omnibus bill that are spread out across tables outside of a hearing room in the State Office Building. The May 12 meeting was one of many conference committees held as legislators attempted to finish their work prior to the constitutional deadline for the legislative session.

assistance with activities of daily living, problem solving with challenging behaviors, and appropriate communication skills.

Each organization will have to provide consumers with a written description of the nature and frequency of their staff's training.

Supporters said the law is a matter of consumer protection for patients and their families, because some organizations have advertised Alzheimer's disease services they are not qualified to deliver.

"There are ways to approach these people that are either good ways or bad ways," Rep. Char Samuelson (R-New Brighton) said during House debate. "So it is imperative that the staff that work in these units get proper training for dealing with the people living there."

Rep. Jim Abeler (R-Anoka) and Sen. Linda Higgins (DFL-Mpls) were the sponsors. HF410/SF433\*/CH37

### Prescribing medications

Representing a compromise between Minnesota's optometrists and ophthalmologists, a bill, passed by the House May 12, would increase the types of medications optometrists could prescribe to their patients.

Sponsored by Rep. Bud Nornes (R-Fergus Falls), HF373/SF418\* looks to give optometrists some of the prescribing authority currently reserved for ophthalmologists, who hold medical degrees. Optometrists, who are not medical doctors but hold degrees in optometry, traditionally specialize in prescrib-

ing glasses and contacts. Legislators gave them authority in 1993 to prescribe topical medications such as eye drops to patients. The bill would allow them to prescribe certain oral medications, as well.

Nornes described the legislation as a way to reduce medical costs and allow greater access to care by providing more places for patients to receive their necessary prescriptions.

In his view, too many patients are sent to expensive medical doctors for prescriptions optometrists could easily write themselves. In a House committee, representatives of the Minnesota Optometric Association said oral medications to deal with eye conditions fall within optometrists' realm of expertise and most states already grant such authority.

At that time, opponents said the bill would further blur the line between optometrists and ophthalmologists and could result in the prescription of drugs that help eye conditions but also have effects on other parts of the body. Some suggested optometrists ultimately want to enter the lucrative laser eye surgery market.

A compromise contained in the bill would limit the scope of the new authority to less powerful oral medications. Optometrists could still not prescribe medications containing strong narcotics, such as Tylenol III, according to the bill.

The Senate, where Sen. D. Scott Dibble (DFL-Mpls) is the sponsor, passed the bill 61-0 on May 5. It now goes to Gov. Tim Pawlenty for approval.

## ★ HOUSING

### Security deposit refunds

Landlords would not have to pay as much interest to tenants when returning their security deposits, under a bill awaiting the governor's signature.

Under current law, landlords must accumulate interest on the rental deposits and give that interest to the tenant, along with whatever portion of the deposit is returnable, when the tenant moves. The interest rate is 3 percent until May 1, 2004, and at 4 percent thereafter.

"I'm sure everybody knows that the interest rates are a lot lower than that," said Rep. Arlon Lindner (R-Corcoran), the House sponsor of HF438/SF645\*.

The bill, passed by the House 99-31 on May 8, would reduce the interest rate to 1 percent after Aug. 1, 2003. Lindner said the proposed change reflects the market, in which interest earnings are on average between zero and 1 percent.

The payable interest amount has been altered numerous times to reflect market changes since the law was enacted in 1973. The current rate of 3 percent was set in 1996, and has remained at 3 percent during three subsequent reviews.

While no legislators spoke against the bill on the floor, some expressed concern when the bill was before the House Commerce, Jobs, and Economic Development Policy Committee March 25. Renters, said some members, could ill afford any changes that take money from their wallets.

Rep. Karen Clark (DFL-Mpls) said moving into an apartment is costly as renters must pay not only a deposit, but also first month's, and often last month's rent, in advance. And security deposits have risen from one-quarter to one-half of one month's rent to a full one-month's rent, she said.

Rep. Laura Brod (R-New Prague) said she supported the bill as security deposits keep renter costs in check. Without them, landlords would absorb the cost of damage repairs and would likely pass those expenses onto renters in the form of higher rents, she said.

In the Senate, where Sen. James Metzen (DFL-South St. Paul) is the sponsor, the bill passed 65-0 May 5.

## ★ INSURANCE

### Unemployment fund solvency

So many people have been collecting unemployment in Minnesota that in April the state was forced to borrow \$200 million from the

federal government to continue paying benefits to laid-off workers.

HF831, passed by the House 130-0 May 14, would address the long-term solvency of the state unemployment insurance trust fund by changing the formula by which employers pay into the fund.

Under current law, the base tax rate paid by all taxpaying employers fluctuates between one-tenth and six-tenths of 1 percent of taxable wages, depending on how much money is in the unemployment insurance trust fund. When the fund is low, it triggers a higher rate. The exact amount to be paid in any given year is based on the fund balance on June 30 of each year.

Sponsored by Rep. Bob Gunther (R-Fairmont), the bill would continue adjusting the rate employers pay but would determine the fund balance by comparing the balance on March 31 of any year to the percentage of total wages paid to employees in the previous year. According to nonpartisan House research staff, this has the effect of comparing the balance to the fund's "exposure." The more being paid in wages, the more the fund may need to pay out in benefits if unemployment rates rise.

The rate would fluctuate between one-tenth and fourth-tenths of 1 percent of taxable wages.

Under the bill, employers who traditionally lay off their employees — such as those in the construction trades or seasonal businesses — would pay a slightly higher rate. The employees themselves, however, wouldn't see a lower benefit amount in the event of a layoff, according to Gunther.

In addition, payments to the unemployed could also be delayed. Current law allows the state to delay unemployment benefits for up to four weeks when an employee collects sick leave or severance pay after being laid off. The bill would determine the weeks of delay by dividing severance package by the employee's weekly pay.

In 2002 the state paid out more than \$1 billion in unemployment benefits to laid-off and unemployed workers.

The bill now goes to the Senate, where Sen. Ellen Anderson (DFL-St. Paul) is the sponsor.

### Cancellation notification

Signed  
by  
the  
governor  
★ ★ ★

Homeowners must be informed by law of a Minnesota state insurance plan when their homeowner's insurance policies are canceled, under legislation signed May 13 by Gov.

Tim Pawlenty.

Effective Aug. 1, 2003, the new law largely clarifies other statutes regarding the Minnesota property insurance placement facility, or the Minnesota FAIR Plan. FAIR stands for fair

access to insurance requirements. It is overseen by the Department of Commerce.

Established by the Legislature, the plan provides limited property insurance when individuals are unable to get insurance from the private market. However, policies are not as desirable or as affordable as private insurance company plans. Minnesota residential and commercial property owners who have been unable to obtain property insurance are eligible for coverage, provided the property meets minimum requirements.

The plan is financed through premiums paid by customers. When shortfalls arise, the plan's member insurance companies are assessed a fee according to their share of the market.

The new law will also change the requirements for and terms of FAIR board members, as well as clarify how rates are set by the Department of Commerce, how commissions are paid to agents, and how written premiums are used to determine the plan's assessments base. Finally, the law will allow rejection of coverage without property inspection if the rejection is not related to the property's condition.

It will also require health insurance providers to notify clients that the insured's children who are full-time students are covered, as are disabled adult children.

Rep. Tony Sertich (DFL-Chisholm) and Sen. Linda Scheid (DFL-Brooklyn Park) were the sponsors.

HF203/SF350\*/CH40

## ★ LAW

### Reporting sexual abuse

A bill that gained House approval May 13 would extend the statute of limitations for claiming damages from cases of childhood sexual abuse, but only if the abuse is reported to law enforcement.

On a 126-4 vote, legislators adopted language proposed by Rep. Mary Liz Holberg (R-Lakeville), the bill sponsor, replacing a different proposal passed in the Senate.

Under the bill (HF386/SF575\*), victims of childhood sexual assault would have until age 27 to sue their abuser in civil court provided the abuse is reported while they were children. If childhood abuse is reported as an adult, victims would have five years after the date they report or until age 27, whichever occurs first, to file suit.

There would be no limitation when a suit could be filed if DNA evidence of the abuse is available.

Holberg said her bill seeks to promote

reporting of abuse among victims and their families because it would allow more immediate action to be taken against an abuser and possibly prevent harm to others.

An amendment added to the bill in the House Civil Law Committee May 9 would allow for an unlimited statute of limitations when seeking declaratory relief — a process where a court determines what happened in a case without ordering any specific action such as incarceration or damages.

Rep. Eric Lipman (R-Lake Elmo), who proposed the amendment, said it could give victims the comfort of official recognition that a crime took place even if no punishment is meted out. Plaintiffs who succeed in such an action could be awarded attorney’s fees unless the defendant admits the abuse within two months after a complaint is filed, making the pursuit of declaratory judgment necessary.

The Senate version would instate a limit of six years after the time a person realizes they were harmed by the abuse. There would be no limit to how long a person might take to make such a discovery.

The bill next returns to the Senate, which may vote to concur with the House changes or send the bill to a conference committee. Sen. Gary Kubly (DFL-Granite Falls) is the Senate sponsor.

### Assessing damages

Though the House previously passed a significant tort reform bill, members voted to do it again May 13, attaching the measure to a Senate bill that had been stripped of its original contents.

On May 8, the House Civil Law Committee voted to add language changing Minnesota’s joint and several liability laws to a bill (HF1114/SF872\*) about purchase money mortgages that had unanimously passed the Senate April 15. While the committee left the language about mortgages in the bill, it was later removed by amendment during floor debate. Rep. Paul Kohls (R-Victoria), who sponsored the mortgage bill in its original form, said the interested parties could not agree on some provisions of the language and taking it out would give them time to work out differences.

Left in the bill was the language of HF75, which the House passed 81-51 on Feb. 24, relating to joint and several liability, which provides a way for an injured person or organization to collect damages even if a liable party is unable to pay its portion.

Current law states that courts can force a defendant assigned at least 15 percent of the liability in a civil case to pay any costs other defendants are unable to pay themselves. The

bill would move the 15 percent threshold to 50 percent and would eliminate a provision that can force defendants found less than 15 percent liable to pay up to four times that percentage under the same circumstances.

Supporters of the change said it isn’t fair to make someone who is less than one-fifth liable pay all of someone’s damages.

Opponents said the current practice prevents victims from being uncompensated when the person mostly responsible for damages is uninsured or bankrupt.

“If this becomes law,” said Rep. Len Biernat (DFL-Mpls), “there will be instances out there where victims do not get just compensation.”

Passed 80-51 in the House, the new bill was passed 43-22 by the Senate a few hours later. Sen. Linda Scheid (DFL-Brooklyn Park) is the Senate sponsor.

The bill now awaits action by Gov. Tim Pawlenty.

### Reporting without recourse

People who honestly try to report crimes to law enforcement officials could not be held accountable for damages arising from their actions under a new law signed by Gov. Tim Pawlenty May 12.

Effective Aug. 1, 2003, people who seek assistance from law enforcement or who report illegal activities will be immune from lawsuits arising from any damages their actions may cause, as long as they act with good intentions. People who deliberately mislead police or misreport a crime will still be liable for the results of their action under the new law.

According to Rep. Rob Eastlund (R-Isanti), who sponsored the legislation in the House, the issue arose when an off-duty 911 operator in his district reported an erratic driver he believed might be drunk. “The result of that was (the operator) got sued and ended up having to defend himself in civil court,” Eastlund said. “He was exonerated but he had a bill to pay for his legal defense.”

The law permits the awarding of reasonable attorney’s fees to people who are sued but found not liable under the law.

Sen. Leo Foley (DFL-Coon Rapids) was the Senate sponsor.

HF700\*/SF722/CH35

## LOCAL GOVERNMENT



### Bonding for dollars

A number of proposals allowing specific local governments to sell bonds for certain projects are moving forward, following House

### What’s in the bill:

Other bills included:  
HF1599 (Lenczewski)  
HF199 (Anderson, D.)  
HF1427 (Bernardy)  
HF 1391 (Magnus)

approval of the public finance bill May 14.

Rep. Ron Abrams (R-Minnetonka) sponsors HF1469, which passed 120-12. Below are select

provisions in the bill.

Efficiency would be gained and competition would be eliminated in Kandiyohi County under HF41 with the merger of Willmar’s and the county’s economic development authorities. Sponsored by Rep. Al Junhke (DFL-Willmar), the bill would preserve the special powers to levy property taxes, which is limited in state statute to .018 of the taxable market base in that jurisdiction.

HF211 would increase the amount Beltrami County can spend on tourism and industrial development from the proceeds of timber sales on tax-forfeited lands. The current amount of \$1 per capita would rise to \$5. The bill is sponsored by Rep. Doug Lindgren (R-Bagley).

Sponsored by Rep. Torrey Westrom (R-Elbow Lake), HF245 would allow creation of a joint economic development authority for Alexandria and the townships of Garfield and La Grand in Douglas County. A similar bill that passed in 2002 included Carlos Township, which has since decided against joining the authority.

HF625, also sponsored by Westrom, would establish the Central Lakes Regional Sanitary District in Douglas County, replacing an existing joint powers board. Members of the district, which would be controlled by a board of directors, include the townships of Carlos, Brandon, La Grand, Leaf Valley, Miltona, and Moe.

A trio of health-related provisions are also included in the bill.

HF312, sponsored by Rep. David Dill (DFL-Crane Lake), would allow the Cook County Hospital District to annually increase its levy for inflation, beginning in 2003. The current levy has been capped at \$300,000 since 1989.

Sponsored by Rep. Loren Solberg (DFL-Grand Rapids), HF403 would permit Itasca County to sell revenue bonds to finance construction of a 35-bed nursing home to replace the same number of beds currently at a non-profit hospital. The hospital is remodeling and requested that the beds be transferred back to the nursing home.

Portions of a bill (HF263), sponsored by Rep. Tom Rukavina (DFL-Virginia), were included, though the provision was amended on

### Not in the bill:

Bills not included:  
HF766 (Samuelson)



Members of the House Taxes Committee debate the public finance bill during a May 12 meeting. The bill would allow local governments to sell bonds for certain public improvement projects.

the House floor. It would create a special taxing district in southern St. Louis County for the Chris Jensen Nursing Home in Duluth. The original bill called for requiring St. Louis County to levy an equal amount to all publicly owned nursing homes in the county — not just to those owned by the county.

A couple of other bills would specifically help the Twin Cities metropolitan area.

HF1056, sponsored by Abrams, would authorize the Metropolitan Council to sell up to \$45 million in regional bonds for transit capital projects included in the regional transit master plan and capital improvement plan. Last year \$54 million in bonds were approved.

HF609, sponsored by Rep. Margaret Anderson Kelliher (DFL-Mpls), would grant Minneapolis the authority to create a community planning and economic development department to centralize and streamline development activities. The authority, assets, and liabilities of the Minneapolis Community Development Agency would be transferred to the new agency.

Portions of the Senate's public finance bill are included in its omnibus tax bill (SF1505), sponsored by Sen. Lawrence Pogemiller (DFL-Mpls). The House bill now moves to the Senate.

### Revenue sharing

An agreement that would allow the city of Biwabik and White Township to share property tax revenues from the annexation of a golf and ski resort would be put into state statute, under a bill approved 130-0 by the House May 12.

Rep. Tom Rukavina (DFL-Virginia), sponsor of HF306, told the House Local Government and Metropolitan Affairs Committee in February that the matter started a few years ago when Biwabik wanted to annex the Giant's Ridge Golf and Ski resort from White Township. A dispute ensued due to White Township's concern about loss of property tax revenues.

Mediation followed and an agreement was reached in September 2002. It contains a permanent revenue sharing provision that would

be enacted upon passage of the relevant House and Senate bills.

The bill now moves to the Senate, where Sen. David Tomassoni (DFL-Chisholm) is the sponsor.

### Seeking public office

St. Louis County sheriff deputies would no longer have to resign from their jobs in order to run for elected office as county sheriff, under a bill passed 130-1 by the House May 13.

HF204/SF174\*, also approved by the Senate 66-0 Feb. 20, now goes to the governor for his signature.

Under current law, only St. Louis County can require officers and classified employees to be removed from their jobs in the event they file for election to the county office by which they are employed. The bill would repeal this section of law.

"We think it's unfair," said Larry Cuffe, representing the St. Louis County Deputy Sheriff Association, at the April 8 meeting of the House Local Government and Metropolitan Affairs Committee.

In the past 12 years, Cuffe added, the statute has adversely affected several individuals who unsuccessfully ran for office and then had difficulty maintaining their jobs.

Bill Gillespie, representing the Minnesota Police and Peace Officers Association, called the statute the "absolute" in incumbency protection.

Rep. Mary Murphy (DFL-Hermantown), sponsor of the House bill, told the committee she did not know the origins of the current statute. But, she said, "strong" sheriffs have used it to limit opposition.

The sponsor of the Senate companion is Sen. Tom Bakk (DFL-Cook).

### Contracting title examiners

Scott and Wright counties would be given more flexibility in hiring examiners of title under HF554/SF422\*, which awaits action by Gov. Tim Pawlenty.

The bill passed the House 131-0 May 8.

Examiners of title are appointed in each county by district court judges. They serve as legal advisers to county registrars in examining applicable titles to real property that must be recorded and registered. Under current law, counties with populations of less than 75,000 may hire examiners of title on a fee-for-service basis. Counties beyond the population threshold must employ examiners of titles as employees.

Previously, relief from such legislation was successfully sought by Stearns, Dakota, and Olmsted counties, thereby allowing them to contract title examiners. In turn, Rep. Mark Buesgens (R-Jordan) offered legislation that would have allowed any county to choose between the two hiring methods.

But Buesgens said he looked with a "jaded eye" upon the Senate's March 31 unanimous approval of the companion bill, and changed his plan. An amendment, approved by the House, changed the bill so it would offer the hiring flexibility not to all counties, but only to Scott and Wright counties. It would not change the existing situation in Stearns, Dakota, and Olmsted counties.

Speaking in support of the amended bill on the House floor was Rep. Joe Mullery (DFL-Mpls). "There's really no reason Scott and Wright shouldn't be exempted from this," he said.

The Senate, in turn, approved the amended House bill 56-0 May 9. The Senate bill is sponsored by Sen. Claire Robling (R-Jordan).

## ★ METRO AFFAIRS

### Metropolitan Council changes

The Metropolitan Council would be subject to a redistricting plan, its power over local government units would be reigned in, and financial awards to employees offering cost-saving initiatives would be prohibited, under a bill passed 83-47 by the House May 12.

The bill (HF689/SF693\*) was amended numerous times on the House floor by members and is no longer simply a bill allowing the Metropolitan Council to partake of an energy savings purchasing plan. Rep. Mark Buesgens (R-Jordan) and Sen. Chuck Wiger (DFL-North St. Paul) are the sponsors.

The most hotly debated amendment, successfully offered by Rep. Eric Lipman (R-Lake Elmo), related to the words "may" versus "will." It would limit the council's authority to require modification of comprehensive plans submitted by local government units within its jurisdiction to situations when the plan will have a "substantial, demonstrable, and adverse impact" on the

infrastructure of a metropolitan system.

Current law "goes too far," said Lipman, in allowing the council to require plan modifications when an adverse impact may result, as opposed to an adverse impact that is demonstrable.

But Rep. Frank Hornstein (DFL-Mpls), a former council member, said the Lipman amendment "is a solution in search of a problem."

Hornstein said that the council has reviewed hundreds of comprehensive plans that have been adjusted through excellent dialogue. Only in one situation did a significant problem result, he said, and that was in Lipman's city of residence.

Hornstein was unsuccessful in an attempt to preserve the Metropolitan Parks and Open Space Commission, which the bill would eliminate.

The commission advises the council on parks and open space issues in the seven-county metropolitan area, but has no authority to act. Consequently, many parks committees are reporting not to the commission, but straight to the council, according to Buesgens.

Several parks committees, including the Minneapolis Park Board, have expressed concern that access to the council would be hampered through elimination of the commission, Hornstein said.

A successful amendment by Rep. Mary Liz Holberg (R-Lakeville) incorporated HF926, which would repeal the council's gain-sharing program. She said that 110 council employees shared about \$250,000 for submitting a \$500,000 cost-saving measure in 2002 relating to multiple operational facets of the agency's incinerator.

However, many of the suggested cost-savings provisions were not original to the staff; rather, they were largely extrapolated from manufacturing operating manuals or are current or past industrial practice. Furthermore, said Holberg, savings realized by a government entity should benefit taxpayers.

A final amendment by Buesgens successfully incorporated HF1228, which he introduced earlier this session. It lays out a redistricting map, in keeping with a statutorily required redistricting plan. Also included are provisions that would have council members serving four-year staggered terms at the pleasure of the governor.

The Senate refused to concur with the House changes May 13 and a conference committee has been requested.

### Overseeing airport operations

A spirited debate about which metropolitan cities should have a seat on the board governing the Minneapolis-St. Paul International Airport and reliever airports ensued on the House floor May 12, only to see an amendment broadening that representation rejected. HF883, sponsored by Rep. Tim Wilkin

(R-Eagan), would require the Metropolitan Airports Commission to report to the Legislative Commission on Metropolitan Affairs. In addition it would clarify that all 13 members serve at the pleasure of the governor, that terms coincide with that of the governor, and that the redistricting of the commission, which occurs every 10 years, brings to an end all terms. The bill passed 96-37.

Removed earlier was a provision calling for the Senate to confirm commission appointments made by the governor.

The most contentious issue during debate, however, called for removing the mayors of Minneapolis and St. Paul from the commission membership. The clause was not part of the original bill but was successfully offered as an amendment by Rep. Mark Buesgens (R-Jordan) in an April meeting of the House Local Government and Metropolitan Affairs Committee.

In committee, Buesgens said current law dictating where commission members must reside already allows for representation of Minneapolis and St. Paul. Allowing the two mayors leads to over-representation on a body overseeing a statewide asset.

On the House floor, Rep. Frank Hornstein (DFL-Mpls) offered an amendment, which ultimately failed, to not only reinsert language allowing the mayors of Minnesota's two largest cities to serve on the commission, but also the mayors of Richfield, Bloomington, Mendota Heights, and Eagan. An oral amendment by Rep. Joe Atkins (DFL-Inver Grove Heights), accepted by Hornstein, called for also adding the mayors of Sunfish Lake and Inver Grove Heights.

"I think we need to acknowledge that there are these other communities that are affected (by the airport)," said Hornstein.

But Buesgens said the boundaries of the eight commission districts are drawn to ensure "pure, equal representation." Adding more members from other communities would skew that representation, he said.

And Rep. Ann Lenczewski (DFL-Bloomington) said Hornstein's amendment should not have included St. Paul because it is not within the anticipated noise impact areas of the new runway under construction. The runway will have all takeoffs and landing occurring in such a way to avoid the airspace above St. Paul, she said.

The runway is scheduled for completion in late 2005.

Some of the bill's provisions were recommended in an audit of the commission, issued earlier this year by the Office of the Legislative Auditor. Wilkin said the commission fared well in the audit, but that legislative oversight was recommended.

The bill now moves to the Senate, where Sen. Ann Rest (DFL-New Hope) is the sponsor.

## MILITARY



### Soldier tuition reimbursement

Signed  
by  
the  
governor  
★ ★ ★

Minnesota National Guard soldiers and airmen will indefinitely receive reimbursement of their college tuition and the cost of books at current rates under a new law passed by the House and Senate and signed by Gov. Tim Pawlenty May 12.

Sponsored by Rep. Laura Brod (R-New Prague) and Sen. James Metzen (DFL-South St. Paul), the law will keep the reimbursement at 80 percent. As part of the 2001 state government finance bill the rate was increased from 75 percent to 80 percent. That provision was previously scheduled to expire June 30, 2003.

Under the program, which began in 1989, the state pays for up to 80 percent tuition reimbursement for lower division programs in the College of Liberal Arts at the Twins Cities campus of the University of Minnesota. Tuition will also be covered upon participation in a comparable program at a Minnesota public institution or outside the state. Coverage will be up to the cost of a comparable program at the university.

Approximately 2,600 guard members now take advantage of the benefit, said Col. Dennis Lord, executive director of the Minnesota National Guard, during committee testimony. An additional 320 soldiers now active in the war in Iraq are expected to participate in the program upon their return, he added.

The new law takes effect Aug. 1, 2003.

HF1080\*/SF971/CH34

## RECREATION



### Youth officials

Signed  
by  
the  
governor  
★ ★ ★

The second law in seven days allowing employment of youth sports officials was signed by Gov. Tim Pawlenty May 8.

Effective May 9, the law allows youths between 11 and 14 years old to work as sports officials without filing for a child labor law exemption. However, it restricts youth sports officials to supervising players younger than age 14. Required are adult supervision and a parent's written permission.

Under current law, no child under 14 years old may be employed, save for as an actor or model, newspaper carrier, or in the agricultural field. Exemptions are allowed by the state Department of Labor and Industry on an individual basis, which has been done routinely for youth sports officials. About 2,000 such exemptions are processed by the state each year.

The department and numerous Minnesota

youth soccer and hockey organizations supported the bill.

Rep. Lynn Wardlow (R-Eagan) and Sen. Linda Higgins (DFL-Mpls) are the sponsors.

The new law is very similar to another (HF1189/SF1064\*/CH26), signed by the governor May 2, which allows 11 to 14 year olds to work as assistant soccer referees, even if the players are in an older age bracket.

HF446\*/SF745/CH31

## ★ SAFETY

### Hazardous duty expansion

Signed  
by  
the  
governor  
★ ★ ★

A new law, signed May 13 by Gov. Tim Pawlenty, will expand the authority of hazardous materials teams in Minnesota.

Effective Aug. 1, 2003, chemical assessment teams will be authorized to deal directly with the hazardous materials they encounter. Under current law, those teams are limited to assessment and defensive duties related to protecting the surrounding area while they call in emergency hazardous materials response teams to deal directly with the chemical threat.

By allowing the assessment teams to take simple mitigation actions on the materials themselves, the law alleviates potential problems caused by long response times from the emergency response teams.

The two types of teams specialize in different aspects of hazardous material situations, but they have essentially the same training, according to testimony before a House committee.

The new law also expands the definition of a hazardous material to substances intentionally released in connection with a criminal or terrorist act. Current statutes limit the definition only to accidentally released materials. The types of substances included in the definition will expand to include chemical and biological substances and toxic gasses, in addition to the explosive, corrosive, radioactive, and combustible substances already included.

Rep. Kurt Zellers (R-Maple Grove) and Sen. Dan Sparks (DFL-Austin) sponsored the legislation.

HF1066/SF941\*/CH39

### Tougher penalties for violations

Signed  
by  
the  
governor  
★ ★ ★

Changes to the state's occupational safety laws that will increase penalties on employers who violate state safety standards were signed into law by Gov. Tim Pawlenty May 13.

Effective Aug. 1, 2003, employers can be fined

up to \$25,000 if a violation of state standards, rules, or orders results in an employee's death.

In other circumstances, the new law may help protect small companies from bankruptcy by allowing the \$25,000 fine to be broken up into five annual \$5,000 installments as long as the violation is not deemed to be willful or repeated. The state labor and industry commissioner can elect to waive the fine each year after the first if the employer is not cited for any more violations.

Businesses will be exempt from such fines if the owner or an employee with a controlling interest in the company is the one who dies.

Separate provisions of the law lengthen employee notice requirements by requiring employers to post notices of a citation at or near the place where a violation occurred for 20 days. Previous law required 15 days.

The law also removes the health commissioner from a 12-member occupational safety and health advisory board. Rep. Tim Mahoney (DFL-St. Paul), the House sponsor, said all health and safety inspectors have been transferred to the Department of Labor and Industry, so the health commissioner is no longer needed on the board.

Sen. Michele Bachmann (R-Stillwater) is the Senate sponsor.

HF817/SF1098\*/CH38

### Exemptions to seatbelt law

A bill that would expand exemptions from the state's mandatory seatbelt law for occupants of certain commercial vehicles that make frequent stops passed the House 129-1 on May 12.

The bill (HF723), sponsored by Rep. Ron Erhardt (R-Edina), would include any motor vehicle that makes frequent stops and does not travel faster than 25 miles per hour. It would include any motor vehicle meeting these requirements.

During committee testimony, Erhardt said that the bill is intended to aid residential garbage and recycling collectors, which tend to stop at several houses in a block. The requirement to buckle up and unbuckle for each stop was a great inconvenience, Erhardt said.

It now moves to the Senate, where Sen. Chuck Wiger (DFL-North St. Paul) is the sponsor.

### Redefining lighted vehicle lamps

Signed  
by  
the  
governor  
★ ★ ★

Minnesota has required automobiles to display headlights when conditions create reduced visibility since the 1930s. Since 1990, vehicles have been required to display headlights during periods of rain, snow, sleet, or hail.

However, new automobile technologies, which provide for certain vehicles to operate

with lit headlights all the time created an unintended safety concern. Running headlights do not activate taillights.

A new law, signed by Gov. Tim Pawlenty May 14, will require that vehicle lamps be lighted during times when visibility is reduced. It will amend state law to say that vehicle lights include both headlights and taillights.

Rep. Dan Severson (R-Sauk Rapids) and Sen. Michelle Fischbach (R-Paynesville) were the sponsors. The law is effective May 15, 2003.

HF1268\*/SF791/CH45

### Emergency vehicle blue lights

Signed  
by  
the  
governor  
★ ★ ★

Effective Aug. 1, 2003, a new law will allow emergency vehicles to display blue lights.

Gov. Tim Pawlenty signed the law May 14.

It will allow all emergency vehicles to place flashing blue lights to the front of the vehicle on the passenger side only. Prior law only allowed blue lights on snowplows and transportation maintenance equipment.

Rep. Dale Walz (R-Brainerd), House sponsor of the law, said that blue lights are more visible, particularly in inclement weather.

Sen. Carrie Ruud (R-Breezy Point) was the Senate sponsor.

HF314\*/SF210/CH49

## ★ VETERANS

### Historical drive

Signed  
by  
the  
governor  
★ ★ ★

Minnesota will have a new historic district effective Aug. 1, 2003: Victory Memorial Drive, a road bordering Minneapolis and Robbinsdale. Gov. Tim Pawlenty signed the designation into law

May 12.

Established in 1921 as a memorial to World War I veterans, it's one of the largest such memorials in the country.

Originally, 568 elm trees were planted in straight military-style rows in memory of fallen soldiers from Hennepin County. In 1928, a marker was placed in front of each tree with the name, rank, and company of a soldier. Dutch Elm disease forced some trees to be cut down and replanted. As a historic district, the drive may now be eligible for preservation grants to assist with maintenance.

Rep. Joe Mullery (DFL-Mpls) and Sen. Linda Higgins (DFL-Mpls) were the sponsors.

HF456\*/SF511/CH30



# Support changes

Restructuring of Minnesota's child support laws gains House approval as one part of an omnibus package

By JEFF JONES

A major overhaul of Minnesota's child support system gained approval May 9 as part of this session's omnibus family law policy package.

The bill (HF778), which passed 116-11, would significantly change the way courts calculate child support payments, strengthen the state's power to enforce those payments, reorder dozens of sections of family law, and provide for officially recognizing Hmong and Buddhist weddings.

Sponsored by Rep. Steve Smith (R-Mound), the so-called "income shares" model at the bill's heart would take both parents' incomes into account when calculating how much money a non-custodial parent pays in a child's basic, medical, and child-care support. The amount would be based on that parent's share of both parents' combined gross income rather than on their personal income alone, as in current law.

To determine exact support amounts under the proposal, judges would use a U.S. Department of Agriculture report listing the average cost of raising children for parents of various incomes. For example, the report specifies the average urban Midwestern family earning \$3,000 a month currently spends 22.5 percent of its income on raising a child, 36.3 percent if there are two children, and 41.9 percent for three.

That percentage would then be divided according to each parent's contribution to the monthly income total, and reduced by 20 percent in recognition of the higher cost of maintaining separate households, to determine what the non-custodial parent must pay in child support.

Another policy in the bill would change support amounts if a parent changes income due to active military duty.

Different support formulas for low-income

parents, parents with joint custody, and families with more than six children are also provided. Parents could also agree on a different division of child support costs with a judge's approval.

In addition, parents could more easily request a hearing six months after the initial court ruling to establish if parents are complying with support, custody, and visitation orders.

The bill calls for more options to ensure those orders are followed.

For example, the state would have to collect social security numbers from people applying for driver's licenses and hunting and fishing licenses in order to comply with federal child support enforcement laws, though the numbers would not be included on the licenses



PHOTO BY TOM OLMSCHIED

A bill that passed the House May 9 would restructure state statutes regarding family law and would change the way child support payments are calculated.

themselves. It would also be easier to suspend driver's licenses or occupational licenses if someone is not complying with support orders. Furthermore, authorities would be allowed to check into parents' health insurance coverage in order to discern which parent's insurance should cover a child.

Criteria considered before a court grants or denies a custodial parent's request to move out of state would also be set, under the bill. Those criteria would include a child's relationship to family in either state, the impact on the child's

development and quality of life, their ability to maintain a relationship with the non-custodial parent, any history of trying to thwart development of that relationship, and any history of domestic abuse.

Moving out of state after a request to do so had been denied could be grounds for changing custody.

Some representatives criticized a provision that would allow non-custodial parents to request an accounting of child-related expenses to make sure child support money is being properly spent.

"The last thing we want is to provide an angry husband or ex-husband or boyfriend another tactic" to intimidate their former spouse, said Rep. Michael Paymar (DFL-St. Paul).

Minority Leader Matt Entenza (DFL-St. Paul) said forcing a parent to account for every dollar spent on their children represented unnecessary government intrusion.

Despite that criticism, Entenza had kind words for the bill's sponsor, telling Smith, "We need representatives like you who are willing to step in and do the heavy lifting."

Many members commented that the most helpful aspect of the bill is that it makes sections of state law covering child custody and support easier to navigate.

"This is the one statute that a lot of lay people look at," said Rep. Len Biernat (DFL-Mpls).

The bill would put those sections of law in a more logical order, making them easier to find and read. It would clarify ambiguous and conflicting language in those sections and put them all under a uniform set of definitions.

A separate part of the bill provides a process for solemnizing traditional Hmong wedding ceremonies by vesting power in the

*mej koob* — two or more people designated as go-betweens for the two families. The *mej koob* would be responsible for signing and submitting the marriage certificate.

The bill also adds Hmong and Buddhist to the list of religious and ethnic groups — including Baha'i, Hindu, Muslims, Quakers, and Native Americans — which may solemnize marriages through traditional practices.

The bill awaits action before the full Senate, where Sen. Thomas Neuville (R-Northfield) is the sponsor. 🐾

# Making the connection

Plan would let local communities raise funds to link public safety radio system infrastructure across the state

By MIRANDA BRYANT

**W**hen large-scale disasters strike, public safety agencies must respond — and quickly. But often cross-agency communication complicates that response, because a police officer communicating with the fire department must go through an operator — who is also handling calls from the public and dispatching all manner of calls.

“It’s a safety issue for our community,” said Rep. Jim Rhodes (R-St. Louis Park), the sponsor of a bill that would provide a funding vehicle for a new statewide system.

Agencies in nine Twin Cities metropolitan area counties can now choose to use a regionwide 800-megahertz digital trunked public safety radio system, thereby eliminating the need for each to install and operate costly, independent communications infrastructures. Overseen by the state, the system is comprised of radio equipment, fiber optic lines, operations consoles, and various antennas located on towers and tall buildings throughout the region.

Greater Minnesota agencies, however, continue to use varying radio frequencies and equipment. An ambulance driver needing to talk to a snowplow driver following a blizzard-induced vehicle accident must rely on 911 dispatchers to relay messages. Critical moments can be lost.

HF756 would provide a vehicle to partially fund construction of this statewide system, estimated to cost \$201 million. Under current law, enacted as part of anti-terrorism legislation in 2002, only 23 counties may sell bonds for the infrastructure and equipment needed for the public safety radio system. The bill would allow all counties in Minnesota to do so with prior approval from the Public Safety Statewide Radio System Planning Committee, part of the state Public Safety Department.

Rhodes’ bill is included in the omnibus House public finance measure (HF1469), sponsored by Rep. Ron Abrams (R-Minnetonka). The House passed the bill May 14.

An effort to kill the public safety radio measure came during floor debate when Rep. Phil Krinkie (R-Shoreview) offered an amendment

that would have deleted the measure from the House public finance bill. The amendment failed 67-62.

“My concern about the provision is that we are looking to take the 800-megahertz public radio system statewide without actually knowing how it’s going to be done, the cost for doing it, nor how it’s going to be paid for,” Krinkie said.

HF756 is in keeping with a recommendation in a January 2003 project plan and scope statement, issued jointly by Mancel Mitchell, who was then acting commissioner of the Department of Public Safety, and the safety planning committee.

“Nationwide, numerous reports have been developed prior to and since the Sept. 11 terrorist attacks that identify communications and inter-operability as critical needs for public safety at the local, state and federal levels,” said Mitchell, in the report’s cover letter.

The statewide system would allow multiple jurisdictions to communicate via the same radio system, a goal which is often not possible, given the variances in technology. Law enforcement agencies can communicate with one another under the existing system by knowing the other agency’s frequency or using a statewide system typically reserved for emergencies.

However, law enforcement officers wanting to communicate with fire or public works agencies must go through an operator.

The committee’s report also recommended that the Legislature increase the 911 surcharge by 27 cents for the public safety radio system and extend current law providing tax-exempt status for the purchase of relevant equipment.

Addressing the former, HF1331/SF1128 would raise the 911 surcharge by 19 cents to a total of 52 cents per month per phone line. HF954/SF93 would extend the sales-tax exemption period on new equipment. Neither bill received action in the House, but the Senate included them in its omnibus state government finance and tax omnibus bills.

The statewide radio system dates back to 1998 when the state began meeting with police chiefs, cities, counties, and all 87 county sheriffs in Minnesota. The goal was to assess the status of the various radio systems, the future of technology, implications of Federal Communications Commission regulations, and industry standards.

The 2002 Legislature called for creating the Public Safety Statewide Radio System Planning Committee to develop a plan for a statewide shared system.

According to that committee’s report, the



PHOTO BY TOM OLMSCHIED

A provision in the public finance bill would allow counties to sell bonds to purchase equipment to connect to the developing statewide public safety radio system.

statewide system would be implemented in several stages. The first and second stages are both in the Twin Cities metropolitan area and are considered to be at or near completion; installation began in March 2001 and gained final approval in December 2002.

The third phase, estimated to cost \$37 million and scheduled to begin in 2004, would serve the southeast and central districts of the State Patrol districts headquartered in Rochester and St. Cloud. Additional phases would lead to coverage of 95 percent of the state.

Greater Minnesota communities looking to join the envisioned statewide system have the advantage of looking to other cities that have

Continued on page 23

# Decades of dissension

Issue of nuclear storage in the state dates back to the start of Prairie Island 30 years ago

BY TOM LONERGAN

It's déjà vu all over again," is an oft-quoted remark attributed to Yogi Berra, the Hall of Fame baseball catcher.

Regarding Xcel Energy's request to expand dry cask storage of radioactive waste at its Prairie Island nuclear plant near Red Wing, legislators may have repeated that "Yogi-ism" more than once this session.

While the Legislature's latest brush with the issue hasn't been as emotionally charged as the 1994 legislative compromise that allowed 17 dry cask storage units at Prairie Island, the issue has grown more acute with the continued absence of a permanent national repository for spent nuclear fuel.

The utility is seeking additional storage casks to allow continued operation of the

generating electricity in 1973.

A series of stories on nuclear energy that year reported "a foolproof system of storing radioactive waste over the long period necessary has not been developed."

The series also cited predictions that by the year 2000, nuclear plants would generate half of the nation's electricity. But safety concerns that peaked with the 1979 incident at Three Mile Island in Pennsylvania, and a subsequent investment retreat from nuclear energy by privately held companies put a damper on the nation's nuclear power development.

There are currently 104 commercial nuclear reactors in the United States (including three in Minnesota) that produce approximately 21 percent of the nation's electricity, according to the federal Nuclear Regulatory Commission.

In both federal and state government consideration of nuclear power plants, the issue of what to do with spent nuclear fuel has continually been a nagging issue.

A 1993 ruling by the Minnesota Court of Appeals prompted the Legislature's foray into the nuclear waste storage issue.

The state Public Utilities Commission

approval of Northern States Power Company's (now Xcel Energy) request to build the dry cask storage area on Prairie Island was challenged by environmental groups and the Mdewakanton Dakota Indian Community, who live nearby.

The commission had approved the utility's certificate of need application for a temporary storage facility. However, the court concluded that the utility's "proposed facility is properly classified as one in which waste is permanently stored."

Classifying the proposed radioactive waste

storage facility as permanent brought the issue to the Legislature's doorstep.

Ironically, the storage issue arose just a few years after the state had vigorously opposed the federal government's consideration of Minnesota as a secondary nuclear waste repository site.

In the mid-1980s, because of crystalline rock formations under the groundwater table, Minnesota was one of 17 states considered by the U.S. Department of Energy for a monitored retrievable storage site for high-level radioactive waste.

In response, Gov. Rudy Perpich formed the Governor's Nuclear Waste Council to inform and organize the public on the issue. The Legislature passed a resolution in 1985 opposing Minnesota's selection as a repository site.

Also in 1985, the state sued the federal Energy Department for inadequate siting guidelines and the U.S. Environmental Protection Agency for inadequate radiation protection standards.

"Radioactive wastes from a deep repository in Minnesota could be released through the groundwater percolating to the surface environment," according to a 1985 fact sheet published by the governor's council. "Minnesota's abundant groundwater could carry radionuclides over great distances." A radionuclide is an unstable radioactive atom that decays toward a stable state by emitting radiation.

The same federal law — the Nuclear Waste Policy Act of 1982 — under which Minnesota was considered as a secondary repository is still key regarding the primary national repository that's needed as the eventual resting place for much of the nuclear waste generated at Prairie Island.

Yucca Mountain, Nevada, about 100 miles northwest of Las Vegas, was authorized by Congress last year as a suitable site for a permanent repository for the disposal of high-level radioactive waste and spent nuclear fuel.

"Many believe the repository may not be ready before 2015," according to an annual report on federal management of nuclear waste prepared by the state Environmental Quality Board.


"The DOE (Department of Energy) schedule is more than a decade later than the 1998 goal for DOE to begin accepting waste," according to the state report. "Yucca Mountain as presently authorized cannot hold all the waste that is expected to be generated." 



PHOTO BY TOM OLMSCHIED

The control room at the Prairie Island nuclear plant

plant's two nuclear reactors at least until its current federal operating licenses expire in 2013 and 2014.

A cask is approximately 17 feet tall by 9 feet wide and weighs 120 tons when fully loaded. Each cask holds up to 40 spent fuel assemblies that are first cooled in a spent fuel storage pool inside the plant. The casks stand on large concrete pads 1,500 feet away from the reactor buildings. The utility has federal approval for up to 48 casks on the site.

Waste storage has been a contentious issue nationally since the plant first began

# Getting a grip on garbage

State solid waste disposal trends and financing to undergo further study

By NICOLE WOOD

**R**ep. Dennis Ozment (R-Rosemount) loves to talk trash, as he often quips when discussions in the House Environment and Natural Resources Finance Committee he chairs turn to the issue of solid waste management.

Earlier this session, Ozment declared his ambition to form a House working group on trash management after a statewide solid waste advisory council presented to the committee its vision on how to meet the state's waste policy goals.

The advisory council consisted of representatives from state agencies and local governments, commercial garbage haulers, garbage generators, landfill operators, recycling processors, and others.

One of the loftiest goals set forth by the panel would establish a statewide goal of an 85 percent reduction by weight of municipal solid waste sent to landfills by the year 2020. Other recommendations include:

- assure that all residents of the state have access to curbside or convenient drop-off services for trash and recycling by 2005. (According to the Office of Environmental Assistance, about three-fourths of the state's population currently have curbside recycling service);
- develop a plan for product stewardship of "high risk" products, such as electronics, to keep lead and other hazardous metals out of the waste stream;
- enhance and develop public education efforts with an emphasis on personal responsibility; and
- offer a two-year pilot sales tax incentive on recycled products such as copier paper with 30 percent post-consumer content or higher.

The vision statement adopted by the solid waste advisory council affirms "(a) sustainable community seeks a better quality of life for current and future residents by maintaining nature's ability to function over time. It minimizes waste, prevents pollution, promotes efficiency, and develops resources to revitalize



PHOTO BY TOM OLMSCHEID

According to the Office of Environmental Assistance, approximately 72 percent of the waste sent to landfills, such as the one pictured here, or incinerators could be recycled or composted. Much of the material is office paper and cardboard.

local economies. The waste management system is a component of the infrastructure of a sustainable community. ... The solid waste hierarchy, with its associated goal of protecting the state's land, air, water, and other natural resources and the public health, is central to attaining the objectives of sustainability and solid waste management."

The solid waste hierarchy prioritizes waste management in the following way:

1. Waste reduction and re-use;
2. Waste recycling;
3. Composting yard and food waste;

4. Resource recovery through mixed municipal solid waste incineration or composting; and
5. Landfill disposal as a final resort.

Recycling and waste management efforts at the county level are supported by state SCORE grants distributed through the Office of Environmental Assistance.

The office regularly prepares a so-called SCORE report to assess how well the state is following the waste hierarchy. SCORE is a commonly used acronym, which has retained its name from the Select Committee on Recycling and the Environment that recommended more than a decade ago the path Minnesota should take toward a comprehensive waste management and recycling system.

The latest figures calculate Minnesota's total waste generation at nearly 5.75 million tons per year. Of that amount, more than 2 million tons were sent to landfills.

While Minnesota's population grew by 12.7 percent between 1991 and 2001, the per capita waste generation increased by more than 31 percent in that decade, according to the environmental assistance office. The most recent numbers estimate each Minnesotan is responsible for producing 1.2 tons of garbage per year.

Recycling rates are another measurement of the success or failure of an integrated waste system. The office calculates the statewide recycling rate for 2001 at 47 percent, which is in the top six in the nation. But the most recent SCORE report has identified a trend that could indicate Minnesotans are opting for the least desirable option in the hierarchy, landfill disposal, at an increasing rate. During 2001, the amount of waste sent to landfills increased by 6.4 percent over the previous year. If that trend continues, the office estimates that the amount sent to landfills could double by 2014.

While some view increased landfill reliance as a bad thing, a recent report on recycling and waste reduction from the Office of the Legislative Auditor identified wide-ranging opinions about the significance of these statistics.

"Representatives of the waste hauling industry argue that landfills today are environmentally sound and economical," the report finds. "Most county solid waste administrators and other stakeholders we interviewed, however, reaffirmed support for current policy to minimize land disposal."

The auditor's report also found that the variation among county SCORE programs and the lack of consistent outcome measures

Continued on page 23

## Tracking new laws, vetoes

Once a bill has passed both the House and Senate in identical form, it's ready to be sent to the governor for consideration. The governor, who has several options when considering a bill, can:

- sign the bill and it will become law;
- veto the bill;
- line-item veto individual items within an appropriations bill; or
- do nothing, which can have two different effects. The timing of these actions is as important as the actions themselves.

In the first year of the biennium, the important thing to remember is that the governor has three days from the time of "presentment" to veto a bill. If the governor doesn't sign the bill within this time frame,

it will become law with or without his signature. (Sundays are not counted in the three-day time limit, but holidays are.)

Only on appropriations bills can the governor exercise the line-item veto authority. This option allows the governor to eliminate the appropriation items to which he or she objects. As with all vetoes (save pocket vetoes that occur in the days after the Legislature has adjourned sine die) the governor must include a statement listing the reasons for the veto with the returned bill. Here, too, the timetable is three days after the governor receives the bill.

Policy items contained in appropriations bills may not be line-item vetoed. In order to veto such an item, the governor is

required to veto the entire bill.

A two-thirds vote of the members in each house is needed to override a veto. But because only the governor can call a special session of the Legislature, anything vetoed after the Legislature adjourns is history — at least until the next year.

The governor's veto authority is outlined in the Minnesota Constitution (Article IV, Section 23).

More information is available on the governor's Web site ([www.governor.state.mn.us](http://www.governor.state.mn.us)). Select the "Legislation" link. Or, retrieve bill status updates on the House Web site ([http://www3.house.leg.state.mn.us/bills/chapters.asp?ls\\_year=83&session\\_number=0](http://www3.house.leg.state.mn.us/bills/chapters.asp?ls_year=83&session_number=0))

Key: CH=Chapter; HF=House File; SF=Senate File

CH	HF	SF	Description	Signed	Vetoed
1	111	94*	St. Cloud state land conveyance description correction.	2/27	
2	273*	195	Revisor's bill correcting erroneous, ambiguous, and omitted text and obsolete references.	3/19	
3	64	61*	State agencies rule adoption procedures modified.	3/24	
4	95*	291	Archaic prohibition on misrepresenting the size of certain items relating to wagons repealed.	3/31	
5	112*	92	Title, lien, and mortgage technical changes provided.	3/31	
6	744	726*	State building code cumulative fees collection.	4/3	
7	457	356*	Child <i>de facto</i> custodian provisions modifications.	4/4	
8	415	512*	Rockford Metropolitan Council jurisdiction removal.	4/2	
9	1158*	993	County nursing home payment adjustment increased, and money appropriated.	4/7	
10	267*	176	Fire insurance standard policy provisions modified relating to terrorism.	4/7	
11	330	293*	Public employment labor agreements ratified.	4/9	
12	166	112*	Uniform Guardianship and Protective Proceedings Act.	4/11	
13	1054	1001*	Solid waste management plans updating and content requirements modified.	4/17	
14	94	187*	State fair season circuses prohibition repeal (24-hour waiting period for abortions).	4/14	
15	774	790*	Department of Human Services Background Studies Act.	4/17	
16	647*	533	Nicollet County nursing home construction moratorium exception provided.	4/17	
17	827	768*	Capitol Area Architectural and Planning Board enabling language modified.	4/17	
18	912	1095*	State soldiers assistance fund use restriction clarification.	4/17	
19	51*	537	Health insurance provisions clarified relating to long-term care insurance.	4/23	
20	266*	224	Purchasing alliance stop-loss fund modified relating to health plan companies.	4/23	
21	536*	382	Joint underwriting association coverage and market assistance responsibilities modified.	4/28	
22	678	578*	Civil commitment examiner and health officer definitions clarified.	4/28	
23	268*	225	State fair police department authorized to employ additional part-time peace officers.	4/28	
24	850*	841	Sibley County land conveyance from Minnesota Valley state recreation area.	5/2	
25	1112*	1185	Veterans Affairs Department authorized to access certain state databases.	5/2	
26	1189	1064*	Minors working as assistant soccer referees exempted from child labor age restrictions.	5/2	
27	920	907*	Corrections Department forensic pathologists authorized to issue death certificates.	5/2	
28	823	842*	DNR authority modified relating to employees, gifts, and grants; concealed carry handgun permit requirements modified.	4/28	
29	909	942*	Criminal proceedings blood specimens evidence admissibility.	5/12	
30	456*	511	Hennepin County; Victory Memorial Drive designated as a historic district.	5/12	
31	446*	745	Minors exempted from minimum age restrictions for work as youth athletic program referees.	5/8	

\*The legislative bill marked with an asterisk denotes the file submitted to the governor.

CH	HF	SF	Description	Signed	Vetoed
32	1384	1071*	Alkaline hydrolysis regulations and requirements application.	5/12	
33	258*	680	Arsenic; fertilizers containing arsenic prohibited.	5/12	
34	1080*	971	National guard tuition reimbursement program extended.	5/12	
35	700*	722	Civil action immunity provided for good faith reports to or requests for assistance from law enforcement.	5/12	
36	1226	515*	Financial crimes investigation modifications.	5/12	
37	410	433*	Alzheimer's disease specialized training required in certain facilities and services.	5/12	
38	817	1098*	Occupational safety and health provisions modifications.	5/13	
39	1066	941*	Hazardous materials incident response provisions modifications.	5/13	
40	203	350*	FAIR property insurance plan provisions modification.	5/13	
41	433*	486	State and other agency response deadline provisions modified relating to zoning.	5/13	
42	770*	863	Aitkin County Long Lake conservation center fund made a separate county enterprise fund.	5/13	
43	317*	172	Counties public safety communications equipment provisions.	5/14	
44	335*	781	Irrigation system moisture or rainfall sensing equipment required.	5/14	
45	1268*	791	Vehicle light display when visibility is impaired provisions clarified.	5/14	
46	710*	1097	Obsolete mandatory retirement language deleted.	5/15	
47	1026*	962	Medical assistance capitated payment option authorized for wavered services, day training and habilitation services.	5/15	
48	1234*	1252	Cemetery interment errors corrections provided.	5/15	
49	314*	210	Blue lights display on front of emergency vehicles authorized.	5/14	

## BILL INTRODUCTIONS

MAY 9 - 15, 2003

HOUSE FILES 1605 - 1625

### Monday, May 12

**HF1605—Bernardy (DFL)**  
Governmental Operations & Veterans Affairs Policy  
Gambling control board abolished and duties transferred to Department of Commerce.

**HF1606—Seifert (R)**  
Commerce, Jobs & Economic Development Policy  
Owner definition modified and licensing exemption added relating to electrical work.

**HF1607—Paymar (DFL)**  
Civil Law  
Guardian ad litem task force created.

**HF1608—Jaros (DFL)**  
Taxes  
Duluth city taxes on hotel, motel, and restaurant receipts fund use authorized to subsidize the Sister City Commission and the Duluth Community Action Program for the homeless, hungry, and those without health care.

**HF1609—Pelowski (DFL)**  
Higher Education Finance  
Winona State University capital improvements funding provided, bonds issued, and money appropriated.

**HF1610—Olson, M. (R)**  
Transportation Policy  
Minnesota regulated public transit utilities act adopted providing for transit services regulation and requiring legislative reports.

### Tuesday, May 13

**HF1611—Bernardy (DFL)**  
Governmental Operations & Veterans Affairs Policy  
Gambling enforcement notification required prior to initiating video surveillance.

**HF1612—Latz (DFL)**  
Judiciary Policy & Finance  
Firearms prohibition on school grounds clarified.

**HF1613—Latz (DFL)**  
Judiciary Policy & Finance  
Firearms possession prohibited in government buildings.

### Wednesday, May 14

**HF1614—Abeler (R)**  
Environment & Natural Resources Policy  
Phosphorous management plans for municipal wastewater facilities required.

**HF1615—Kahn (DFL)**  
Governmental Operations & Veterans Affairs Policy  
State employee bicycle commuting promotion required.

**HF1616—Kahn (DFL)**  
Agriculture Policy  
Antibiotics; Congress and the Food and Drug Administration memorialized by resolution to take steps to protect the health of the people, and to maintain the effectiveness of human antibiotics by limiting their use in animal feed additives.

**HF1617—Walker (DFL)**  
Judiciary Policy & Finance  
Cities authorized to prohibit carrying firearms on city property.

**HF1618—Bradley (R)**  
Ways & Means  
State government appropriations adjustments provided for early childhood and family education, kindergarten through grade 12 education, and health and human services.

**HF1619—Abeler (R)**  
Health & Human Services Policy  
Drinking water protection from chemicals found to cause cancer or reproductive toxicity provided, and warning required for exposure to chemicals known to cause cancer and reproductive toxicity.

### Thursday, May 15

**HF1620—Kielkucki (R)**  
Transportation Policy  
School buses and Head Start buses inspection by certified inspectors provided.

**HF1621—Kielkucki (R)**  
Jobs & Economic Development Finance  
Local government planning assistance funding provided, and money appropriated.

**HF1622—Carlson (DFL)**  
Education Policy  
Early childhood, family, and kindergarten through grade 12 education funding provided; money appropriated; and constitutional amendment proposed to require early childhood development and education funding for children through age 5.

**HF1623—Greiling (DFL)**  
Education Policy  
Early childhood, family, and kindergarten through grade 12 education funding provided; money appropriated; and constitutional amendment proposed requiring early childhood development and education funding for children through age 5.

**HF1624—Hausman (DFL)**  
Commerce, Jobs & Economic Development Policy  
Antibacterial soap sale generally prohibited.

**HF1625—Sertich (DFL)**  
Jobs & Economic Development Finance  
Small business technical assistance funding provided, and money appropriated.

# To Our Readers

Each week the staff of *Session Weekly* brings you the news of the Minnesota House of Representatives. We make every attempt to include information you will find useful, interesting, and sometimes provocative, but always with you the readers in mind. As a non-partisan publication, we consider very strongly our responsibility to provide you with reliable and accurate information that is accessible.

Accessibility – that term has certainly come to mean many things over the years. But to us here at the House Public Information Services Office, we are committed to make the Legislature accessible to you. Whatever your public information needs, we are here to meet them to the best of our abilities.

Over the years the House, and the Legislature as a whole, has expanded access to legislative information available on its Web sites. In conjunction, the House Public Information Services Office has placed all of our available resources on the Web so that anyone may download and print as many copies as they wish. To ensure the integrity of the Web documents, we have used technology to make them look exactly as they would if they were printed, which we understand sometimes makes them large files that take a long time for some to access.

Such is the case with the popular newsmagazine, *Session Weekly*, and its session summary companion, *New Laws*.

Beginning with the 2004 Legislative Session, our staff plans to expand the format of *Session Weekly* on the Internet and make it a more Web-friendly tool.

However, we know that many of you do not have Internet access, and we understand how important it is for you to continue to receive a printed copy. You have told us that many times in our end-of-the-year survey, and we hear you loud and clear.

But we may need your help. Due to proposed budget cuts in the House of Representatives, the House may not be able to provide funding for



Session Weekly Vol. 1, No. 1 in 1984.

printing and mailing of *Session Weekly*. Because we believe strongly enough in the resource, we would like to continue providing this service. But in order to do so, we have to find an alternative source of revenue.

We may be asking you, the loyal readers of *Session Weekly*, to consider volunteering to financially support the magazine if that need were to arise.

We do not take this request lightly. But we know that you believe in the magazine and the information that it provides. And we know that you're sensitive to the scarce resources for providing services at this time of tight budgets.

While we do not support a subscription-based service due to administrative burdens and other concerns, we may be asking for volunteer donations from our readers. We will be sending you a letter later this year, explaining the process, and if you have any questions in the meantime, we welcome your comments.

We've been investigating other options for raising revenue to continue printing the magazine and we've found a success story. The *Conservation Volunteer*, a bi-monthly magazine produced by the Department of Natural Resources, has been donation-supported since 1980. Budget constraints made them move to that system more than 20 years ago, and it has been very successful since.

Like the readers of the *Volunteer*, you believe in *Session Weekly* — you have indicated your support for the magazine and the information it provides for many years. And your survey responses indicate you are not interested in an Internet-only resource on the whole.

In conclusion, we feel it is important to inform you of the possibility that *Session Weekly* may no longer appear in your mailboxes due to the state's budget crunch. There is much work to be done, and while the House of Representatives budget has not been finalized, there is the possibility that we can no longer provide *Session Weekly* in printed form. We will contact you each individually later this year if we need to seek alternative funding means. In the meantime, please feel free to contact me if you have any questions or concerns, and I will do my best to address them. We're also interested to know if an Internet-only resource would be a satisfactory service for you. You may reach me at (651) 296-2146, (800) 657-3550 or [michelle.kibiger@house.mn](mailto:michelle.kibiger@house.mn).

Thank you.

— Michelle Kibiger, Editor

## A brief history of *Session Weekly*

- 1970s: House Public Information produced a number of different newsletters, providing brief snapshots of action in the House.
- 1984: *Session Weekly* is produced for the first time. The newsletter provides bill introductions, brief descriptions of House action, and legislative contact information.
- 1988: Photography and graphic illustrations are added to *Session Weekly*.
- 1991: *Session Weekly* is redesigned. As a cost-saving effort to obtain a special mailing class, the magazine is expanded to include brief, newsy explanations of bills the House was acting upon.
- 2000: *Session Weekly* is redesigned again, with a new look and feel, and additional features and resources.

Continued from page 18

already upgraded.

Bloomington invested in its own 800-megahertz trunked radio system in 1992 that is independent from the metropolitan system. The city could connect to the state system in the future.

The city's system operates similarly to a cell phone system, said City Manager Mark Bernhardson. Instead of all police officers using one or two radio channels, the city can establish talk groups, allowing smaller groups to communicate without tying up the frequency and without taxing dispatchers.

The flexibility it allows is crucial during emergencies such as fires, terrorist attacks, train derailments, hazardous spills on high-

ways, tornadoes, explosions, high-speed pursuits, and plane crashes. Cross-agency communication between agencies is an "Achilles heel" at such times, Bernhardson added.

Said Bernhardson, "Anything that goes to improve our service to more quickly resolve a public safety situation is always a benefit for our citizens." 🐾

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make it difficult to identify what factors lead to successful programs.

While the House working group on solid waste management has not yet had an opportunity to meet, the issue has not totally slipped

beneath the Legislature's radar.

A House-Senate conference committee on environmental financing agreed May 14 on a House provision that would direct the office to develop with its stakeholders an incentive-based distribution approach for SCORE funding. Currently, SCORE dollars are distributed based on a formula that sets a base and then takes population into consideration.

"It's really difficult to get people to come around the table and talk productively," Ozment said when a Senate conferee questioned the need for the directive. "People tend to be more productive when they know the Legislature is paying attention." 🐾

SPEAKER OF THE HOUSE: STEVE SVIGGUM  
 MAJORITY LEADER: ERIK PAULSEN  
 MINORITY LEADER: MATT ENTENZA

# MINNESOTA INDEX

## Air travel

Millions of passengers at Minneapolis-St. Paul International Airport in 2002 .....	32.6
Millions in 2001 .....	33.7
Rank among world airports in 2001 .....	13
Annual compounded growth rate between 1990 and 2002, as percent .....	4.2
Takeoffs and landings at the airport in 2002 .....	507,669
In 2001 .....	501,522
In 2000 .....	523,170
Rank among North America airports in 2001 .....	7
Rank among world airports .....	8
Takeoffs and landings in 2001 at the metropolitan area's six reliever airports (Airlake, Anoka County-Blaine, Crystal, Flying Cloud, Lake Elmo, Holman Field in St. Paul) .....	757,208
In 2000 .....	824,071
Average number of daily aircraft operations, March 2003	
at Minneapolis-St. Paul International Airport .....	1,373
At St. Cloud Regional Airport .....	214
At Rochester International Airport .....	203
At Duluth International Airport .....	168
At Warroad International Airport-Swede Carlson Field .....	25
Number of nonstop markets from Minneapolis-St. Paul International Airport in 2002 .....	119
Percentage increase from 2001 .....	6
Percentage of markets served exclusively by air carrier jets .....	45.4
Percentage served exclusively by turboprop aircraft .....	14.3
Metric tons of cargo that went through Twin Cities International in 2001 .....	340,027
Rank among U.S. airports .....	20
In 2000 .....	374,875
Scheduled airlines at Minneapolis-St. Paul International Airport in 2002 .....	16
Percentage of 2002 airport operations performed by Northwest Airlines .....	79.3
Carrier with second largest percent of operations (American) .....	4.95
Metropolitan Airports Commission budget in 2003, in millions .....	\$171
Percentage of budget from airline rates and charges .....	42
Percentage from parking and concessions .....	40
Millions spent by the commission on airport noise mitigation between 1992 and 2002 .....	\$207.1
Total number of homes insulated .....	7,148

Sources: 2002 Annual Report to the Legislature, Metropolitan Airports Commission, March 2003; 2002 Report to the Community, Metropolitan Airports Commission; www.msairport.com; Airports Council International; AirNav, LLC.

## FOR MORE INFORMATION

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