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In this issue:

REGULAR SESSION ADJOURNS

SPECIAL SESSION, LATEST NEW LAWS, AND MORE

HF1626-HF1658  
SSHFI-SSH70

# Session Weekly

**Session Weekly** is a nonpartisan publication of the Minnesota House of Representatives Public Information Services. During the 2003-2004 Legislative Session, each issue reports daily House action between Thursdays of each week, lists bill introductions and upcoming committee meeting schedules, and provides other information. The publication is a service of the Minnesota House. No fee.

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## CONTENTS

### HIGHLIGHTS

Agriculture • 5  
Budget • 5  
Consumers • 5

Crime • 6  
Elections • 6  
Employment • 6

Energy • 7  
Government • 7  
Law • 9

### NEW LAWS

Agriculture • 10  
Banking • 11  
Business • 11  
Children • 12  
Consumers • 12  
Crime • 13  
Development • 15  
Education • 15  
Elections • 16  
Employment • 16

Energy • 17  
Environment • 17  
Family • 18  
Gambling • 18  
Government • 18  
Greater Minnesota • 19  
Health • 19  
Housing • 22  
Industry • 23

Insurance • 23  
Law • 24  
Local Government • 25  
Military • 26  
Recreation • 27  
Safety • 27  
Taxes • 29  
Transportation • 29  
Veterans • 29

### FEATURES

**AT ISSUE: BUDGET** — A new law provides \$636 million for environment, agriculture, and economic development. • 31

**AT ISSUE: EDUCATION** — A new law provides \$11.9 billion for early childhood through K-12 education. • 33

**AT ISSUE: GOVERNMENT** — A state government finance law provides nearly \$599 million for general government budgets at the state level. • 34

**AT ISSUE: HIGHER EDUCATION** — Budgets for the University of Minnesota, the Minnesota State Colleges and Universities system, and state grant programs totals about \$2.56 billion for 2004-05. • 36

**AT ISSUE: HUMAN SERVICES** — Health and human services allocations total about \$7.5 billion for 2004-05. • 37

**AT ISSUE: LAW** — The judiciary finance law provides \$1.4 billion from the general fund for 2004-05. • 38

**AT ISSUE: TAXES** — Local government aid to cities would be nearly \$900 million over the 2004-05 biennium, under the omnibus tax bill. • 39

**AT ISSUE: TRANSPORTATION** — About \$3.8 billion in transportation spending would be authorized in the transportation funding measure, including up to \$800 million for additional and advance construction. • 40

### DEPARTMENTS/RESOURCES

Governor's Desk (CH1-133, SSCH1-12) • 42  
Bill Introductions (HF1626-HF1658,  
SSHF1-SSHF70) • 46

2003 Minnesota House of Representatives/  
Minnesota Senate Members • 49, 50  
Readership Survey • 51  
Minnesota Index: 2003 Legislative Session • 52

On the cover: A walkway winds through the trees on the east side of the State Capitol from the Minnesota Judicial Center.

— Photo by Andrew Von Bank





# Extraordinary measures

Legislature makes most of 8-day special session to complete work on 2004-05 budget

By MICHELLE KIBIGER

**G**ov. Tim Pawlenty said it best May 19 when he called lawmakers into a special session the following day – “Special sessions aren’t so special any more. They happen almost every other year, or so it seems.”

It’s true that all but three of the past 10 biennial sessions have required a special session – which many states call extraordinary sessions — for various reasons, from finalizing budget bills to providing

additional aid for disasters in the state, to providing extra unemployment benefits, to addressing sexual predator laws.

For 2003, much like 2001, the budget dominated discussion during the special session. However, the nature of the 2003 session was markedly different from the previous go-round – it only took eight days to finish business this year. The 2001 special session lasted for 20 days and went right up to the end of the fiscal year on June 30.



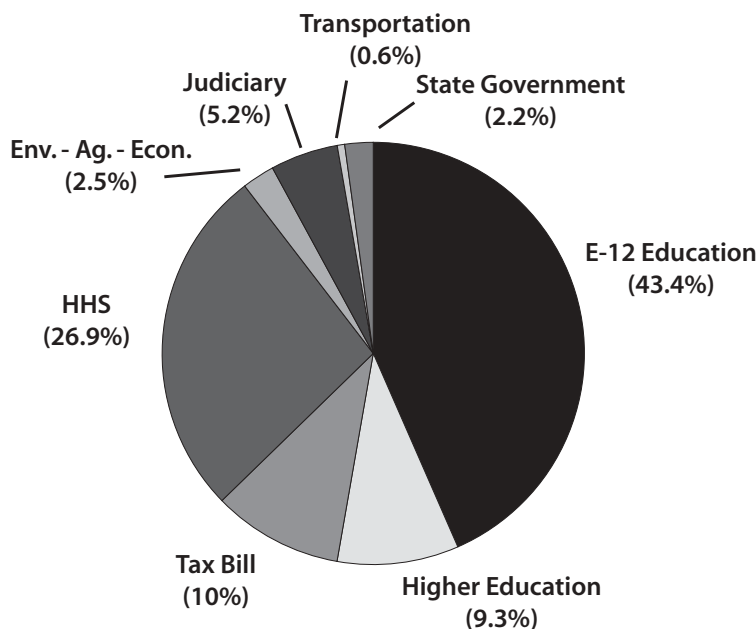
PHOTO BY TOM OLMSCHIED

Gov. Tim Pawlenty calls a special session during a late night news conference on the last day of the regular session May 19. The special session would be the third in three years.

Below is a brief chronology of events in the final days of the 2003 regular session and the beginning of the special session:

- The House met for a few hours on May 16, acting primarily on policy bills. Following the session, a number of conference committees met to work out differences on policy bills, while House and Senate negotiators continued working toward a budget agreement.
- After reaching an agreement in the early morning hours May 17, conference committees were scheduled to meet throughout the weekend to finalize the details of the omnibus finance bills. An informal deadline of 6 p.m. May 18 was set.
- The House and Senate met in session on May 19, the constitutional deadline for adjournment. Some provisions of the omnibus finance bills had not been finalized and it became clear a special session would be inevitable.
- During the May 19 session, the House passed a nuclear storage bill, the state government finance bill, the higher education finance bill, and a bill containing appropriations for environment, agriculture, and employment provisions. The Senate ran out of time before the midnight deadline – it did not debate the state government bill and did not pass the nuclear storage bill after a lengthy debate.
- As legislators were making the most of their last regular session hours, Pawlenty announced he would call them back into special session at 11 a.m. May 20.
- The Legislature convened in special session and passed the state government finance and judiciary bills the first day.
- After a few negotiating delays, members deliberated and passed the education finance bill, but were unable to adjourn prior to the Memorial Day holiday.
- Transportation and tax negotiations concluded and the bills were passed May 27

## Percentage of general fund spending by account House - Senate Agreement



Source: House Fiscal Analysis

### General fund spending in the 2004-05 budget, by omnibus bill:

- Education – \$11.96 billion
- Health and human services — \$7.4 billion
- Taxes — \$2.7 billion
- Higher education — \$2.6 billion
- Judiciary — \$1.4 billion
- Environment, agriculture, and economic development — \$688.3 million
- State government — \$596.5 million
- Transportation (general fund only) – \$156 million

following the holiday, but health and human services negotiations extended into the wee hours May 29.

- Legislators passed the health and human services and bonding bills and adjourned in the evening of May 29.

The budget agreement reached by legislative leaders and the governor provides for a state general fund budget of \$27.5 billion during the 2004-05 fiscal biennium. The largest chunk goes for educational funding, including early childhood and family programs. Second is health and human services, followed by higher education and other overall taxing and budgeting items.

The budget deal allowed for a budget nearly \$300 million above the governor's recommendations. Accounting shifts and fee increases will raise the \$293 million to offset the increased spending. In addition, the budget agreement provides \$530 million in the tax bill

to the state's budget reserve. Tobacco endowment funds would be transferred to help balance the budget as well.

In describing the character of the negotiations, House Majority Leader Erik Paulsen (R-Eden Prairie) said, "Minnesotans should take faith in knowing we can resolve our differences in respectful ways."

Nevertheless, Senate members did not fully embrace the agreement, and many said they would not vote for conference committee reports.

Two major budget bills were agreed to prior to the adjournment of the regular session – the higher education finance bill and the bill containing appropriations for environment, natural resources, agriculture, jobs, and economic development items.

That left the following omnibus finance bills for the special session: bonding, education, health and human services, judiciary finance, state government, taxes, and transportation.

In eight very long days, the House and Senate debated the remaining measures and passed them on to the governor for his approval. The governor had three days to approve the regular session bills once they were presented to him, and 14 days to act on the special session files he received.

ASSISTANT EDITOR MIKE COOK ALSO CONTRIBUTED TO THIS REPORT.



## ★ AGRICULTURE

## Pesticide fund transfer rejected

Vetoed  
by  
the  
governor  
★ ★ ★

Gov. Tim Pawlenty line-item vetoed an agriculture-related provision May 28 out of a new law that will direct some \$636 million from the state's general fund toward agriculture, economic development, and the environment.

The provision would have transferred \$400,000 during the next biennium from the Department of Agriculture's pesticide regulatory account to the Agriculture Utilization and Research Institute commonly referred to by its acronym AURI.

The institute is a nonprofit corporation created to develop new markets and products, particularly value-added items, for Minnesota agricultural products. It assists entrepreneurs along every product development step, from research to marketing.

The Agriculture Department is the state's lead agency for pesticide application licensing and monitoring. Fees and penalties collected through the department's efforts are deposited in a pesticide regulatory account.

"Transferral of this money would lead to fund insolvency necessitating consideration of a fee increase or core service reduction," according to a press release issued by the governor's office. "The program plays a vital role in addressing pesticide misuse, monitoring water quality, worker protection, spill and emergency responsiveness."

The veto does not alter a \$3.2 million appropriation to the institute from the state's general fund.

The measure was sponsored by Rep. Dennis Ozment (R-Rosemount) and Sen. Steve Murphy (DFL-Red Wing).

HF967/SF905\*/CH128

## ★ BUDGET

## Tying loose ends

A bill that would provide a number of transfers and other administrative language to balance the fiscal year 2003 budget passed the House 82-45 on May 24.

SSH3, sponsored by Rep. Jim Knoblach (R-St. Cloud), passed the Senate, where it is sponsored by Sen. Richard Cohen (DFL-St. Paul), 57-0 on May 29. It is substantially similar to HF74, passed early in the regular legislative session, that was sent to conference committee but never emerged, because

Gov. Tim Pawlenty cut the 2003 budget using his executive powers.

It now awaits the governor's action.

The bill would appropriate \$110 million from bond proceeds in the trunk highway fund originally appropriated from the general fund in 2000 for various highway projects.

It would also transfer \$15 million from the state airports fund to ease general fund shortfalls. The airports fund collects revenue from aircraft registrations and special aircraft fuel taxes, and funds are disbursed for improvements to airport facilities. The fund currently has a surplus, though a number of projects to use the funds are planned. The bill would require the commissioner of finance to repay the airports fund by July 1, 2007.

Several other adjustments would also be made, particularly in the areas of K-12 education finance and health and human services. Many of those program budgets are forecasted – meaning they are based on an estimated number of recipients. Some of the forecasts underestimated the use of those programs, and the appropriations need to be adjusted accordingly.

The bill would also allow for the use of tobacco endowment funds to balance the budget prior to the end of this fiscal year on June 30.

In addition, the bill would specifically limit

the appropriations and transfers included in the bill so that they do not occur more than once.

Initially, the bill would have allowed the state to use unexpended funds from 2003 to pay for layoffs that might occur yet this year. The idea behind the provision, Knoblach said, was that severance costs might extend into the next fiscal year.

However, several members, including Rep. Loren Solberg (DFL-Grand Rapids), objected to the provision, calling it borrowing from the future to pay for current costs. The provision was removed from the bill.

In addition, members debated an amendment to create a July economic forecast. Currently, the Department of Finance conducts two forecasts in February and November each year, which measure the expenditures and revenues as they relate to the budget's structural balance.

Sponsored by Rep. Ann Lenczewski (DFL-Bloomington), the amendment failed.

## ★ CONSUMERS

## Home warranties

Buyers of new homes would find stricter rules governing defects covered by warranties, under a bill approved by the House 106-24 May 19. But the bill will remain in limbo until 2004 because the Senate did not act on it prior to the conclusion of the regular session.

HF730, sponsored by Rep. Larry Howes (R-Walker), addresses a situation created by a court ruling. According to bill supporters, the Minnesota appellate court in December 2001 ruled that homeowners do not have to file a warranty claim for defects within warranty periods laid out in state statute. This has created a loophole, making insurance companies unwilling to insure homebuilders.

"This is very important, not only for the homebuilders but for the consumers," Howes said.

Current law allows a one-year warranty for most defects caused by faulty workmanship and defective materials due to noncompliance with building standards; a two-year warranty for electrical, heating, cooling, and plumbing defects; and a 10-year warranty for major construction defects due to noncompliance with building standards. The bill would add defective materials to the 10-year warranty period.

Under the bill, an owner would have two years following the expiration of each of the warranty periods to discover defects that

## CENTER SEAT



PHOTO BY TOM OLMSCHIED

A crew of pages patiently waits for someone to summon them to a task on the last day of the regular legislative session. The last day was also the pages' last day, and several of them returned to volunteer their services in the special session.

occurred within the warranty period. A claim would have to be brought within one year of the defect's discovery. Notwithstanding other provisions in law, no action could be brought more than three years after the warranty period expires.

Incidental, consequential, or indirect property damage could not be excluded from the warranty periods, under the bill.

Rep. Joe Mullery (DFL-Mpls) said he would vote against the bill because a successful oral amendment, offered by Rep. Eric Lipman (R-Lake Elmo), removed from the 10-year warranty period the faulty installation of materials. Howes replied that faulty installation is covered elsewhere in the bill, and that the provision was removed to make himself, Lipman, and the homebuilders more comfortable.

Mullery said the amendment changed the bill to "one that I can't see how we can support."

As approved, the bill is different from what was introduced earlier this session. Originally, the bill stated that vendors and home improvements contractors would not be liable if the loss or damage was not reported by the homeowner in writing within six months after the defect was discovered, and would have further exempted claims for defects discovered after the one-, two-, and 10-year warranty periods.

The Senate sponsor is Sen. Don Betzold (DFL-Fridley).

## ★ CRIME

### Vehicle forfeiture woes

The House failed to approve a change to Minnesota's vehicle forfeiture laws May 22, voting 70-59 against a bill previously approved by a House-Senate conference committee and unanimously passed by the Senate earlier in the day.

The bill (SSHF26/SSSF14\*) would make it easier for the state to take vehicles away from repeat drunken drivers by no longer requiring that the driver themselves own the vehicle.

Supporters of the bill, sponsored Rep. Doug Fuller (R-Bemidji), said it would keep drunken drivers from dodging the law by driving cars registered to a friend or family member. Under the bill, family and friends would lose their vehicle unless they can prove that they did not know the person to whom they lent the vehicle was going to break a law.

While there appeared to be universal agreement that the bill had good intentions, opponents objected that it cast too wide a net and risked taking valuable property from people not involved in a crime. Rep. Ron Latz (DFL-St. Louis Park) argued the bill raises the standard of proof vehicle owners to "clearly

and convincingly" demonstrate they did not have knowledge that the vehicle would be used to break the law.

Rep. Loren Solberg (DFL-Grand Rapids) said he worried the definition of family member was unrealistically broad.

In addition to parents or spouses, the bill also defines "family or household member" as siblings, cousins, aunts, uncles, nieces, nephews, grandparents, great-grandparents, and people "residing together" or people "who regularly associate and communicate with one another outside a workplace setting."

A separate provision of the bill specifies that trailers and vehicles on trailers cannot be confiscated along with the car towing them. If someone were convicted of operating a boat while impaired, under the bill, the state could take both the boat and the trailer used to tow it but not the car used to pull it.

Minnesota's vehicle forfeiture law applies to people who have committed a drunken driving offense with two or more aggravating factors, including:

- having a prior drunken driving conviction;
- having a blood alcohol content above .20; or
- having a child under age 16 in the car.

Sen. Leo Foley (DFL-Coon Rapids) sponsors the bill in the Senate.

### Paying for treatment

Convicted sex offenders in Minnesota would have to pay a price for their treatments under a bill the House approved 133-0 on May 19, the last day of the regular session.

Originally approved 65-0 by the Senate May 14, that body did not have time to again take up the bill with the House amendment before adjournment, leaving it in limbo until 2004.

Under the bill (HF921/SF906\*), organizations providing treatment to sex offenders could charge and collect co-payments from all offenders in their programs. The commissioner of corrections would develop a fee schedule spelling out how large the co-payment amounts would have to be. The bill specifies that fees collected in this manner would have to be used to fund a provider's cost of treatment.

Rep. Rob Eastlund (R-Isanti) successfully amended a provision onto the legislation that would prohibit people that are civilly committed due to sexually psychopathic personalities from possessing or receiving pornographic materials. The provision would apply to anyone receiving services in a secure treatment facility operated by the Minnesota sex offender program or any other corrections facility.

Rep. Judy Soderstrom (R-Mora) and Sen. Wes Skoglund (DFL-Mpls) sponsor the bill.

## ★ ELECTIONS

### Political party revisions

A bill that would repeal a provision in the K-12 omnibus law relating to major and minor political parties, awaits the signature of Gov. Tim Pawlenty.

Rep. Ron Abrams (R-Minnetonka), the House sponsor of SSHF67, said the state could face possible lawsuits regarding the constitutionality of the K-12 measure if the language were not removed.

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

Concerns were raised by the Independence Party of Minnesota as to whether the addition of election provisions to the K-12 bill violated the single subject rule, which governs what a single law passed by the Legislature may address. If a political party were to pursue the argument of the additional language violating the single subject rule, the K-12 bill could have been repealed in a court of law.

According to the Independence Party of Minnesota website, the bill would have also delayed political funds to Nov. 1, making it more difficult for political parties with less funding to campaign. The Web site noted further concerns about language that would require a party to have a presidential candidate to maintain major party status.

## ★ EMPLOYMENT

### Dollars for the unemployed

The long-term solvency of the state unemployment insurance trust fund would be addressed, under a bill awaiting Gov. Tim Pawlenty's approval.

The bill (SSHF12/SSS18\*) was previously passed by the House. Additional action was required because the bill hadn't been approved by both the Senate and House prior to the end of the regular legislative session on May 19.

The bill calls for changing the formula by which employers pay into the state unemployment insurance trust fund in hopes of keeping it solvent. 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 and unemployed workers.

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, a higher rate is collected. The exact amount to be paid in any given year

is based on the fund balance on June 30 of each year.

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 four-tenths of 1 percent of taxable wages.

Employers who traditionally lay off their employees — such as those in the construction trades — would pay a slightly higher rate, under the bill. The employees themselves, however, wouldn't see a lower benefit amount in the event of a layoff.

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

Rep. Bob Gunther (R-Fairmont) and Sen. Ellen Anderson (DFL-St. Paul) are the sponsors.

## ★ ENERGY

### Saving money

A bill making it easier for schools and municipalities to enter into long-term energy savings plans is on its way to Gov. Tim Pawlenty.

The bill (SSHF34/SSS27\*) was passed by the House 104-26 and by the Senate 62-0 May 23. It was previously approved by the House, but required action again when it was not passed by the Senate prior to the close of the regular legislative session.

The bill would extend the maximum length of a guaranteed energy savings contract from 10 to 15 years. Under a 1983 law, school districts and municipalities can enter into agreements for energy efficiency improvements, such as new lighting and heating and cooling systems. The upgrades are paid from the energy cost savings over a period of time; no upfront cash payment is required. The entity receives the full benefit of lower energy costs after the upgrades have been paid.

Extending the maximum contract length would make it easier for entities to purchase back-up generators, which often can't be paid off in 10 years due to the cost of the machine and the amount of the rate rebate from the utility company.

The bill would not require that contracts be fixed at 15 years; a lesser number of years would be allowed.

## WATCHFUL WAITING



PHOTO BY TOM OLMSCHIED

Bright sunshine lights lobbyists talking in a hallway on the east side of the Capitol Rotunda May 16. Like many others, the lobbyists lingered in the Capitol during the final days of the regular session to hear if a special session would be necessary.

Rep. Philip Krinkie (R-Shoreview) said that local units of government should not have to wait 15 years to reap the benefits of an energy savings plan. "It's not a good idea," he said.

Replied House sponsor Rep. Lynn Wardlow (R-Eagan), "I believe in local control."

Wardlow added that Northwest Technical College found it could increase savings from an energy plan to \$43,000 over 15 years, up from \$8,000 over 10 years.

Forty-seven states in the nation have similar laws, with the maximum contract length varying from 10 to 25 years.

The Senate sponsor is Sen. Steve Kelley (DFL-Hopkins).

## ★ GOVERNMENT

### Claims bill vetoed, revived

Vetoed  
by  
the  
governor  
★ ★ ★

Gov. Tim Pawlenty exercised his veto authority for the first time on a bill that would have authorized the payment of \$188,950 in various claims against the state.

Each year, a joint House-Senate Subcommittee on Claims meets to determine which petitions will be funded. All state agencies are eligible to receive funding to cover the claims.

However, the bill, minus the offending provision, was later revived in the special session and passed by the House.

According to the governor's May 23 veto message, the sticking point in the bill was a

provision that would have reimbursed the Bode family of Nicollet, Minn. up to \$26,000 to restore a drain tiling system that was twice removed by the Department of Natural Resources (DNR) in a dispute over a wetlands designation on a small parcel of land on the family farm.

The Bodes and the DNR have been at odds for more than 20 years over the wetlands restoration order. The family argues that their parcel is not large enough to be protected, but the order has been upheld by the state Supreme Court.

"This section of the bill reverses the decision made by the courts, setting a terrible precedent for wetlands protection," Pawlenty wrote in his veto message. "The language ... would also have a chilling effect on the state's ability to protect wetlands."

Pawlenty said he would sign the claims bill if the Bode provision were removed, so the House passed a nearly identical claims bill (SSHF57), minus the Bode payment, May 29. The vote was 112 to 18.

"There are claims against the state waiting to be paid," said Rep. Bill Haas (R-Champlin). "I think we are going to have to re-look at (the Bode issue) through the interim."

An environment-related provision retained in the special session version of the claims bill includes a \$33,858 payment to Craig Waddell of Remer, Minn., for losses due to a state-imposed moratorium against raising sunken logs. The 2001 Legislature reversed a law passed the previous year that allowed the commercial recovery of sunken logs after the DNR and lake



associations expressed concerns that the practice might cause environmental damage.

Other sections of the bill approve the following:

- \$2,500 for the Department of Transportation to pay Daniel and Florence Piekarski of Little Falls, for the costs of converting to a municipal water system because of contaminated groundwater;
- \$38,843 to the Department of Revenue for reimbursement to Forest Pharmaceuticals, Inc., of St. Louis, Missouri, for overpayment of MinnesotaCare taxes;
- \$33,190 for the Office of the Attorney General to settle a claim that was not fully covered by the Client Security Board; and
- nearly \$54,559 to the Department of Corrections for various inmate medical claims.

The bill was sponsored by Rep. Bruce Anderson (R-Buffalo Township) and Sen. Wes Skoglund (DFL-Mpls).

HF679/SF552\*/CH88

### Knowing implementation costs

**Vetoed  
by  
the  
governor  
★ ★ ★**

Agency rulemakers would not be required to disseminate information to local authorities regarding the costs associated with complying with proposed state rules after a bill permitting such was vetoed May 27 by Gov. Tim Pawlenty.

A proposed rule has the full effect of law.

Calling it an “admirable attempt” to address mandates, Pawlenty expressed concern about unintended consequences of the bill.

“This bill essentially shifts authority for conducting rulemaking from the executive branch to the legislative branch,” the governor wrote in his veto message. “Under current law, the Legislature has granted the governor’s office final approval authority on all rulemakings. This is sound policy as it provides accountability in a way that does not paralyze either branch of government.”

Sponsored by Rep. Marty Seifert (R-Marshall) and Sen. David Senjem (R-Rochester), the bill would have allowed the commissioner of finance, upon request, to prepare a local government fiscal impact and fiscal benefit note for a unit of a political subdivision, defined as the elected governing body of a city, township, county, school district, or sanitary district.

If more than one local government entity were to request a note, the cost to prepare the note, up to \$35 per hour to cover state costs, would have been divided among the requesting entities, under the bill. Once a request is received the commissioner would have provided a fee estimate.

Additionally, the bill would have required state agencies to determine the costs of complying with the proposed rules. If the initial or yearly cost to an affected entity minus the fiscal benefit of complying with the rules were estimated to exceed \$10,000, an administrative law judge must approve the determination. Pawlenty said he thinks this threshold is too low and would result in the Legislature addressing issues now delegated to agencies.

If the judge fails to approve the agency’s determination, the rules could not take effect until legislative approval was given, under the bill. This would not be applicable if the Legislature appropriates money to fund the expected cost or the rule has been proposed to address a specific federal statutory or regulatory mandate.

“Because the Legislature is only in session for a few months out of the year, it is impractical for the Legislature to act on all proposed rules in a timely manner,” Pawlenty wrote. “This delay in requiring legislative approval could result in expiration of the timeliness for rules under current law.”

HF624\*/SF1070/CH103

### Merging departments

Two state departments would merge and come under a new name, under a bill awaiting Gov. Tim Pawlenty’s approval.

The bill (SSHF25/SSSF28\*) forms the Department of Employment and Economic Development from the combination of the Department of Trade and Economic Development and the Department of Economic Security.

The acronym by which the new department

would be known is DEED, according to the House’s bill sponsor, Rep. Bob Gunther (R-Fairmont).

“The savings that they will have in the merger will more than pay for this change,” said Gunther, when asked about the fiscal cost by Rep. Rebecca Otto (DFL-Marine on St. Croix).

A 2001 law mandated a study of the merger, designed to synchronize workforce development, economic development, and education. A merger could realize annual savings of \$1.5 million to \$2 million, not including severance costs, said Morrie Anderson, manager of the team that prepared the report. His comments came at a House Jobs and Economic Development Finance Committee meeting earlier this session.

The Department of Trade and Economic Development is the state’s principal economic development agency, with programs promoting business expansion and retention, workforce development, international trade, community development, and tourism. The Department of Economic Security provides programs and services that foster economic independence and operates the Minnesota Job Bank and Minnesota WorkForce Centers.

Sen. Dallas Sams (DFL-Staples) is the Senate sponsor.

### Public and private data

The House passed a bill 128-1 May 22 that would make some changes to the way Minnesota governments collect and use some of the wide variety of data they obtain from the public. The changes are included in a larger bill (SSHF29/SSSF10\*) dealing with the Department of Administration.

The Senate passed the bill 62-0 on May 22. It now awaits Gov. Tim Pawlenty’s signature.

Under the bill, names, addresses, e-mail addresses, and telephone numbers people submit in order to receive communications from the state lottery would be classified as private data, to be used only by the lottery.

Another provision would protect data collected by state Web sites. Information actively submitted by Web site users or passively collected from users’ computers would be classified as nonpublic information to be used only for evaluating the effectiveness of its Web services or for preventing people from “hacking” or tampering with those sites.

Users would also have to be warned before state Web sites place a “cookie” on their computer. Cookies are used to track users’ preferences and to customize the content of a site accordingly. Refusing to accept a cookie could not prohibit someone from using a Web site, according to the bill.

### END IN SIGHT



PHOTO BY ANDREW VON BANK

House Speaker Steve Sviggum, *left*, confers with House Minority Leader Matt Entenza, *right*, on the final day of the 2003 special session May 29. House members were waiting for a message from the Senate regarding status of a bill they were waiting to consider prior to adjournment.



Information on the state archeologist's "Unplanned Burial Site and Earthworks in Minnesota" Web site would be reclassified as security information, meaning its dissemination to the public could jeopardize the security of those archeological sites.

Though crime prevention maps and information about members of block clubs is classified in the same manner, the bill would make the location of National Night Out events public data at the request of a community group that wanted to be able to legally publicize the community crime prevention event.

Data about nonpublic school students would also become private under the bill. It would prohibit public school districts from releasing contact information about home-schooled students and their parents without permission from the parents. The section would also apply to students attending nonpublic schools.

The state Department of Veterans Affairs would have to more closely guard veterans' discharge information under the bill. Any information relating to discharges from military service could only be released to the veteran themselves, their families, or a legal guardian.

While much of the bill would restrict the dissemination of information, some of its provisions would expand governments' authority to pass along data.

For example, it would allow county health, welfare, human services, corrections, and veterans' service providers to share basic contact information about the people they serve among themselves without the consent of the subject.

Names and addresses of people receiving government assistance to rehabilitate housing would be made public. Current law applies only to people receiving aid to purchase housing. The bill states that if the recipient were a partnership or a corporation, the names and addresses of the partners or corporate officers become public data along with the value of the assistance they received.

It would also make some information obtained through a government entity's organized self-evaluation programs available to certain government employees. The bill states that if a person were specifically mentioned in a comment on ways to cut costs or make government more efficient, that person has a right to see the information contained in the comment, but not information about the person who submitted it.

Rep. Dick Borrell (R-Waverly) successfully amended what he called the "non-controversial" provisions of this session's omnibus data practices bill (originally HF739) into a larger bill (HF1111/SF1180\*) dealing with the Department of Administration. The House passed the whole bill on May 16, but the Sen-

ate did not concur with the changes before the May 19 adjournment deadline.

The same bill was then introduced in the special session. It is sponsored by Rep. Philip Krinkie (R-Shoreview) and Sen. Sharon Marko (DFL-Cottage Grove). Borrell and Sen. Wes Skoglund (DFL-Mpls) sponsored the original data practices omnibus bill.

## ★ LAW

### Updating trust law

On a 131-0 vote, the House passed a bill May 16 that its sponsor, Rep. Eric Lipman (R-Lake Elmo), said would "fill in the gaps" of Minnesota's trust law and include a number of provisions to codify current practices and simplify others.

HF169 would provide a way to govern creation of the type of community memorial fund typically set up in response to a personal tragedy, such as deaths in a flood or fire. While many such funds exist, there is no current law specifically governing how they are run. The bill would put them under the governance of the Minnesota Uniform Custodial Trust Act, which requires that fund money be used for its intended benefits.

The bill would allow for trustees and beneficiaries of a trust to enter into binding nonjudicial settlements about certain matters, taking the burden off of courts. Such settlements could be reached regarding the approval of a trustee's accounting, the compensation or resignation of a trustee, changing the location of a trust, and terminating a trust when its remaining funds are too low to continue serving its purpose.

Lipman removed a provision from the bill that would have allowed people to set up trust funds for their pets. He said removing the section would ease the bill's passage so late in the legislative session. However, the Senate did not act on the measure prior to the end of the regular session May 19. It is still alive for the 2004 session.

### Bond maximums

Appeal bonds, the money defendants in civil cases pay while appealing damage awards, would be capped in Minnesota under a bill passed by the House 93-33 May 16. However, the full Senate did not act on the measure prior to the session's adjournment, leaving the bill in limbo until 2004.

The measure was included in the House Judiciary Policy and Finance Omnibus bill that passed April 28 but was removed in a conference committee.

While some called HF1425 a gift from legislators to big tobacco companies, Rep. Mary Liz Holberg (R-Lakeville), the bill's sponsor, said Minnesota businesses run the risk of bankruptcy without the limits.

The bill originally would have capped the appeal bond amounts at \$25 million. However, Rep. Jim Rhodes (R-St. Louis Park) successfully amended the cap to \$100 million on the House floor.

The bill could save companies that lose the first round of a court fight millions, even billions, of dollars. Referring to a \$13 billion decision against a large tobacco company, Rep. Thomas Huntley (DFL-Duluth) said, "When Philip Morris reached the agreement in Illinois they also agreed not to lobby the Illinois Legislature for this kind of legislation. Unfortunately they did not agree not to lobby for this type of legislation in places outside of Illinois. If they had, this bill would not be before us today."

Holberg said the bill has support not just from the tobacco industry, but also from large companies in Minnesota who would be forced out of business if faced with high damage amounts sometimes awarded in class action cases.

During floor debate on the omnibus bill, Rep. Fran Bradley (R-Rochester) said since Minnesota continues to receive annual payments from the nationwide tobacco settlement, "it would create an enormous problem if some of the tobacco industries begin to go bankrupt."

Rep. Ron Latz (DFL-St. Louis Park) called \$25 million "pocket change" to large tobacco companies and said no company has ever gone bankrupt in Minnesota because of appeal bond amounts. He unsuccessfully offered an amendment to specifically exempt most tobacco companies from the limits.

Sen. Don Betzold (DFL-Fridley) is the Senate sponsor.

## Where to find information

### House Public Information Services

175 State Office Building  
(651) 296-2146 or 1-800-657-3550

House Public Information Services is a non-partisan office that provides committee meeting schedules; legislator information; and publications, including the *Session Weekly* newsmagazine, educational brochures for all ages, and member directories. All information is available at no charge.

Most of what this office publishes can be viewed on the Legislature's World Wide Web page. To connect, point your web browser at: <http://www.leg.mn>

**Editor's Note:** The following section includes stories explaining many of the new laws that were passed during the regular and special sessions of the 2003 Legislature. As a public service, we are reprinting all of the previous new laws stories run in Session Weekly this year. For more detailed information and additional new laws stories, please refer to the New Laws 2003 publication that will be published on the House Web site in July or August. Point your browser to <http://www.house.mn/hinfo/hinfo.htm>.

## ★ AGRICULTURE

### Policy provisions

Organic food growers will get new rules and promotional help, a mandatory ethanol content for gasoline will be set, and a number of state agriculture rules will be updated to match federal regulations, under a new law signed May 27 by Gov. Tim Pawlenty.

However, conference committee members removed House-adopted provisions that would have amended state law to allow immigrant holders of investment visas to purchase dairy farms in the state.

Originally proposed in HF447, sponsored by Rep. Greg Blaine (R-Little Falls), the immigrant farmer proposal would have eased the state's restrictions on farmland ownership by legal aliens and non-American corporations.

The state Agriculture Department supported the legislation to recruit dairy farmers, primarily from the Netherlands, who face land-use and livestock herd restrictions in their home country, and are interested in relocating to the United States.

As amended by the conference committee, the law will allow a few holders of E-2 investment visas who already own farms in the state to retain ownership by becoming a permanent resident alien or a citizen of the United States

within five years.

Effective Aug. 1, 2003, all gasoline sold or offered for sale in the state will be required to contain at least 10 percent denatured ethanol by volume. Besides the slight increase in the oxygenate blend to 10 percent, the law will require that denatured ethanol must be the oxygenate used as the fuel additive.

The law will also set annual production goals for ethanol of up to 480 million gallons in 2008 and subsequent years. Existing production among the state's 14 ethanol plants is an estimated 375 million gallons.

State law governing produce grown by organic farming methods will be updated to match the federal definition of "organic production." A 14-member organic advisory task force will be created to advise the state agriculture commissioner.

The group will meet twice a year prior to June 30, 2005 to advise the Agriculture Department on "expanding, improving, and developing production and marketing of the organic products of Minnesota agriculture."

Conferees adopted Senate provisions requiring the Agriculture Department to provide comparable data on price, yield, and profitability of organic farms versus conventional farms, and information "on the positive and negative impacts of organic production on the environment and human health."

The law will also 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.

Rep. Howard Swenson (R-Nicollet) and Sen. Steve Murphy (DFL-Red Wing) are the sponsors.

HF1213/SF990\*/CH107

### In honor of Gov. Freeman

A new office building for the state Agriculture and Health departments, expected to open in fall 2005, will be named in honor of the late Orville L. Freeman, under a law signed May 19 by Gov. Tim Pawlenty.

Freeman died Feb. 20 at age 84.

He was the state's 29th governor, serving from 1955-61, and he served in two presidential administrations as the U.S. Secretary of Agriculture from 1961 to 1969. In 1954, Freeman was the first gubernatorial candidate to be elected from the Democratic-Farmer-Labor Party.

Site preparation for the new \$77.2 million building, to be located just off the main State Capitol complex, began in April, according to the state Department of Administration.

The 342,000-square foot, five-story building will house 1,000 state employees and be connected to a new \$60 million Agriculture and Health Laboratory Building by a skyway across Columbus Street.

The Agriculture Department currently leases an office building in St. Paul. The Health Department will move more than 700 employees from a building on the University of Minnesota's Minneapolis campus and other Twin Cities metropolitan area locations.

Rep. Dean Urdahl (R-Grove City), and Sen. D. Scott Dibble (DFL-Mpls) sponsored the law.

The law takes effect Aug. 1, 2003.

HF1374\*/SF1263/CH67

### FINAL ACTION



PHOTO BY ANDREW VON BANK

The House Chamber is a flurry of activity on the last day of regular session May 19, as members work to approve legislation before adjourning at midnight.



## Regulating warranty work

Warranty work performed by independent farm equipment dealers on behalf of farm equipment manufacturers will now be regulated, under a new law signed by Gov. Tim Pawlenty May 22.

Effective Aug. 1, 2003, the new law requires manufacturers to reimburse dealer's labor expenses at a reasonable rate, and to reimburse for parts at a rate 15 percent higher than the dealer's net price. In addition, manufacturers must approve or deny dealers' reimbursement claims within 30 days, and pay claims that have been approved within 30 days.

Historically, most farm equipment manufacturers offer warranties on equipment sold to farmers through authorized dealers. The new law stemmed from claims that some manufacturers do not reimburse dealers adequately for repairs performed under warranty, nor do they possess written warranty reimbursement policies or agreements.

Fifteen states, including North Dakota and South Dakota, have farm equipment warranty laws. Minnesota has a similar law for warranty work on lawn and garden equipment, all-terrain vehicles, boats, snowmobiles, and licensed motor vehicles.

Three implement dealers in Caledonia, Fergus Falls, and Madison, as well as the Farm Equipment Dealers Association based in Owatonna, endorsed the measure during testimony before House committees.

The law also modifies the definition to heavy and utility equipment.

Rep. Greg Davids (R-Preston) and Sen. Dallas Sams (DFL-Staples) sponsored the law. HF547\*/SF674/CH78

## BANKING

### Hours, policy changes

Banks will be allowed to close early on Christmas Eve and New Year's Eve and bank employees may get loans without special approval from the bank's board of directors, under a new law signed by Gov. Tim Pawlenty May 16.

The new law makes 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 new law:

- Reduces the required frequency of financial examinations from 18 months to 24 months for financial institutions and state credit unions.
- Eliminates 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.

- Eliminates 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.
- Eliminates the prohibition against advertising bank ownership of particular ATMs on the ATM itself, as well as eliminates the prohibition against advertising on ATMs the location of other ATMs owned by the bank.
- Permits state bank board members to be non-residents of the state, provided they live within a certain district of the bank's main office.
- Allows a financial institution to post general obligation securities of a local government as collateral against funds deposited by that local government.

The sponsors were Rep. Greg Davids (R-Preston) and Sen. Dan Sparks (DFL-Austin). HF1039/SF1069\*/CH51

## BUSINESS

### Later bar closing time

Closing time in Minnesota's drinking establishments would be 2 a.m., brewpubs could sell take-out jugs of their own beer, and more liquor licenses for hotels and restaurants can be authorized by cities, under a new law signed May 28 by Gov. Tim Pawlenty.

Rep. Joe Mullery (DFL-Mpls) said the later closing time would "move Minnesota into the 20th century. We're only 100 years behind on this." Supporters also claim the later close is needed to help with convention business throughout the state.

However, Rep. Paul Marquart (DFL-Dilworth) said the change could lead to residents of North Dakota, which has a 1 a.m. closing time, to cross the state line to drink an hour longer. "People will come and that will put undue pressure on law enforcement," he said.

Providing for several major changes in state regulation of alcoholic beverage sales, the law will also:

- allow the sale of Minnesota produced wine at the state fair, a first in the annual summer event's 140-year history;
- remove bowling centers, hotels, and restaurants from state liquor license limits; and
- allow, for the first time, an on-sale liquor license to be issued to a racetrack – Elko Speedway.

Additional liquor licenses for 11 Minnesota cities will also be provided by the law. Rep. Michael Beard (R-Shakopee), who sponsored the law with Sen. Sandra Pappas (DFL-St. Paul), said the law preserves state restrictions on the number of on-sale licenses a city may issue to bars or taverns serving drinks only. State law has long restricted the number of liquor licenses a city can issue based on population and a city's classification.

Cities authorized to issue additional on-sale liquor licenses (and the number of licenses) under the law include: Blaine, 15; Maple Grove, Woodbury, 12; St. Michael, Sartell, five; Waconia, Hastings, St. Joseph, three; Stillwater, two; Duluth and Thief River Falls, one.

A conference committee adopted the Senate provisions lifting on-sale license limits for hotels and restaurants, and allowing brewpub restaurants that make their own beer to sell 64-ounce containers called growlers. An off-sale license for take-home brewpub beer would cap sales at 50 percent of the brewer's production, or 1,000 barrels, whichever is less.

The 2 a.m. closing time provisions were initially contained in HF1493, sponsored by Rep. Dan Dorman (R-Albert Lea). Those provisions are effective Aug. 1, 2003.

The remainder of the law is effective May 29, 2003.

HF719\*/SF143/CH126



PHOTO BY TOM OLMSCHIED

Gov. Tim Pawlenty announces an agreement on a 2 a.m. bar closing time during a May 22 news conference outside his office. Joining Pawlenty are the House and Senate authors of the law, the commissioner of public safety, and many state troopers.

## Timber sales modernized

Gov. Tim Pawlenty signed a new law May 22 that the Department of Natural Resources (DNR) and the logging community hope will simplify and standardize timber sales.

Effective Aug. 1, 2003, the new law will update statutory language governing timber sales, much of which has not been changed since 1925. For example, the new law will consolidate references to timber areas, sale areas, or permit areas under one new term: forestry administrative area.

Under existing law, the state has the right to take cut timber if the permit holder has not properly marked the wood. The new law will instead designate the offense as trespassing.

Another provision of the new law is designed to help the logging community, particularly smaller outfits, with bond requirements by offering a "performance deposit" option that will entail a smaller bond amount.

Rep. Doug Lindgren (R-Bagley) and Sen. Tom Saxhaug (DFL-Grand Rapids) sponsored the legislation.

HF859\*/SF888/CH73

## New investors

A new law allowing certain member-owned cooperatives in an effort to encourage capital investment was signed by Gov. Tim Pawlenty May 25.

Sponsored by Rep. Howard Swenson (R-Nicollet) and Sen. Rod Skoe (DFL-Clearbrook), the law will 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 cooperative to earn a profit on an investment and to provide capital funds for cooperative expansion.

The law is based on a law passed in Wyoming during 2002, said Swenson, who added he was asked to carry similar legislation by the Minnesota Association of Cooperatives. In allowing for investor-members, the law largely combines portions of the traditional cooperative statute with portions of limited liability statute.

The new law will take effect Aug. 1, 2003.

HF984\*/SF679/CH105

## CHILDREN

### Substitute teachers

Licensed child-care providers were granted more flexibility in filling-in for absent teachers, under a new law Gov. Tim Pawlenty signed May 19.

The law will allow "experienced aides" to continue filling in for classroom teachers without supervision for up to one-quarter of a center's daily hours. Centers must notify parents that they use experienced aides and post notice in the classroom where the aide works.

Experienced aides must be at least 20 years old, be certified in first aid and cardio-pulmonary resuscitation (CPR), and have two years or more of child-care experience including at least four months at that child-care center. They are not required to be full-time employees or certified teachers.

The practice is already allowed under similar legislation signed into law in 1999. Effective Aug. 1, 2003, the new law removes a June 30, 2003 sunset date.

House sponsor Rep. Barb Sykora (R-Excelsior) said child-care providers have been pleased with the practice. Since they are already employees of the center, experienced aides are familiar with the students they would supervise, she said. "So when they fill in for a teacher on a day when they need a substitute it really works out better than a substitute might," Sykora said on the House floor.

"There was never a serious problem of any kind with experienced aides," she said. Changes suggested by opponents of the 1999 law were incorporated into this year's version and some of those former opponents testified in favor of the bill in House committees.

Sen. Claire Robling (R-Jordan) sponsored the legislation in the Senate.

HF419\*/SF796/CH57

## CONSUMERS



### Fair phone competition

A new law will allow so-called "hard wire" telephone companies to offer service promotional packages similar to those offered by less-regulated wireless companies. It was signed by Gov. Tim Pawlenty May 27.

Sponsored by Rep. Bob Gunther (R-Fairmont) and Sen. James Metzen (DFL-South St. Paul), the new law will 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 new law will also amend state statute

to limit a customer from 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 law will allow primarily older companies whose core business remains wired connected phones to "promote what they have and create competition," Gunther said.

It will also amend existing 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 will 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 will be repealed.

The new law takes effect June 1, 2003.

HF671\*/SF660/CH98

### Phone bill assistance

A state program that provides a monthly telephone service credit to eligible households would change its participation rules under a new law signed May 22 by Gov. Tim Pawlenty.

Sponsored by Rep. Joe Hoppe (R-Chaska) and Sen. Steve Kelley (DFL-Hopkins), the new law will require that residents participating in the state's telephone assistance plan program meet federal Lifeline telephone service discount eligibility requirements to receive a greater monthly credit on their phone bill.

The law will "reduce the number of people on the state program," Hoppe said.

Of the approximately 35,000 people in the state program, 25,000 also participate in the federal Lifeline program, he said. Telephone companies providing local service annually advise phone customers of the program.

The law will drop the state requirements for the program, which are income-based and limited to households with a disabled or elderly (at least 65 years old) member.

To continue in the program, a state resident will have to meet income-based federal program requirements, including participation in either Medicaid, food stamps, supplemental security income, federal public housing assistance, or low-income home energy assistance.

The state plan, regulated by the Department of Commerce, is funded by a monthly charge of 5 cents on each wire line (not wireless) in the state. The Public Utilities Commission has the authority to charge up to 10 cents per line.

According to the Human Services Department Web site, residents who now participate



in both the state program and the federal Lifeline program can receive up to a \$9.50 phone bill credit per month. State program only participants are capped at about \$7 a month. The new law will not affect the \$9.50 credit.

A department official who had testified in committee hearings said shifting the eligibility requirements to the federal guidelines could lead to more people being served in the program at the higher monthly credit. The federal Lifeline credit is not limited to elderly participants, as the state program is.

The new law will also relieve the department of conducting an annual review of eligible participants in the state program, an administrative savings of \$315,000, Hoppe said.

The measure takes effect Aug. 1, 2003.  
HF1115/SF1260\*/CH79

### Membership travel contracts

Travel clubs offering fraudulent and fictitious free and reduced vacations will find it harder to do business in Minnesota, under a new law signed by Gov. Tim Pawlenty May 28.

The new law is targeted at non-legitimate travel clubs. Unaffected would be major credit card issued services and agencies such as the American Automobile Association, better known as AAA.

Effective Aug. 1, 2003, the law prohibits offering enticements that result in the club member paying more than would have been paid without membership; misrepresenting features of the travel, fares, and charges; and selling charter transportation under the misrepresentation that the arrangements have been finalized.

Supporters who testified before the House Commerce, Jobs and Economic Development Policy Committee told how they were offered free trips, only to find memberships to a travel bureau system were required. The price for a one-year membership started at \$8,000, but dropped to \$1,058, according to a White Bear Lake woman.

The law sponsors were Rep. Doug Meslow (R-White Bear Lake) and Sen. Charles Wiger (DFL-North St. Paul).

HF501/SF420\*/CH125

### Correcting burial errors

Cemeteries that have interred bodies in the wrong burial spaces will be required to correct their mistakes, under a new law signed by Gov. Tim Pawlenty May 15.

The new law requires cemetery operators who have been informed or become aware of a wrongful burial to exhume the burial container and place it in the proper location. Expenses will be

the responsibility of the cemetery.

Rep. Connie Ruth (R-Owatonna), who sponsored the new law with Sen. Dick Day (R-Owatonna), said she agreed to carry the legislation after a constituent told how a cemetery inadvertently buried a body in the plot adjacent to the location where her granddaughter had been buried earlier. The family had purchased that plot and other vacant spots surrounding the granddaughter's burial space for future interment of deceased family members.

When the mistake was realized, the family of the recently buried was asked to allow the disinterment of that burial container. The family refused; a lawsuit ensued.

Effective May 16, 2003, the new law allows both families in any given case to avoid unearthing a wrongfully buried body by agreeing to leave the situation as is.

HF1234\*/SF1252/CH48

## ★ CRIME

### Identity theft

Gov. Tim Pawlenty signed a new law May 27 that will make the reporting and prosecuting of identity theft cases much easier.

Effective Aug. 1, 2003, the law will allow local law enforcement agencies to take reports of identity theft from people living or working within their jurisdiction even if the crime

occurred somewhere else. Previously, departments could not take reports for crimes that occur in other jurisdictions. The law will also let prosecutors bring charges against identity thieves in either the county where the theft occurred or the county where the victim lives or works.

Reports filed in a county other than where the crime took place will not count towards that county's property crime statistics.

The law also creates the crime of mail theft in Minnesota. It imposes a felony sentence of up to three years in prison and a fine up to \$5,000 for stealing or opening mail addressed to someone else.

The provision (originally HF463) is intended to crack down on an increasingly common practice where thieves obtain and use private information contained in letters stolen from mailboxes or post offices. That information can include photographs, ID cards, bank or credit card numbers, medical information, and social security numbers.

While already a federal crime, federal courts and prosecutors do not have the resources to deal with any but the biggest instances of mail theft, according to supporters of the law. Minnesota prosecutors will be able to file mail theft charges in either the county where the theft occurred or the county where the victim lives or works in order to give them more flexibility in prosecuting the crime.

Any of the ID theft crimes in the law can be combined for the purposes of charging an offender who committed multiple instances of theft within a six-month period.

House Majority Leader Erik Paulsen (R-Eden Prairie) and Sen. Leo Foley (DFL-Coon Rapids) sponsored the legislation.

HF821/SF980\*/CH106

### Public safety radio compliance

Volunteers assigned to carry police radios on their person or in their cars in order to help out law enforcement officials will no longer be violating Minnesota law because of a new law signed by Gov. Tim Pawlenty May 25.

The law changes a statute that made it illegal for people not licensed by the state Bureau of Criminal Apprehension to receive police radio communications. Supporters say it gives local police and sheriffs another tool in providing security at events that take place in their area.

House sponsor Rep. David Dill (DFL-Crane Lake) told legislators that a volunteer in his district was ticketed for having a police radio at a community event. It's not uncommon for law enforcement to use volunteer security personnel at events that require extra security, but

### LAST GAVEL



PHOTO BY ANDREW VON BANK

House Speaker Steve Sviggum brings down the last gavel of the regular 2003 session. Legislators began their third special session in as many years the next day.

giving the volunteers radios violated a state law dating back to 1935.

"Realizing that we are talking about thousands and thousands of volunteers that are routinely using radios to help us respond to ambulance calls and fire calls and helping at community events...we thought it would be appropriate to streamline the regulations," Dill said.

Effective Aug. 1, 2003, the new law permits people to carry emergency radio equipment with the written permission of their local sheriff or police chief instead of having to apply to the state Bureau of Criminal Apprehension.

A conference committee removed a House provision (originally HF784) that would have made it a felony to knowingly disrupt emergency communications among police, firefighters, or emergency medical workers. The provision is now contained in the omnibus judiciary finance law.

Sen. Tom Bakk (DFL-Cook) sponsored the legislation in the Senate.

HF808/SF351\*/CH121

### **Victims rights laws**

Several changes will be made to Minnesota's victims' rights laws under a new law Gov. Tim Pawlenty signed May 27. The changes include the way certain videotapes are handled, what judicial hearings victims may attend, and who bears the costs of certain medical examinations.

Videotaped interviews of child abuse victims will be more closely regulated under the law, which takes effect Aug. 1, 2003 and applies to crimes committed on or after that date.

Under the law, such tapes may only be used by prosecutors and defense attorneys while preparing for a case or while in the courtroom. No copies or transcripts may be made of the tapes, and any person granted access to the tape must sign an agreement that they are aware of the laws regarding such tapes. Once a case is finished, tapes must be returned to the prosecuting attorney.

A separate provision of the law provides that costs incurred for the examination of sexual assault victims must be borne by the county where the offense occurred whether or not the crime was reported to law enforcement. The law clarifies exactly what costs must be covered and that counties may seek reimbursement from a victim's insurance company only with the victim's permission.

Crime victims will be allowed to attend plea agreement hearings under the law. It also allows them to express orally or in writing any objections they have to the agreement reached. Prosecutors would have to inform victims of their right to do this. Prior law only allowed

this right in sentencing hearings.

The law also clarifies the definition of primary and secondary residences as they apply to predatory offenders.

Rep. Eric Lipman (R-Lake Elmo) and Sen. Mee Moua (DFL-St. Paul) sponsored the legislation.

HF1278/SF964\*/CH116

### **Arson penalties**

Minor cases of arson that cause personal injury could result in higher criminal penalties under a new law effective Aug. 1, 2003.

Sponsored by Rep. Doug Fuller (R-Bemidji) and Sen. Wes Skoglund (DFL-Mpls), the law will upgrade the crime of fifth degree arson to a gross misdemeanor if it results in bodily harm, including causing illness or impairing a person's physical condition. The penalty for such an offense will be up to a year in prison and a fine of \$3,000.

Under prior law, fifth degree arson was a misdemeanor offense, punishable by up to 90 days in jail and up to a \$700 fine. A separate provision of the law will increase the maximum fine for that offense to \$1,000. The offense applies in cases where someone intentionally burns any property valued at less than \$300 in a non-public place. Arsons committed at higher loss values or in public buildings are covered under higher-degree arson offenses in state law.

Fuller said prosecutors who want another tool to punish low-level arsonists brought him the measure. State courts and corrections officials said the number of people that will be prosecuted under the law is "very small" and the changes will not result in many new cases or prisoners.

HF385\*/SF355/CH82

### **Statements allowed**

Effective Aug. 1, 2003, a new law will allow Minnesota's forensic scientists to submit reports regarding the handling of evidence in a criminal proceeding, rather than having to testify in person in the courtroom.

Under the new law, 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), House sponsor, 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

### **Background check information**

Gov. Tim Pawlenty signed a new law May 23 bringing Minnesota into compliance with federal requirements about the information that can be disclosed after criminal background checks on property managers.

Effective May 24, 2003, the law will narrow the information that can be given to property owners as a result of the background checks done on potential property managers.

According to Minnesota law, all potential managers must undergo a criminal background check administered by the state Bureau of Criminal Apprehension. While the bureau must check state and national criminal history databases and report if there are any relevant crimes, the new law prohibits giving property owners specific information about past crimes gained from federal sources.

It still requires the bureau to give owners a description of the crime, the date and jurisdiction of conviction, and the date a sentence was carried out if that information is gleaned from state databases.

Though federal law says the specifics of a crime in a national database cannot be disclosed, such a crime could still disqualify someone from a property management position.

Rep. Paul Kohls (R-Victoria) and Sen. John Marty (DFL-Roseville) sponsored the legislation.

HF731/SF926\*/CH89

### **Obtaining search warrants**

Gov. Tim Pawlenty signed a new law May 23 making changes to the way search warrants are granted in Minnesota.

Effective Aug. 1, 2003, the new law will eliminate a restriction that search warrants can only be issued to officers with jurisdiction in the area where the search is to be conducted. It will allow any officer to apply for a search warrant in any jurisdiction as long as they notify a local police chief before conducting the search. If the search is to take place in an area with no police chief, the officer must notify the local county sheriff.



Judges issuing search warrants will still have to have jurisdiction over the area to be searched.

Rep. Steve Strachan (R-Farmington) and Sen. Mike McGinn (R-Eagan) sponsored the legislation.

HF522/SF256\*/CH86

## ★ DEVELOPMENT

### Paying for parks

Developers may find counties requiring them to pay for or build parks, trails, and open spaces when constructing housing subdivisions, under a law signed May 27 by Gov. Tim Pawlenty.

State statute already allows cities and townships to require parkland or in-lieu-of fees of developers. The law simply allows the same authority to counties, said the House sponsor, Rep. Peter Nelson (R-Lindstrom). Sen. Betsy Wergin (R-Princeton) is the Senate sponsor.

While no discussion was initiated on the House floor, the law received considerable input during debate before the House Local Government and Metropolitan Affairs Committee April 9.

People once thought that requiring recreational spaces of developers in cities and townships was sufficient, said Larry Haws, a Stearns County commissioner. However, he said, most townships don't have parks departments to oversee such amenities.

"This is a good way to put the counties in the park-planning business," Haws said.

The law will have growth paying for its fair share, said Scott County Administrator David Unmacht, adding that a general property tax increase is not the solitary solution to more parks.

Expressing concern was Rep. Karen Klinzing (R-Woodbury), who said she heard the imposition would increase the average new home by \$1,200. Haws replied that such an increase is probably occurring in a city. The bill would increase the average home in a county by \$300, he said.

Specifically, the law will permit a county by ordinance to require dedication of some portion of a proposed subdivision for public use as parks, recreational facilities, playgrounds, trails, wetlands, or open space, or to accept cash in lieu of such a dedication. It takes effect Aug. 1, 2003.

Any county desiring to invoke such authority must first adopt a capital improvement program and a parks and open space plan, or have a component in its comprehensive plans for parks, trails, and open spaces.

The in-lieu-of fees must be fair, reasonable,

## TO THE END



PHOTO BY ANDREW VON BANK

Lobbyists mill around the entrance of the House Chamber on the last evening of the regular session May 19, trying to sway opinion for their cause or group.

and proportionate to need, under the law. Money received must be used to acquire, improve, or develop parks and similar facilities, and not for parks operations or maintenance.

In addition, counties cannot force a developer to waive his right to challenge the validity of the fee or land dedication.

HF657/SF484\*/CH95

## ★ EDUCATION

### New academic standards

After five years of rigorous political rancor about the Profile of Learning, Gov. Tim Pawlenty signed into law May 21 the framework for a new set of academic standards for the state's public school students.

Effective May 22, 2003, the new law will establish new grade-level academic standards in five required subject areas: language arts, mathematics, science, social studies, and the creative arts.

"This bill returns authority to the school district," said Rep. Barb Sykora (R-Excelsior), who sponsored the law with Sen. Steve Kelley (DFL-Hopkins). Rep. Tony Kielkucki (R-Lester Prairie) carried the original Profile repeal bill

(HF6) that passed the House Feb. 17. "We are not mandating everything. It doesn't tell teachers how to teach, demand performance packages, or have a grading system that no one could understand."

Sykora referred to a number of issues that parents, school administrators, teachers, and other critics of the complex profile standards raised consistently since the current graduation requirements were first implemented by the state in 1998.

The law will provide for the proposed English and math K-12 grade level standards that have been developed in recent months by Department of Children, Families and Learning Commissioner Cheri Pierson Yecke to become the new academic standards in those two subject areas.

The arts standards, added to the compromise bill by Senate negotiators, will be determined by school districts.

New standards in the three subject areas will be implemented for the 2003-04 school year. New statewide measurement tests, based on the standards for students in grades three through eight and at the high school level, will not be implemented until the 2005-06 school year.

To comply with the federal No Child Left Behind law, the state will add tests based on the standards in the fourth and sixth grades for the 2005-06 school year. High school graduation in the state will still require that students pass the statewide basic skills test.

The law requires the commissioner to propose standards in science and social studies to the Legislature by Feb. 1, 2004. The social studies subject area includes history, geography, economics, and government/citizenship.

Rep. Paul Marquart (DFL-Dilworth), a member of the conference committee, said the law includes "safeguards that will insulate the standards from the ebb and flow of this legislative body."

"It's not going to be a moving target," he said. "Hopefully, we can take the politics out of this."

HF302\*/SF481/CH129

### Pledging allegiance

Reciting the Pledge of Allegiance at least once a week will be a requirement in the state's public and charter schools beginning this fall, under a new law signed May 27 by Gov. Tim Pawlenty.

Effective Aug. 1, 2003, the law will allow school boards or a charter school board of directors to annually waive the requirement.

The law will require school districts or charter schools to include a statement in a student



Gov. Tim Pawlenty signed a new law May 27 that will require the state's public and charter school children to say the Pledge of Allegiance at least once per week.

handbook or school policy guide that anyone may elect not to participate in reciting the pledge for "any personal reasons," and "that students must respect another person's right to make that choice." That provision will not be effective until the 2004-05 school year.

The law will also allow for the pledge to be recited by a teacher in the classroom or over a school's public address system by a person designated by the school principal.

School districts that don't waive the pledge requirement, according to the law, must instruct students in proper etiquette, correct display, and respect regarding the flag, "and in patriotic exercises."

Rep. Bruce Anderson (R-Buffalo Township) and Sen. Steve Murphy (DFL-Red Wing) are the sponsors.

HF6/SF287\*/CH120

### Changing a department name

The state agency responsible for K-12 public schools will be known by a former name under a new law signed May 28 by Gov. Tim Pawlenty.

Effective Aug. 1, 2003, the department will revert to the name Department of Education.

In 1995, the Legislature changed the department's name to the Department of Children, Families and Learning as part of a state agency reorganization led by Gov. Arne Carlson's administration.

Pawlenty recommended that the name revert to the Department of Education in his Feb. 6 State of the State address.

The name change is expected to cost \$39,000. Department officials testified in House committees that the cost would be absorbed in the department's budget.

Legal documents must reflect the name

change immediately, according to department officials, and the sign outside the department's leased office building in Roseville would also be changed. Existing stationary would be used until supplies are exhausted.

Rep. Randy Demmer (R-Hayfield) and Sen. Geoff Michel (R-Edina) were the bill sponsors.

HF517/SF296\*/CH130

## ELECTIONS



### Ballot question deadline

Potential ballot questions must be submitted by a deadline prior to an election to be considered for placement on a ballot, under a new law signed by Gov. Tim Pawlenty May 22.

Sponsored by Rep. Tony Kielkucki (R-Lester Prairie) and Sen. Jim Vickerman (DFL-Tracy), the law also clarifies timelines that petition organizers must meet in order for their proposals to be considered.

Kent Sulem, an attorney for the Minnesota Association of Townships, told a House committee during the session that petitions have been received as late as one week before an election in the past. Because of a lengthy process to put the questions on a ballot, officials were unable to comply.

Previous election law didn't specifically state that a petition must be submitted by a deadline, so there wasn't anything to show a resident why a question couldn't be accepted, Sulem said.

Effective Aug. 1, 2003, the new law doesn't require a city to schedule a special election when a submission is made, however Minnesota law does call for a special election if 20 percent of the voters at the last municipal general election signed the petition and the

question hasn't been submitted in the previous six months.

HF504\*/SF384/CH75

### Township special elections

Townships will be required to hold a special election if they are unable to fill a vacancy of an elected town official by appointment under a new law signed by Gov. Tim Pawlenty May 19.

Rep. Tony Kielkucki (R-Lester Prairie), who sponsored the law with Sen. Dallas Sams (DFL-Staples), said townships have had trouble getting vacancies filled.

Under previous law, a town board was directed to fill a vacancy through an appointment process, with a special election necessary if members failed to agree. The new law, which takes effect Aug. 1, 2003, provides procedures for holding the election. It requires the supervisors and town clerk, or two of them together with at least 12 other town officials, to file a statement in the town clerk's office. The statement must include the reason why the election is called and that the interests of the town require the election.

The law also states that an election may be called by petition of 20 percent of the voters at the last general election.

HF361\*/SF329/CH56

## EMPLOYMENT



### Unnecessary agency licensing

Rarely utilized state statutes requiring the licensing of entertainment agencies employing musicians will be repealed through a new law signed by Gov. Tim Pawlenty May 28.

Under existing law, entertainment agencies employing three or more artists or groups of artists were to be licensed by the state Department of Labor and Industry. Artists were defined as musical artists, musical organizations, musical directors, composers, lyricists, and arrangers.

The annual license fee was \$250 with an additional \$25 filing fee. Also required was submittal of a \$10,000 bond to the secretary of state. In applying for a license, the applicant allows the Labor and Industry Department to investigate the applicant's "character and responsibility," as well as the location at which the entertainment agency aims to do business.

According to April 3 testimony by the department before the House Commerce, Jobs, and Economic Development Policy Committee, the statutes had been rendered obsolete due to the fact that no more than three



entertainment agencies had been licensed in the state at any one time. Furthermore, the department had little authority to enforce the statutes.

Grace Schwab, legislative liaison for the department, said the entertainment agency statutes were adopted in 1984, despite the fact that no one seems to know their purpose. "For all practical purposes we don't even license," she said.

The new law takes effect Aug. 1, 2003.

The law was sponsored by Rep. Chris Gerlach (R-Apple Valley) and Sen. Michele Bachmann (R-Stillwater).

HF1132/SF1099\*/CH131

## ★ ENERGY

### Fourth time's the charm

It took four House votes, including two during the regular session and two during the special session, to pass a bill regarding additional waste storage at the Prairie Island nuclear plant. And that bill became law when Gov. Tim Pawlenty signed the measure May 29.

Under the law, more nuclear waste could be stored at Prairie Island, investment incentives for hydrogen-based energy will be created, and other renewable energy sources will be addressed.

On May 19, the last day of the regular session, the House approved 81-51 an amended version of the nuclear waste storage bill (HF775/SF794\*) four days after rejecting an earlier version of the same bill by a three-to-one margin. The former action was for naught as the amended House bill was not considered by the Senate before the Legislature adjourned the regular session. Two more House votes in the special session and the bill was on its way to the governor.

Effective May 30, 2003, the law, sponsored by Rep. Torrey Westrom (R-Elbow Lake) and Sen. Steve Murphy (DFL-Red Wing), will

allow additional spent nuclear fuel storage at Prairie Island, subject to federally licensed dry cask storage limits. The license for the dry cask storage facility, which is located outside of the plant, allows for up to 48 casks. The Legislature approved 17 casks in 1994.

The law will authorize additional storage casks to allow Prairie Island to operate to 2013 and 2014, the respective expiration dates for operation of its two licensed nuclear reactors. Xcel Energy has said the plant could not operate beyond 2007 without additional storage. The last of the current 17 casks were filled in 2002. A pool inside the plant stores spent nuclear fuel rods following their removal from a reactor.

The Public Utilities Commission will decide, under the law, on additional nuclear waste storage for both Prairie Island and the Monticello nuclear plants should Xcel Energy request the storage to allow the plants to operate beyond their current federal licenses. The license for the Monticello plant, which does not have dry cask storage, expires in 2010. License extensions will first have to be approved by the federal Nuclear Regulatory Commission.

Whatever rulings the commission makes will not take effect until June 1 following the legislative session subsequent to the commission's action. If the decision is not overturned or amended by the Legislature during that session, it will stand as ordered.

Opponents criticized the law, saying it removes renewable energy requirements placed on Xcel Energy during the 1994 negotiations.

The law proposes that Xcel Energy increase funding of a renewable development account for wind, biomass, and hydrogen-based energy development to \$16 million annually during the Prairie Island plant's continued operation. The fund, which is financed through the utility's rate structure, is now \$8.5 million annually.

Five percent of the utility's spending on renewable energy research will be allocated annually to the University of Minnesota Initiative for Renewable Energy and the Environment.

The law will also direct three state departments to develop energy innovation zones to provide tax breaks and other incentives for companies to develop fuel cells and other hydrogen infrastructure.

Proposals to include coal, and solid waste facilities that burn tires in the state's definition of eligible renewable energy technologies were removed from the bill the House passed May 19.

However, the law includes "clean coal technology" as a potential renewable energy source that utilities such as Xcel Energy can use to meet a state renewable fuels objective. Existing state law requires utilities to strive for an objective of 10 percent renewables in its total energy resource mix by 2015.

In addition, the law ratifies the agreement between Xcel Energy and the Mdewakanton Dakota Tribal Council, which governs the American Indian communities near the Prairie Island plant. The settlement provides that the utility give the tribe up to \$2.5 million per year to help the tribe purchase land for members to relocate away from the plant.

## ★ ENVIRONMENT

### Limiting arsenic in fertilizers

Effective Aug. 1, 2003, fertilizers containing certain levels of arsenic will be illegal in Minnesota, under a new law.

The state's agriculture commissioner will be prohibited from licensing or registering any fertilizer containing more than 500 parts per million by weight of arsenic for sale or use in Minnesota, under the new law.

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.

On a national level, public health and environmental groups have cited a brand of fertilizer called Ironite, saying it contains high levels of arsenic. According to those advocates, Ironite is produced from the mine tailings of a proposed Superfund environmental clean-up site in Arizona and sold to consumers as a lawn and garden fertilizer. The company that produces Ironite maintains that the fertilizer is safe.

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

HF258\*/SF680/CH33

### Sprinklin' in the rain

A new law aims to reduce water bills and unnecessary irrigation.

All new landscape irrigation systems installed after July 1, 2003, must have mechanisms to prevent sprinklers from operating during rainstorms and at times when the ground is saturated to a pre-programmed



A new law signed by Gov. Tim Pawlenty May 29 will allow additional nuclear waste storage at the Prairie Island nuclear plant near Red Wing.

level, under the new law. The systems are intended to sense when sprinkling and irrigation is unnecessary and inhibit or interrupt the watering mechanisms.

The average cost of the rainfall sensor is \$30 for a residential system, according to 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.

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

### **Solid waste plans**

Solid waste managers in 80 Greater Minnesota counties and the Western Lake Superior Sanitary District will be granted some administrative relief, under a new law effective Aug. 1, 2003.

When integrated solid waste planning began in the mid-1980s, it was an evolving industry, and administrators were required to renew their plans with the state every five years.

The systems are relatively stable now and changing filing requirements to every 10 years will allow solid waste staff to spend more time implementing programs than updating plans, said supporters of the new law.

The new law will modify Office of Environmental Assistance planning rules that solid waste administrators have said do not reflect the demographic, regional, and geographic differences between counties.

Rep. Denny McNamara (R-Hastings) and Sen. Tom Saxhaug (DFL-Grand Rapids) were the sponsors.

HF1054/SF1001\*/CH13

### **Drainage authority alternatives**

A new law signed by Gov. Tim Pawlenty May 23 aims to provide drainage authorities with some alternatives to expensive bridge repairs.

Most county boards in the state also serve as local drainage authorities, with the responsibility to maintain and replace ditches and bridges.

Effective May 24, 2003, the new law will allow drainage authorities to compensate landowners for permanent removal of a private bridge if it would be less expensive than

repairing the bridge. This option is available only if landowners agree to the situation and waive any rights to future reconstruction.

The legislation was prompted after estimates to replace a particular Nicollet County bridge over a drainage ditch on private land came in two to three times higher than the estimated \$35,000 for landowner compensation and removal. The drainage authority pursued legislative intervention after the attorney general issued an opinion against the compensation option.

Rep. Howard Swenson (R-Nicollet) and Senate Majority Leader John Hottinger (DFL-St. Peter) sponsored the measure.

HF1257\*/SF1195/CH84

## **FAMILY**

### **Parental history**

A new law Gov. Tim Pawlenty signed May 20 will make it easier for Minnesota's adoptees and their parents to get social and medical background information from biological parents.

Effective Aug. 1, 2003, the law will require adoption agencies to provide such information about someone's birth parents when requested by the person or their adoptive parents.

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 new law states adoption agencies must provide that form to the people requesting the information.

In addition, agencies will have to use the same form when requesting information from birth parents who had not previously given it.

Rep. Lynne Osterman (R-New Hope), an adoptee herself, told a House committee 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 compound 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) sponsored the legislation.

HF653/SF727\*/CH68

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

## **GAMBLING**

### **Linking bingo games**

Gov. Tim Pawlenty signed a new law May 27 that will allow multiple bingo sites to be linked electronically, potentially allowing participants to win a larger pool of money.

Currently, single site bingo jackpots are capped at \$200 per game, but supporters say the prize could increase to \$8,000 to \$9,000 if several halls link together.

Those provisions were amended onto the legislation, which House sponsor Rep. Carl Jacobson (R-Vadnais Heights) described on the House floor as "clarifying language and definitions" for the Minnesota Gambling Control Board. Sen. Jim Vickerman (DFL-Tracy) was the Senate sponsor.

The most significant change to current law is allowing rent paid by an organization for space leased for gambling to be based on a percentage of gross profit.

The new law also designates charitable gambling requirements in several areas, including raffles held in high schools. Among the requirements is that schools will be required to report the amount of gross receipts received, the total expenses for the raffles, the total prizes awarded, and an accounting of the expenditures from the gross receipts of the raffles to the gambling control board only if a raffle exceeds \$12,000 in a calendar year, or \$5,000 in a single raffle.

The law takes effect Aug. 1, 2003.

HF1244\*/SF1153/CH110

## **GOVERNMENT**

### **State treasurer duties**

Gov. Tim Pawlenty signed a new law May 27, enacting the transfer of duties of the former state treasurer position to the Department of Finance.

Since the position was officially abolished in January by a constitutional amendment, the department, per an executive reorganization order, has handled the duties.

Sponsored by Rep. Jim Rhodes (R-St. Louis Park) and Sen. Geoff Michel (R-Edina), the new law will clarify the duties and make several other changes to the department, effective May 28, 2003.

The new law will also change a reporting requirement for the department.

Previously, state law mandated that the department submit a report to the Legislature regarding the revenue the state collects from fees by January of each odd-numbered year.

However, this year, the department did not



meet that deadline. The new law will establish the deadline of Nov. 30 in each even-numbered year, so that the Legislature has information to help determine which fees should be raised and which ones should be lowered.  
HF943\*/SF997/CH112

### Cost disclosure

Effective July 1, 2003, a new law is designed to reform the state's administrative rulemaking process.

When a state agency proposes a rule change, it must, under the new law, specify the portion of the total costs that will be borne by identifiable categories of affected parties, such as separate classes of governmental units, businesses, or individuals. The costs of not adopting the proposed rule must also be specified.

Under prior law, agencies were required to provide a Statement of Need and Reasonableness, which would identify the costs associated with a proposed rule change, to the extent that the agency can ascertain the information. Administrative rules enacted by state agencies have the full force of law.

For example, said House sponsor, Rep. Marty Seifert (R-Marshall), "If a Department of Health rule comes down in the rulemaking process and they are going to mandate something to our nursing homes, they have to spell that out in the Statement of Need and Reasonableness, or if we have the Department of Agriculture mandating a rule on farmers, they are to identify the probable costs that will be borne by the farmer."

Sen. Don Betzold (DFL-Fridley) is the Senate sponsor.

HF64/SF61\*/CH3

## ★ GREATER MINNESOTA

### Creating lake districts

A larger percentage of lake property owners will have to sign petitions of consent in order to form special lake improvement districts to initiate water quality improvement projects, under a law signed May 23 by Gov. Tim Pawlenty.

Under current law, lake improvement districts may be formed in defined geographic areas for the purpose of improving water quality. The districts can be formed through three methods: initiation by a county board acting alone or in conjunction with another county; by the Department of Natural Resources commissioner, should the petition be rejected by the county board; and by a petition to the county board containing 26 percent of the relevant property owners' signatures.

## CAUCUS TIME



PHOTO BY TOM OLMSCHIED

House Majority Leader Erik Paulsen looks at the clock as House Minority Leader Matt Entenza announces a caucus during a recess of the floor session on the last day of the regular session May 19.

Sponsored by Rep. Mark Olson (R-Big Lake) and Sen. Dallas Sams (DFL-Staples), the new law increases the minimum required property owner signatures to 51 percent.

The current percentage is "far from the majority needed," Olson said on the House floor. Securing a majority from the start, he added, would better assure the success of a lake improvement district.

Wisconsin, which enacted lake improvement district legislation in the 1970s around the same time as Minnesota, counts 200 lake improvement districts, according to Olson. Minnesota claims only 14. The difference is that Wisconsin requires a majority of property owner signatures.

HF582/SF857\*/CH91

### Watershed district billing authority

Gov. Tim Pawlenty signed a new law May 23 that will allow the Clearwater River Watershed District to charge for disposing of sewage and other waste.

The Clearwater River Watershed District encompasses the drainage area of the Clearwater River in central Minnesota, some 160 square miles, including parts of Meeker, Stearns, and Wright counties.

Effective Aug. 1, 2003, the new law will give the watershed district authority to charge users for sewer maintenance expenses on a monthly or quarterly basis. Currently, the watershed district has to use their assessment authority.

The new law also will allow overdue charges

to be sent to and collected by the county.

Rep. Mark Olson (R-Big Lake) and Sen. Steve Dille (R-Dassel) sponsored the measure.  
HF837\*/SF1054/CH83

## ★ HEALTH

### Abortion consent and procedure

Effective July 1, 2003, a new law will govern what women must do to provide informed consent to obtain an abortion and what information physicians must provide to facilitate that consent.

The law also appropriates \$488,000 in 2004-05 to implement requirements of the law.

It will require Minnesota abortion providers to supply women with specific kinds of information at least 24 hours before performing abortions.

That information includes:

- risks associated with the abortion procedure;
- the probable age of the fetus at the time of the abortion;
- the medical risks associated with carrying a child to term;
- possible availability of Medical Assistance benefits for prenatal, childbirth, and neonatal costs;
- financial responsibility of the child's father; and
- probable anatomical and physiological characteristics of the child.

Women seeking an abortion will be required to certify in writing that they have received this

information and that they have had ample time to review the information. Once the doctor receives that written certification, the woman will have given informed consent, under the law.

The state Department of Health must also provide printed and Internet-based information on the following:

- names and contact information for organizations providing pregnancy, childbirth, child-rearing and adoption services;
- anatomical and physiological characteristics of the unborn child in two-week increments;
- descriptions of abortion methods used and the medical risks associated with them; and
- nervous system development characteristics of an unborn child of 20 weeks or more and information regarding response to pain.

The new law would apply to all abortions, with the exception of those performed on an emergency basis, the conditions of which are laid out in the law.

Physicians who perform abortions will also have to submit annual reports indicating how many of their patients received the information, how they received it, and how many went on to have an abortion.

The new law also provides civil remedies when an abortion was performed or attempted without complying with the provisions of the law.

The law states that if it is challenged, the state Supreme Court will have original jurisdiction in the matter. Should the court strike down one part of the law, the rest will remain in effect.

Rep. Marty Seifert (R-Marshall) and Sen. Steve Dille (R-Dassel) sponsored the law. Initially, the measure was sponsored by Rep. Mary Liz Holberg (R-Lakeville) and Sen. Jim Vickerman (DFL-Tracy).

HF94/SF187\*/CH14

### **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.

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, 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.

Rep. Jim Abeler (R-Anoka) and Sen. Linda Higgins (DFL-Mpls) were the sponsors.

HF410/SF433\*/CH37

### **State employee contracts ratified**

State employee contracts, in limbo for nearly two years, were ratified under a new law effective April 10, 2003.

The labor agreements cover the period from July 1, 2001 to June 30, 2003. Some bargaining units were working under interim contracts that allowed for same sex dependent benefits. The new law ratified the contracts, with the exception of any provisions relating to same-sex domestic partner benefits.

The new law allows individuals the ability to use sick or bereavement time for the death of a regular member of the employee's immediate household, including same-sex domestic partners.

The collective bargaining agreements of 19 bargaining units were ratified under the new law, including the state's two largest employee unions, the American Federation of State, County, and Municipal Employees and the Minnesota Association of Professional Employees.

Bargaining units agreed to domestic partner benefits in 2001 contracts, but as the Legislature warned in the previous legislative session, the contracts weren't ratified because of the inclusion. State employees then reverted back to prior contracts. Organizations such as the Minnesota Nurses Association have been working without a contract or raises since 2001.

House Speaker Steve Sviggum (R-Kenyon) and Senate Majority Leader John Hottinger (DFL-St. Peter) were the sponsors.

HF330/SF293\*/CH11

### **Reporting medical errors**

A new law will create a statewide reporting system for medical errors and other adverse health care events. It was signed May 27 by Gov. Tim Pawlenty.

Rep. Lynda Boudreau (R-Faribault), who sponsored the legislation with Sen. Steve Kelley (DFL-Hopkins), said the law is needed because Minnesota's hospitals are not as safe as they should be.

Rep. Thomas Huntley (DFL-Duluth) said

anywhere from 50,000 to 98,000 Americans die each year because of mistakes made in hospitals, making it a leading cause of death in the nation.

Effective July 1, 2003, the law will give the Minnesota Department of Health authority to collect information and create a database of those events in order to find ways to prevent them in the future.

It identifies six categories of reportable events:

- surgical, including surgery performed on the wrong body part or leaving a foreign object in a patient;
- product, including a malfunctioning device or contaminated medications;
- patient protection, including discharging babies to the wrong person or patients disappearing for more than four hours;
- case management, including administering a wrong blood type or other medical errors;
- environmental, including burns, electric shock, or falls; and
- criminal, including care by someone impersonating a doctor, kidnapping, or sexual assault.

The information will include data about the hospital reporting it, but no personally identifiable information about patients involved. The information will not be admissible in court cases, including malpractice suits or settlements.

During testimony in a House committee, Dr. Gordon Mosser, executive director of the Institute for Clinical Systems Improvement, said the root cause of harm in hospitals is not the errors themselves but the systems that allow those errors to happen. As an example, he told of a pharmacist dispensing the wrong medication to a patient because a clerk transcribed the doctor's written prescription incorrectly. While the clerk caused the error, hospitals and pharmacies would be wise to switch to an electronic prescription system, eliminating at least one point of possible error, he said.

HF1001/SF1019\*/CH99

### **Medical assistance choice**

Effective July 1, 2003, a new law will give certain adoptive families a choice between two types of state medical assistance for their adopted children. Gov. Tim Pawlenty signed the law May 25.

The law will affect adopted children eligible for government subsidized health care because of medical or rehabilitative needs by allowing them access to the same doctors or therapists they had prior to adoption. In addition,



existing law already allows for families to receive adoption assistance, regardless of their financial situation, for non-medical costs related to adopting special needs children.

The human services commissioner has the authority to move enrollees from one medical coverage option to the other, sometimes requiring a change in doctors or clinics.

The two types of coverage under the state Medical Assistance program include a fee-for-service system and a prepaid system. Under the fee-for-service system, the Department of Human Services directly reimburses health care providers at rates specified by state law. Under the Prepaid Medical Assistance Program, the state pays outside health plans a flat rate for each enrollee and the plans pay the health care costs based on fees worked out with the providers.

Rep. Marty Seifert (R-Marshall) and Sen. Dennis Frederickson (R-New Ulm) sponsored the law.

HF151\*/SF396/CH101

### **Prescribing medication**

Minnesota pharmacists will be allowed to administer two common immunizations, under a new law Gov. Tim Pawlenty signed May 27.

Effective July 1, 2003, pharmacists with proper permission and training will be allowed to give influenza and pneumococcal vaccines to adults. Pharmacists administering the immunizations will have to do so under agreement with a licensed physician.

In a House committee, representatives of the Minnesota Pharmacists Association said pharmacists have long been involved in promoting and educating people about the value of immunizations. They said there have been increases in immunization rates in the 36 other states that currently allow pharmacists to immunize patients.

Additionally, they said new pharmacists are already trained in administering vaccinations as part of graduate school curriculum.

Rep. Jim Abeler (R-Anoka), who sponsored the law with Sen. Linda Higgins (DFL-Mpls), said the goal of the law is to be able to immunize more senior citizens, but it allows pharmacists to vaccinate anyone over age 18. Any vaccinations performed will have to be reported to a patient's primary physician.

The Senate successfully added a pair of other provisions to the law.

Originally part of HF230, a provision of the law establishes a board of licensed professional counselors to implement and oversee a new licensure and oversight procedure for professional counselors. That board will also

regulate marriage and family therapists, and alcohol and drug counselors. A separate provision codifies certain rules and amends certain licensure requirements for alcohol and drug counselors.

Language in the law originally contained in HF1011 allows people renewing an occupational therapy license to avoid a late fee if they have held an equivalent license in another state or jurisdiction. Normally, a \$25 late fee is applied if an occupational therapy license is not renewed within four years after expiration.

Occupational therapists use purposeful activity to maximize the health and independence of people with physical or mental illness or disabilities.

The provision's House sponsor, Rep. Larry Howes (R-Walker), said people who move their practice out of Minnesota should not be penalized for coming back.

HF692\*/SF574/CH118

### **Assuring long-term care coverage**

A new law will give state protection to holders of long-term care insurance in the event their insurer goes out of business or becomes bankrupt.

Effective April 24, 2003, the new law puts long-term care insurance in the same category as health and life insurance. Under Minnesota law if a company providing those types of insurance goes bankrupt, the state protects its clients by ensuring up to \$300,000 in claims under the Minnesota Life and Health Insurance Guaranty Association.

The association is funded by money collected from the insurance companies it protects.

Rep. Greg Davids (R-Preston), House sponsor of the law, said he offered it to clear up potential confusion caused because long-term care was not explicitly covered under that protection.

Long-term care insurance mainly covers costs associated with nursing home care. Only a small percentage of Minnesotans currently have the insurance, Davids said. Many legislators have said they want to find ways to increase the use of long-term care insurance to help reduce state health care costs for the elderly.

Sen. Ellen Anderson (DFL-St. Paul) was the Senate sponsor.

HF51\*/SF537/CH19

### **Reducing costs**

Hennepin County Medical Center's health management organization stands to save a substantial amount of money, under a law signed May 25 by Gov. Tim Pawlenty.

Effective Aug. 1, 2003, the new law adds the

hospital's health maintenance organization (HMO) to special provisions that previously exempted only the hospital itself from state contracting and purchasing rules on goods, materials, supplies, equipment, and contracted services.

In addition, the new law allows the Hennepin County Board to meet in closed session on behalf of the HMO to discuss and act on specific products or services that are in direct competition with other providers of goods or services in the public or private sector. The closed session could occur only if disclosure of such information would clearly harm the HMO's competitive position.

Exempting the organization from the contracting and purchasing rules will save Hennepin County Medical Center \$8 million a year, said Rep. Ron Abrams (R-Minnetonka), the House sponsor.

Rep. Thomas Huntley (DFL-Duluth) said the law helps a "fine" facility that is currently losing a lot of money every year.

Removed from the original proposal was a provision that would have allowed the hospital to change its governance structure. The measure was protested by some members of the House Local Government and Metropolitan Affairs Committee, Abrams said, and subsequently deleted.

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

HF845/SF770\*/CH98

### **Expanded job duties**

Gov. Tim Pawlenty signed a new law extending the authority of Minnesota's physician assistants and advanced practice registered nurses May 25.

Effective Aug. 1, 2003, the new law will permit physicians to delegate two new tasks to the two groups of assistants. Physician assistants and advanced practice registered nurses will be allowed to certify a person's physical disability for the purposes of obtaining a disabled parking permit and to admit patients for 72-hour emergency mental health treatment.

Physician assistants are qualified to practice medicine under a practicing physician's supervision. Their scope of practice is determined by an agreement with that physician.

Advanced practice registered nurses are licensed registered nurses who are certified as a clinical nurse specialist, nurse anesthetist, nurse-midwife, or nurse practitioner.

In order to receive a disabled parking permit in Minnesota, a person must get a signed certification that they have a physical disability making such a permit necessary. The person signing the certification must state whether the disability is permanent or

temporary and for how long the permit should be valid if the disability is temporary. Previously, only a physician or chiropractor could sign such a certification.

The 72-hour mental health services normally involve a person brought to a hospital or treatment facility by law enforcement officers. Under the law, physicians, physician assistants, or advanced practice registered nurses trained in diagnosing mental illness may assess a person to determine if they pose a danger to themselves or others requiring emergency treatment.

Rep. Jim Abeler (R-Anoka) and Sen. Michelle Fischbach (R-Paynesville) sponsored the legislation.

HF279\*/SF229/CH108

### Regulation reviews

The commissioner of health will closely examine laws and regulations governing the fast-growing home healthcare industry, according to a new law Gov. Pawlenty signed May 16.

The law requires the commissioner to set up a working group to summarize federal regulations that burden the state and its home care providers. The group, to be comprised of home care providers and other interested parties, will share its findings with the Legislature, other states, and organizations that advocate for states.

House sponsor Rep. Char Samuelson (R-New Brighton) said federal requirements putting rigid timeframes on submitting client information and governing when supervisory visits can take place hamper providers' ability to do high quality work.

Once the findings are made, the law directs the commissioner to work with federal regulators and Minnesota's congressional delegation to make changes in federal law giving more flexibility to states.

The working group is also charged with studying if home care licensing procedures are appropriate and whether separate federal licenses are necessary. A report on the issue is due to the Legislature by January 2005.

The working group provisions are effective May 17, 2003.

The Senate amended sections of a separate bill (originally HF491) into the legislation. Those sections, which are effective July 1, 2003, ease some nursing home regulatory standards, including:

- exempting nursing homes from checking on incontinent residents at least every two hours if a different interval is specified in a physician's plan of care,
- allowing nursing homes formerly required to participate in state-mandated quality improvement programs to develop their

- own improvement plan instead, and
- requiring the human services commissioner to share information about exceptions made for one nursing home with other nursing homes.

Sen. Sheila Kiscaden (IP-Rochester) sponsored the legislation in the Senate.

HF1251\*/SF1266/CH55

### Allowing prescriptions

Gov. Tim Pawlenty signed a new law May 19 increasing the types of medications Minnesota's optometrists may prescribe to their patients.

The law extends to 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 prescribing glasses and contacts. In 1993, legislators gave them authority to prescribe topical medications such as eye drops to patients. Effective Aug. 1, 2003, the new law allows them to prescribe certain oral medications, as well.

House sponsor, Rep. Bud Nornes (R-Fergus Falls) framed 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, he said. 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.

A compromise contained in the law limits the scope of the new authority to less powerful oral medications. Optometrists still cannot prescribe medications containing strong narcotics, like Tylenol III, according to the law.

The compromise came about because opponents said the legislation further blurs the line between optometrists and ophthalmologists and could result in prescription of drugs that help eye conditions but also have harmful effects on other parts of the body. Some suggested optometrists ultimately want to enter the lucrative laser eye surgery market.

Sen. D. Scott Dibble (DFL-Mpls) sponsored the legislation in the Senate.

HF373/SF418\*/CH62

### Title protection

The title of "nurse" will receive official protection under Minnesota law due to legislation signed May 23 by Gov. Tim Pawlenty.

Even though "licensed practicing nurse" and "registered nurse" are already protected titles under state law, supporters of the legislation said most people associate the generic term nurse with a certain level of training and expertise and should be protected from people who claim to be nurses without that training.

Rep. Fran Bradley (R-Rochester) said that under current law some organizations providing health-related services have been able to advertise they have nurses on their staff to gain an image of credibility when those individuals are not actually trained nurses.

Thirty-seven states currently protect the title.

Rep. Tim Wilkin (R-Eagan) called the law unnecessary because the state already protects official nursing titles. He worried aloud during House debate that hospital staff providing care to patients who are perceived to be nurses would be subject to discipline under the law.

People or organizations violating the law by claiming to be nurses will be informed of the law and told to desist before any formal action will be taken.

A separate provision of the law will allow graduates of foreign nursing schools to work in nursing facilities if they have completed a competency evaluation and a medication training program.

It also extends the existence of some groups that advise the state Board of Medical Practices on certain issues. Those councils include the Acupuncture Advisory Council, the Respiratory Care Practitioner Advisory Council, and the Advisory Council on Licensed Traditional Midwifery.

The law also allows for speech-language pathologists and audiologists to be licensed under law rather than just registered, as is current practice.

Most provisions take effect Aug. 1, 2003.

Rep. Jim Abeler (R-Anoka) and Sen. Linda Higgins (DFL-Mpls) were the sponsors.

HF346/SF333\*/CH87

## ★ HOUSING

### Security deposits

Landlords will not have to pay as much interest to tenants when returning their security deposits, under a new law signed by Gov. Tim Pawlenty May 16.

According to long standing 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 was to be 3 percent until May 1, 2004, and at 4 percent thereafter. The



new law, however, reduces the interest rate to 1 percent effective Aug. 1, 2003. The 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.

The sponsors were Rep. Arlon Lindner (R-Corcoran) and Sen. James Metzen (DFL-South St. Paul).

HF438/SF645\*/CH52

### Condemnation hearings

Timelines regulating hearings for landlords whose rental property face condemnation will be relaxed slightly under a new law signed May 25 by Gov. Tim Pawlenty.

The law came at the behest of the city of Minneapolis, which recently finished a pilot project. The project aimed to improve compliance with the tenant remedy act by utilizing civil action prior to criminal procedures against a landlord.

Only six properties were condemned due to lack of maintenance during the one-year project, down from 144 properties the year prior, according to city attorney Erik Nilsson, testifying at a February House committee meeting. The city strives to rectify potential condemnation situations because tenants are forced to move from condemned rental units.

Prior law requires that a hearing for the landlord be scheduled within five to 10 days of a housing violation notice. Effective Aug. 1, 2003, the new law will allow between seven and 14 days. The additional timeline will allow the city flexibility to better accommodate the procedures.

The extended hearing timeline will apply to all relevant situations throughout the state.

The sponsors are Rep. Len Biernat (DFL-Mpls) and Sen. Wes Skoglund (DFL-Mpls).

HF264/SF230\*/CH114

### Housing corporations created

Affordable housing efforts in St. Cloud and other Minnesota cities will be enhanced, under a new law signed by Gov. Tim Pawlenty May 16.

Effective May 17, 2003, the new law will allow housing and redevelopment authorities to form corporations for developing, preserving, and rehabilitating housing projects. Such entities could also become members of existing corporations.

Previously, housing and redevelopment

authorities were prohibited by law from forming corporations or limited liability partnerships. Without being a member of a corporation, housing authorities found it difficult to gain federal assistance and sell low-income housing tax credits to raise funds for low-income housing projects.

Proponents of the new law said the sale of low-income housing tax credits will promote private sector investment and therefore reduce the need of affordable housing initiatives on state taxpayer dollars. The new law will also help housing authorities gain acceptance in the financial community, supporters said.

The sponsors of the new law were Rep. Dan Severson (R-Sauk Rapids) and Sen. Ann Rest (DFL-New Hope).

HF1143/SF891\*/CH50

## INDUSTRY

### Maintaining closed mines

Mining plants closing due to bankruptcy and other factors will be required to complete specific maintenance duties to keep the plant salable, under a new law signed by Gov. Tim Pawlenty May 25.

Effective May 26, 2003, the law was amended on the House floor to remove a clause protested by the mining industry that would have required state approval of any mine's plan to liquidate assets that would have diminished the ability to effectively operate the mine and its facilities at a later date.

Rep. Tom Rukavina (DFL-Virginia), who sponsored the law with Sen. David Tomassoni (DFL-Chisholm), offered the amendment to eliminate opposition to the legislation.

The new law is designed to strengthen legislation passed in 1993 specifying that plant owners must perform maintenance for two years following plant closure in order to keep the plant salable while the state and economic development groups seek a new owner.

Under the law, plant owners will be required to rotate major equipment, keep the facility heated to enhance machinery lubrication, and maintain fire prevention systems, security, and utilities.

Industry representatives testifying at the committee level noted that many maintenance chores were left undone at the 2001 closure of the LTV Steel Mining Company plant in Hoyt Lakes. Those opposed to the bill said it micromanages plant operations and doesn't allow the state to negotiate plant closure duties on a case-by-case basis.

HF359/SF308\*/CH113

## INSURANCE

### Insurance guaranty changes

Individuals with pending insurance claims who find that their insurance company has gone bankrupt could collect no more than \$10 million from the state's insurance guaranty program, under a new law effective May 23, 2003.

The new law encompasses many technical changes — save for the bankruptcy amount limitation — to current laws governing the Minnesota Insurance Guaranty Association.

Specifically, it will add to the list of insurance types that are excluded from the guaranty program. Exempt are fidelity and surety bonds, and insurance of warranties and service contracts. The new law also broadens the definition of those who can file claims with the guaranty to include government entities.

The nonprofit guaranty group, controlled by a board of directors, was created by state statute in 1971. Every insurer selling property and casualty insurance must belong to the association. Members are assessed a certain percentage of their premiums to pay for the claims of the insured in the event an insurance company becomes insolvent.

Every state has an insurance guaranty program, according to law sponsors Rep. Jeff Johnson (R-Plymouth) and Sen. Linda Scheid (DFL-Brooklyn Park).

HF946\*/SF776/CH74

### Notifying homeowners of cancellation

Homeowners must be informed of a Minnesota state insurance plan when their homeowner's insurance policies are canceled, under a new law 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

### Terrorism coverage

A new law removes a prior legal requirement that Minnesota insurance companies automatically provide terrorism coverage. Instead, those companies may now offer it to customers for an additional fee.

Sponsored by Rep. Tim Wilkin (R-Eagan) and Sen. Linda Scheid (DFL-Brooklyn Park), the law took effect April 8.

Prior to the new law, federal law required commercial property fire insurance policies to include acts of foreign terrorism, even if the policy expressly stated that terrorism was not covered. That special terrorism measure, which was temporary, was invoked through the federal Terrorism Risk Insurance Act following the Sept. 11 terrorist attacks in 2001.

The law applies only to commercial property; residential insurance is excluded.

HF267\*/SF176/CH10

## LAW

### Joint and several liability

A significant piece of tort reform legislation became law May 19 when Gov. Tim Pawlenty signed a bill modifying Minnesota's joint and several liability statutes.

Joint and several liability provides a way for an injured person or organization to collect damages even if a liable party is unable to pay its portion. Previous law stated that courts could 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.

Effective Aug. 1, 2003, the new law moves the 15 percent threshold to 50 percent and eliminates 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.

Rep. Paul Kohls (R-Victoria) and Sen. Linda Scheid (DFL-Brooklyn Park) sponsored the law. The provisions were initially contained in HF75, sponsored by Rep. Jeff Johnson (R-Plymouth).

HF1114/SF872\*/CH71

### Guardians for vulnerable Minnesotans

A new law will make changes to state statutes governing guardianship of children and incapacitated adults.

Effective Aug. 1, 2003, the law repeals and replaces dozens of sections of current state law, closely following the recommendation of a Minnesota State Bar Association committee appointed to review the laws.

The new law will close loopholes and clarify some legal processes, according to its House sponsor, Rep. Paul Thissen (DFL-Mpls).

Among other things, the legislation more clearly defines the roles of a "guardian" and a "conservator" as someone who acts on a person's behalf and someone who manages a person's estate, respectively.

In the area of guardianship for minors, a

court will be allowed to appoint a guardian for a child with the parents' consent or if the parents' rights have been terminated, or they are unable or unwilling to exercise their rights. It specifies who may apply to be a child's guardian and how that application should be made. Guardians are specifically allowed to apply for state benefits and services, entitled to "reasonable compensation," and liable for injury to the child caused by a third party to the same extent a parent would be.

For incapacitated individuals, the law will allow parents or spouses to appoint a guardian for someone they believe to be incapacitated in the event the parent or spouse is unable to care for the person. They will be given the ability to limit the powers of the guardians they appoint.

Another provision of the law creates a list of priorities for judges to use when appointing a guardian for an incapacitated person. In order, those priorities will be:

- the current active guardian;
- someone appointed under a health care directive;
- a spouse or someone identified by the spouse in a will;
- an adult child;
- a parent or someone identified by a parent in a will; or
- an adult with whom the person resided for six months.

The law specifies that incapacitated people will not lose their right to vote unless the court expressly takes it away.

## THE EYES HAVE IT



PHOTO BY ANDREW VON BANK

House Index Office Supervisor David Surdez, left, and First Assistant Chief Clerk Al Mathiowetz, right, confer in the House Chamber during the busy last day of regular session May 19.



Sen. Don Betzold (DFL-Fridley) was the Senate sponsor.

HF166/SF112\*/CH12

### Reporting crimes

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.

Effective Aug. 1, 2003, people who seek assistance from law enforcement or who report illegal activities they witness 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), House sponsor, 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

### Broadcast immunity

Broadcasters who unknowingly pass along incorrect information as part of an emergency broadcast will be immune from liability for damages that occur as a result of those broadcasts under a new law Gov. Tim Pawlenty signed May 20.

Effective Aug. 1, 2003, the new law protects Web sites, television stations, and radio stations from lawsuits resulting from information relayed through the Emergency Alert System, Amber Alert System, or other emergency notifications. Those systems are designed to quickly spread word of emergency information in the event of severe weather, war, or child abduction.

Under the law, broadcasters cannot be held liable for damages if the broadcasts are unintentionally inaccurate and cause damage as a result.

Current law requires television and radio stations to only broadcast messages from the president and allows them to choose which other emergency alerts to air. House sponsor Rep. Paul Kohls (R-Victoria) said the bill protects stations that might otherwise choose not

to air important information for fear of being sued.

Sen. Julianne Ortman (R-Chanhassen) sponsored the legislation in the Senate.

HF628\*/SF673/CH65

## ★ LOCAL GOVERNMENT

### Recuperating emergency costs

A new law clarifying that cities can legally place liens on personal property if the expense of an emergency service, such as a fire, is not paid by the recipient was signed by Gov. Tim Pawlenty May 20.

Cities have had this right since 1997, but clarification was needed, according to law sponsors Rep. Greg Blaine (R-Little Falls) and Sen. Don Betzold (DFL-Fridley).

The law takes effect Aug. 1, 2003.

The legislation arose from a May 2000 fire at Larson Auto Salvage in Blaine that cost \$107,000 to extinguish.

Involved in the 24-hour fire fight were 12 firefighting agencies and nine other entities and contractors, including the Department of Natural Resources, which dropped water on the blaze from special airplanes and helicopters. The fire was difficult to fight because each of the initial 100 cars reported to be on fire had to be picked off the ground with a special metal clamp vehicle and sprayed with water.

The agencies involved wanted to place a lien against the property so that expenses could be recovered should the property ever be sold. But both the fire department's legal counsel and the city attorney felt the current state statute was not clear enough regarding liens for emergency service.

HF428\*/SF354/CH64

### Official newspaper designation

A new law allowing local governmental units to choose out-of-jurisdiction newspapers for official public notices was signed by Gov. Tim Pawlenty May 19.

Under longstanding law, each township, city, county, school district, or other local government unit must designate annually one official newspaper of record for all legal and public notices, including meeting minutes.

Only newspapers maintaining offices within the territory of the local government unit could previously be chosen. If no main office for a qualified newspaper existed in the jurisdiction, but one or more qualified newspaper maintained a secondary office there, one of them had to be designated.

Effective Aug. 1, 2003, the new law will allow the legal notices to be published in any

qualified newspaper — even if it doesn't have an office in the jurisdiction — provided certain criteria are met.

Supporters said the law is good for competition because it doesn't bind local governments to designating, regardless of price, what may be the only newspaper with an office in the jurisdiction.

The new law lays out a high threshold to be met before local government units can choose an out-of-jurisdiction newspaper. The newspaper must be a qualified medium of official and legal publication, the publisher must swear that circulation reaches 75 percent or more of the households in the jurisdiction, and the governing body must vote unanimously to designate the newspaper.

The law received support from the Minnesota Newspaper Association.

Rep. Mary Liz Holberg (R-Lakeville) and Sen. Claire Robling (R-Jordan) sponsored the law.

HF944\*/SF1062/CH59

### Title examiner employment

Scott and Wright counties will have more flexibility in hiring examiners of title, under a new law signed by Gov. Tim Pawlenty May 16.

Examiners of title are appointed in each county by district court judges. They serve as legal advisors to county registrars in examining applicable titles to real property that must be recorded and registered.

Under long standing 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 — save for Stearns, Dakota, and Olmsted counties — have to employ examiners of titles as employees.

Effective Aug. 1, 2003, the new law adds Scott and Wright counties to the list of counties with populations larger than 75,000 exempt from the mandatory employee requirement.

The sponsors were Rep. Mark Buesgens (R-Jordan) and Sen. Claire Robling (R-Jordan).

HF554/SF422\*/CH54

### Met Council governance of Rockford

Effective Aug. 1, 2003, a new law will allow the city of Rockford to withdraw from the purview of the Metropolitan Council regional planning agency.

The council serves the seven-county metropolitan area, save for three cities. Removed in 1978 was New Prague; 1980, Northfield; and 1983, Hanover.

Rep. Dick Borrell (R-Waverly), House

sponsor, said Rockford has 1,100 homes in Wright County, which does not fall under the Metropolitan Council purview, and 84 homes in Hennepin County, which is in the council's jurisdiction. It's unnecessary, said Borrell, for the city to follow Metropolitan Council policies requiring submittal of long-range plans, low-income housing reports, and other paperwork for a small portion of the city.

Rockford supported the legislation. Sen. Mark Ourada (R-Buffalo) was the Senate sponsor.

HF415/SF512\*/CH8

### Seeking office as employees

St. Louis County sheriff deputies and classified employees will no longer have to resign from their jobs when seeking election to the county office employing them, under a new law signed by Gov. Tim Pawlenty May 20.

Prior to the new law, only St. Louis County could 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 new law repeals this section of law.

Rep. Mary Murphy (DFL-Hermantown), who sponsored the law with Sen. Tom Bakk (DFL-Cook), said she did not know the origins of the current statute. But, she said, "strong" sheriffs have used it to limit opposition.

Testifying for the legislation before a House committee were the St. Louis County Deputy Sheriff Association and the Minnesota Police and Peace Officers Association.

The new law is effective Aug. 1, 2003.

HF204/SF174\*/CH70

### Job descriptions

The Minneapolis mayor will have the authority to define the jobs, duties, and titles of top-level executive and management staff working for the city, under a new law signed May 25 by Gov. Tim Pawlenty.

The law will change special laws enacted during the 1980s that defined precisely the job titles and duties of appointed senior executive-level positions for the City of Minneapolis. Over time, however, organizational goals and policy issues have changed. Seeking legislative approval every time an employee description changes has become cumbersome, according to the city.

Under the law, the Minneapolis City Council will, by ordinance, be able to establish positions in the unclassified service and to provide for terms and conditions of employment. This change will apply largely to senior executive-level staff that work directly with

department heads, the mayor, or the city council, and serve at the pleasure of the mayor or the council.

According to information from the city, the city has 95 employees either serving as key political staff, controlling large or sensitive operations that are accountable to policymakers, or working as public policy leaders who have broad citywide influence. These include the city coordinator, director of public works, and the police chief. They are not protected by civil service commissioner rules.

Effective 90 days after the Minneapolis City Council and its chief clerical officer timely complete their compliance in accordance with state statute, the law was sponsored by Rep. Frank Hornstein (DFL-Mpls) and Sen. Linda Higgins (DFL-Mpls).

HF389/SF421\*/CH115

### Conflict of interest change

A new law that will address conflicts arising for elected township supervisors whose private employers gain contracts for township services was signed by Gov. Tim Pawlenty May 25.

Sponsored by Rep. Torrey Westrom (R-Elbow Lake) and Sen. Dallas Sams (DFL-Staples), the new law states that a township may enter into a contract even if a township supervisor is an employee of the contractor, provided the supervisor has no role in preparing the contractor's bid or negotiating the contract.

In addition, it states that the supervisor is not precluded from serving as a township official during the contract term provided that the township supervisor abstains from voting on any official action relating to the contract.

Under prior law, a township supervisor in such a situation must choose between remaining an elected official and employment. This exacerbates the problem of finding people interested in serving on township boards, Westrom said.

The problem came to the legislator's attention last fall following a situation in Carlos Township. Strom Construction discovered it couldn't place a bid because one of its employees was on the township board, said owner Paul Strom.

That employee, Dwayne Waldorf, said the township board and its engineer were unaware of the conflict-of-interest law until informed by the board's attorney.

The exception that the new law will provide is similar to the exception for city council members who are employees of a utility that has a franchise with the city. Another similar provision passed into law in 2001 provided that city officials, in cities with a population

less than 5,000 could participate in federal grant programs even if their businesses were affected.

The new law is effective Aug. 1, 2003.

HF923\*/SF911/CH119

## MILITARY



### Earning full pay

State and local government employees in the military reserves will receive a salary differential payment when called to active duty under a new law signed by Gov. Tim Pawlenty May 28.

The provision, sponsored by Rep. Rob Eastlund (R-Isanti) and Sen. Don Betzold (DFL-Fridley), will require a state employer to pay any net amount of salary lost to an employee called to service. The salary differential will apply for active service on or after the law's effective date, May 29, 2003.

Col. Dennis Lord, executive director of the Minnesota National Guard, said that lower ranking soldiers are paid less by the military than most civilian jobs. Because of the salary difference, some soldiers are suffering great financial hardships in serving the country for periods of time ranging 12 months to 24 months.

Minnesota has about 18,000 reservists, 500 of whom are state employees. Of those employees many are of higher rank in the military so the salary differential wouldn't apply to them, Lord said. But for the lower ranking soldiers paid less, the bill would help them significantly, he said.

HF294\*/SF117/CH123

### Tuition reimbursement extended

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.

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 law, the rate was increased from 75 percent to 80 percent. That provision was previously scheduled to expire June 30, 2003.

The new law takes effect Aug. 1, 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 Twin 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. The level of coverage is 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. An additional 320 soldiers now active in the war in Iraq are expected to participate in the program upon their return.

HF1080\*/SF971/CH34

## ★ RECREATION

### Youth officials

The second new law of 2003 dealing with employment of youth sports officials took effect May 9, 2003.

The new 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) were the sponsors. HF446\*/SF745/CH31

### Younger referees

Youth between ages 11 and 14 will be allowed to work as assistant soccer referees, even if the players they officiate are in an older age bracket, under a new law effective May 3, 2003.

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 working at youth sports events. Such exemptions will no longer be necessary.

The new law stipulates that assistant youth

## SPECIAL SESSION AGENDA



PHOTO BY TOM OLMSCHIED

After leadership from the House and Senate met with Gov. Tim Pawlenty May 20, Speaker of the House Steve Sviggum told the Capitol press corps that the special session would be restricted to certain items. Joining Sviggum are, from left, Charlie Weaver, the governor's chief of staff, House Minority Leader Matt Entenza, House Majority Leader Erik Paulsen, Senate Majority Leader John Hottinger, and Assistant Senate Majority Leader Ann Rest.

soccer referees must have adequate supervision and a parent's written permission. It differs from a second law that provides a similar allowance, in that it allows children to officiate players who are older than they.

Rep. Ron Erhardt (R-Edina) and Sen. Michele Bachmann (R-Stillwater) were the sponsors.

HF1189/SF1064\*/CH26

## ★ SAFETY

### Handgun permit law

Effective May 28, 2003, a new law will govern the granting of handgun permits in the state of Minnesota.

The new law will require county sheriffs to grant handgun permits to anyone who meets specified criteria.

Applicants must be at least age 21, be trained in the proper use of a handgun, and be a U.S. citizen or permanent resident. Anyone listed in a state gang database or who has previously been convicted of a violent crime will be ineligible.

Previous law gave sheriffs and police chiefs wide discretion in granting permits to carry handguns, requiring that applicants demonstrate a personal or professional need to carry. The law was interpreted differently in different parts of the state, leading to calls for a more uniform permitting system.

The new law shifts the burden of proof to county sheriffs, who must prove that someone is legally disqualified or otherwise poses a risk to themselves or others before denying an application.

Under the law, someone under the influence of drugs or possessing a blood alcohol content of .04 will be prohibited from carrying guns even if that person possesses a permit to carry a firearm.

Businesses wishing to ban guns on their premises will have to post a sign near the entrance before they can personally request that a gun carrier leave their business.

Guns will be banned on the property of schools and daycare centers, unless safely locked in the trunk of a car.

Businesses, colleges, and universities can set their own rules governing where employees and students can carry guns on their property.

Though often called "concealed-carry legislation," there is no specific provision in the law requiring guns be either hidden or visible when carried in public.

In addition, the new law will impose a lifetime ban on possessing a firearm on individuals convicted of a felony-level violent crime. Prior law banned possession for the 10 years following the offense. In addition, the new law provides a process for an individual to petition to have his or her possession rights reinstated.

The new law appropriates about \$1.2 million in 2004-05 to the Department of Public

Safety to implement this portion of the law.

The new law also contains several technical provisions relating to the Department of Natural Resources.

The law will remove a requirement that the commissioner employ three assistant commissioners; provide snowmobile, gun, boat, and ATV safety training reciprocity with other states; and address litter prevention in state parks, recreation areas, and highways. The law specifically cites that cigarette filters and debris from fireworks are offensive matter that destroys the cleanliness of the land under the state's litter laws. Those provisions are effective Aug. 1, 2003.

Rep. Tony Cornish (R-Good Thunder) and Sen. Pat Pariseau (R-Farmington) sponsored the new law. Rep. Lynda Boudreau (R-Faribault) and Pariseau sponsored the original handgun legislation in HF261 and SF222.

HF823/SF842\*/CH28

### **Hazardous duty expansion**

Effective Aug. 1, 2003, a new law will expand the authority of hazardous materials teams in Minnesota.

Chemical assessment teams will be authorized to deal directly with the hazardous materials they encounter. Under current law, those teams are limited to only assessing the situation and performing certain 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 officials said they have essentially the same training.

The state's Hazardous Materials Regional Response Team Program, directed by the Division of Emergency Management in the Department of Public Safety, consists of 10 chemical assessment teams and four emergency response teams. The teams are strategically located throughout the state to provide an immediate response to hazardous materials emergencies threatening public safety.

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 gases, 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 OSHA violations**

A new law will increase penalties on employers who violate state occupational safety standards.

Effective Aug. 1, 2003, employers can be fined up to \$25,000 if a violation of state standards, rules, or orders results in the death of an employee.

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 state health commissioner from a 12-member occupational safety and health advisory board. Rep. Tim Mahoney (DFL-St. Paul), House sponsor of the new law, 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) was the Senate sponsor.

HF817/SF1098\*/CH38

### **Redefining lighted vehicle lamps**

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

A new law 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.

Law enforcement officials testified that during periods of reduced visibility it's important for drivers to see that they are following vehicles as well and that is difficult if the taillights aren't running.

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**

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

Specifically, 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

### **Exemptions to seatbelt law**

A new law that will expand exemptions from the state's mandatory seatbelt law for occupants of certain commercial vehicles that make frequent stops was signed by Gov. Tim Pawlenty May 23.

The law, sponsored by Rep. Ron Erhardt (R-Edina) and Sen. Chuck Wiger (DFL-North St. Paul), will include any motor vehicle that makes frequent stops and does not travel faster than 25 miles per hour.

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.

Effective Aug. 1, 2003, the new law will not be limited to garbage collectors, however. Any motor vehicle meeting the 25 mile-per-hour and frequent-stop standards will be exempted.

HF723\*/SF456/CH92

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## ★ TAXES

### Common provisions

A new law initially part of the House omnibus tax bill but later removed to go forward on its own was signed May 25 by Gov. Tim Pawlenty.

The law was not void of controversy itself, however. Language that will allow counties to sell bonds to help construct the statewide public radio system was protested by Rep. Eric Lipman (R-Lake Elmo) and Rep. Phil Krinkie (R-Shoreview).

Already in place in the Twin Cities metropolitan area, the system allows law enforcement and public safety agencies to communicate via radio without going through a dispatcher. Varying radio frequencies and differing equipment limit such capabilities currently. Installation of the system backbone throughout the state is estimated at \$201 million.

"That means \$200 million of state money from somebody somewhere that your local county is going to come back to you ... sometime in the future and ask you to reimburse," Krinkie said.

The law includes separate provisions that will align the state estate tax law with its federal companion, provide relief to those subject to the so-called "death tax" (HF461); offer discounts to select taxpayers to encourage payment of past-due taxes (HF540); and align state sales taxes to allow taxes on Internet and catalog sales (HF1570).

Other provisions include:

- HF1587, extending a job credit on Northwest Airline's Minnesota corporate franchise tax, and exempting from Minnesota sales taxes all airline meals and beverages initially purchased in or brought into Minnesota and served outside of Minnesota airspace.
- HF1573, requiring the state to develop a handbook detailing the procedures, responsibilities, and requirements for local boards of appeal and equalization. Under current law, each city and township is required to convene such boards to hear complaints and appeals on property tax appraisals and property taxes.
- HF1199, charging cigarette distributors 35 cents per

pack if those cigarettes were manufactured by any company other than one of the four that have a settlement agreement with the state. Under the State v. Philip Morris Inc., those companies are Philip Morris, R.J. Reynolds, Lorillard, and Brown & Williamson.

- HF929, expanding the Metropolitan Mosquito Control District to include western Carver County and allowing private property entry, despite owner objection, to determine the need for control and actual action against disease-carrying mosquitoes, ticks, and black gnats. A conference committee compromise calls for giving objecting property owners 24-hour spraying notice.
- HF597, allowing the city of Duluth's economic development authority to create a 25-year tax increment financing district for an aircraft maintenance facility. The city hopes to woo Bombardier Aerospace, the world's third largest civil airframe manufacturer.

In addition, most measures in the House public finance bill, which was originally approved May 14, were included in the law.

Rep. Ron Abrams (R-Minnetonka) and Sen. Larry Pogemiller (DFL-Mpls) were the sponsors. It is generally effective May 26, 2003, but individual provisions may take effect at other specified times.

HF1565/SF1505\*/CH127

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

## TAX CONFEREES



Sen. Larry Pogemiller, *left*, the Senate Taxes Committee chair, responds to a question during a May 17 meeting of the tax conference committee.



House Taxes Committee Chair Rep. Ron Abrams, *right*, asks a question during a May 17 meeting of the House-Senate tax conference committee.

## ★ TRANSPORTATION

### Replacing displaced railroad land

Occasionally, a state road construction project will require the state Department of Transportation to acquire land and relocate railroad tracks. When that happens, typically the department will acquire the land and pay the costs associated, which may be time consuming and expensive for the department, officials say.

A new law, signed by Gov. Tim Pawlenty May 25, is intended to streamline that process, according to its House sponsor, Rep. Doug Magnus (R-Slayton).

During committee testimony, Transportation Department officials said that the law won't substantially change current practice, except that the department will not be required to acquire the replacement land. Under the law, the railroad and the transportation commissioner will establish an agreement to replace the land.

The new law takes effect Aug. 1, 2003. It was sponsored in the Senate by Sen. Mike McGinn (R-Eagan).

HF988\*/SF1038/CH102

## ★ VETERANS

### Hmong memorial

A place will be reserved for a memorial to honor Hmong veterans who fought for the United States in the Vietnam War in the Capitol Complex, under a new law signed by Gov. Tim Pawlenty May 20.

The new law will specifically permit the location of the memorial on the Capitol mall. The Capitol Area Architectural and Planning Board will oversee the project, and costs associated with the memorial will come from the Hmong community.

Michael Yang, director of immigrant and refugee policy with the Urban Coalition, told a House committee how thousands of Hmong were trained by the Central Intelligence Agency to fight in association with the U.S. against the expansion of communism in Laos.

Hmong soldiers risked everything, including their lives, to gather intelligence, rescue American downed

PHOTOS BY TOM OLMSCHEID

pilots behind enemy lines, cutting off communist supply lines to fight U.S. troops in South Vietnam, and confronting communist elements in Laos to maintain neutrality, said Yang.

The bill takes effect Aug. 1, 2003. Rep. Cy Thao (DFL-St. Paul) and Sen. Steve Murphy (DFL-Red Wing) were the sponsors.

HF1335/SF1282\*/CH69

### Limiting records

Gov. Tim Pawlenty signed a new law May 28 that will restrict who can have access to the discharge records of Minnesota veterans.

Effective Jan 1, 2004, the law will classify certificates of discharge as private information and require the Department of Veterans Affairs to give out the information only if the person requesting the information proves their identity, has a tangible interest in the information, and fills out a release form.

The law limits the people who have a tangible interest as the following:

- the veteran themselves,
- a surviving spouse,
- a surviving child,
- a surviving parent, or
- a guardian of the veteran.

No fee can be charged for the service.

A representative from the Department of Veterans Affairs told a House committee that any person can currently walk into the depart-

## MIDNIGHT HOUR



PHOTO BY ANDREW VON BANK

The midnight deadline closes in on the last day of regular session May 19.

ment and request someone's discharge papers. Private information, such as a social security number, is included on the papers and can be used to steal a person's identity.

Under state law, discharge information

becomes public 10 years after a veteran dies and 30 years after the information was created.

The law's contents were also part of the House omnibus data practices bill (SSHF29/SSSF10\*) that awaits the governor's signature.

Rep. Jeff Anderson (R-Austin) and Sen. Steve Murphy (DFL-Red Wing) sponsored the legislation.

HF768\*/SF1039/CH124

### Historical drive designation

Minnesota will have a new historic district effective Aug. 1, 2003: Victory Memorial Drive, a road bordering Minneapolis and Robbinsdale.

Established in 1921 as a memorial to World War I veterans, the drive is 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 result of the historic designation, the road may now be eligible for preservation grants to help maintain it as a memorial.

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

HF456\*/SF511/CH30

### Following the action

Whether you're looking for information on the final actions of the regular legislative session or wondering what happened during the special session, you can find the information on the Legislature's Web site.

#### A few notes on procedure

- Who calls a special session? **The governor does.** According to the Minnesota Constitution, the governor may call the Legislature into special session.
- How long does it last? **The Legislature determines the length of a special session.** Once the governor calls them into special session, the Legislature dictates the items considered in special session and may meet until their work is complete.
- Is the legislation the same? **No – legislators must introduce new bills during a special session.** The legislation in a special session remains separate from the bills in a regular session.

#### Tracking bills online

- In the address field of your Internet browser, type in the Legislature's main Web page: [www.leg.mn](http://www.leg.mn)
- Click on the "Legislation and Bill Status" link.
- At the very top of the page is the link for special session bills. If you're looking for regular session bills, choose either House bills or Senate bills from that link.

## What's on the Web

- You may search by bill number or by other items, such as bill author, topic, or action. When you choose either House bills or Senate bills, you will go to a form. You can enter a search term into one or more of the fields. Or you can click on one of the links to do a general topic search. Also, you may notice that a menu at the top of the page allows you to search either special session bills or regular session bills.

#### Looking for a vote?

Every bill and many amendments that the Legislature considers on either the House or Senate floor requires a recorded roll-call vote.

On each bill status page there is a link called "Recorded roll-call votes" that will take you to the votes on that particular bill in the House. (This feature is not available for Senate bills.)

Also, the main House Web page ([www.house.mn](http://www.house.mn)) has a link near the top, under House Legislation, called "Recorded roll-call votes."

You can also find votes the old fashioned way – in the House and Senate Journal. Simply search for the bill you are looking for, and on the bill status page, find the place where a vote was taken and click on the link for the journal page.

### Session laws, supplementary information

Once the governor signs a bill into law, it is called an act. You can also find acts on the Legislature's Web site.

Return to the Legislature's "Legislation and Bill Tracking" page (<http://www.leg.state.mn.us/leg/legis.asp>). Toward the bottom of the page, there's a section called "Laws and Vetoes." Click on the "Session Laws" link and find the year you are looking for.

The nonpartisan House Research and House Fiscal Analysis Departments also provide summaries of legislation and spreadsheets showing how funds and appropriations are distributed. You can find them with the information accompanying each bill.

Senate summaries and fiscal information are also available for select bills.

#### When in doubt, call for help

If you're having trouble navigating the Web site, call House Public Information Services at (651) 296-2146 or (800) 657-3550, and we'll answer your questions. Also, you can call the House Chief Clerk's Office for copies of bills and acts at (651) 296-2314. For status of bills, call the House Index office at (651) 296-6646. For the Senate, contact the Senate Information Office at (651) 296-0504.



## 'Hogs, frogs, and jobs'

Funding law for agriculture, environment, development includes provisions relating to ATVs, ethanol, workforce issues

By MIRANDA BRYANT, TOM LONERGAN, AND NICOLE WOOD

**M**ore than \$636 million from the state general fund will be dedicated toward the environment, agriculture, jobs and economic development, and emergency housing services over the next two years, under an omnibus spending package signed May 28 by Gov. Tim Pawlenty.

Total spending reaches more than \$1 billion when additional funding sources such as lottery proceeds, license and permit fees, and federal dollars are added to the equation.

The funding package, which initially passed the House as HF779 before being reconciled in a House-Senate conference committee, also encompasses the agriculture finance measures put forth in HF752 by Rep. Elaine Harder (R-Jackson) and the jobs and economic development initiatives from HF748, sponsored by Rep. Bob Gunther (R-Fairmont).

Pawlenty line-item vetoed one item in the measure — a \$400,000 biennial appropriation from the agricultural fund to the Agricultural Utilization Research Institute.

The law is sponsored by Rep. Dennis Ozment (R-Rosemount) and Sen. Steve Murphy (DFL-Red Wing). Funding provisions are effective July 1, 2003.

Here are some highlights.  
HF967/SF905\*/CH128

### DNR, PCA, Agriculture

More than half of the overall spending — nearly \$586 million — will be directed toward the Department of Natural Resources (DNR) for responsibilities such as wildlife, minerals, forestry, state parks, and game and fish law enforcement.

The law will allocate \$221 million to the Pollution Control Agency for land, water, and

air monitoring and regulation enforcement. A \$4.7 million appropriation to the agency will support a clean water partnership initiative directed toward local governments. Another \$4.6 million will fund the agency's county feedlot administration grant program. The law consolidates a number of accounts and funds that support agency activities into the environmental fund and the remediation fund.

The overall Agriculture Department budget for the 2004-05 biennium will be an estimated \$146 million, including anticipated federal funding, and additional licensing and fee revenues.

### Jobs and housing

The overall budget for jobs and housing weighs in at \$326.4 million.

The jobs and economic development finance budget provides for the Department of Trade and Economic Development, Department of Economic Security, Housing Finance Agency, Labor and Industry Department, Public Service Department, and the Minnesota Historical Society.

A partnership promoting biotechnology and medical genomic research between the University of Minnesota and Rochester's Mayo Clinic will be given \$2 million. The initiative, offered by the governor, will also have the clinic and the university each contributing \$500,000.

The historical society will receive \$900,000 more than was proposed by the House budget, slightly lessening the agency's 2004-05 budget biennium cut proposed by the House to \$9.6 million. The

cuts, according to the historical society, will result in seven historic sites being closed and 200 full- and part-time employees being laid off.

The Minnesota Film and TV Board will re-

ceive \$350,000 in the 2004-05 biennium, following the conference committee compromise. The House proposal would have eliminated the agency's funding altogether.

### Other agencies

The Office of Environmental Assistance will receive \$52 million. Of that amount, \$25 million is earmarked for grants to counties for recycling programs and solid waste management.

Smaller biennial budget amounts will include \$36 million for the Minnesota Zoological Board and \$31 million for the Board of Water and Soil Resources.

Funding for the Science Museum of Minnesota will be set at \$1.5 million over the biennium. The House and the governor had recommended eliminating museum funding beginning in fiscal year 2005.

The Minnesota Conservation Corps will receive just under \$1.7 million as it transitions from the DNR to a private nonprofit entity.

The law also includes \$8.3 million for the Board of Animal Health and \$3.2 million for the Agricultural Utilization Research Institute. The governor had recommended merging the two entities into the Agriculture Department. However, both agencies will remain independent.

A number of environmental projects will be funded through a \$32.7 million appropriation to the Legislative Commission on Minnesota Resources.

### Revising road construction permits

The law takes a conciliatory path toward environmental permit requirements for road construction projects. One provision will adjust the watershed district rulemaking process to allow for comment and appeal from transportation authorities, rather than providing exemptions from permit requirements as a House transportation committee had proposed.

Another provision will allow one of the two acres under the 2:1 wetland replacement ratio for road work in the seven-county Twin Cities metropolitan area to be placed in a major watershed that drains into the defined metropolitan area.

### Developing ATV trails

After a nudge from the governor's office, a conference committee reached a compromise on off-highway vehicle trail designations. The law directs the DNR to establish a continuous 70-mile trail for off-highway vehicles with four rest areas by April 1, 2007, and complete a for-

Continued on page 32



PHOTO BY ANDREW VON BANK

Several historic sites statewide will be shut down or have reduced access, including services at the Minnesota History Center in St. Paul, due to budget cuts for the Minnesota Historical Society contained in the law.

mal trail system.

The Environmental Quality Board is instructed to develop new environmental standards for motorized trail use, and certain state forest motorized trails are temporarily exempted from environmental review. Other provisions will require all off-highway vehicles to be registered with the state and direct money toward local law enforcement agencies for enforcement and public education expenditures. Qualified clubs will also be eligible for safety and conservation education grant money.

The law specifies guidelines for off-highway vehicle operation in ditches and spells out other restricted areas. Enforcement efforts will be bolstered with the establishment of a civil citation for operators who cause environmental damage or break the law.

And the law will activate a damage account until July 1, 2005, to pay for the restoration of property damaged by off-highway vehicles.

### Increasing fees

Certain state park permit fees will be raised, including the annual permit from \$20 to \$25 and the daily permit from \$4 to \$7, and a separate motorcycle state park permit will be created. Various hunting, angling, and commercial fishing fees will increase. Additionally, the law will raise water appropriation permit fees, eliminate the senior discount for certain state park camping, and enable the Minnesota Zoo to charge an entry fee for elementary school children on organized field trips.

The law increases many agriculture-related fees, including those covering food handlers, processors, inspections, and seeds, and will establish a new set of fees to fund an expanded nursery and horticulture inspection program.

### No mourning dove hunt

A House provision that would have authorized a mourning dove hunting season and a stamp earmarked for habitat improvement was removed in conference committee. Mourning dove hunts have been banned in the state since 1947.

### Retaining airline jobs

Commercial airlines with corporate headquarters in Minnesota will temporarily be exempt from paying Petroleum Tank Release Cleanup Fund fees until July 1, 2005, provided the company directs the savings toward minimizing job losses. Beneficiaries will be Northwest, Sun Country, and Mesaba airlines.

### Supporting ethanol

House and Senate conferees adopted the House proposal to spend \$44.4 million for ethanol producer payments. Payments during fiscal 2004 and 2005 will be based on a rate of 13 cents per gallon, 7 cents a gallon lower than the current rate.

The law maintains the 13 cents per gallon rate for ethanol payments into the 2006-07

biennium but will keep the 20 cents-a-gallon rate in statute.

Included are so-called catch-up payments for ethanol plants to eventually recover \$20 million cut by the governor from the program during fiscal year 2003 and reduced payments during the upcoming biennium.

### Chronic wasting disease control

The law will earmark more than \$800,000 during the next two years for a mandatory surveillance program, administered by the Board of Animal Health, to control chronic wasting disease in cervidae animals, primarily deer and elk.

Owners of captive deer or elk herds will be required to register with the board and pay a fee of \$10 per animal, up to a maximum of \$100 annually.

The law will also give the DNR the option to seize and destroy live cervidae possessed in violation of the law.

### Reviewing feedlots

The law removes new and expanded livestock feedlots between 300 and 1,000 animal units from petition-generated environmental review. Feedlot permits are issued by delegated counties through the Pollution Control Agency.

Added in conference committee was a Senate proposal requiring that a landowner proposing a new feedlot or expanding an existing one provide notice to neighboring property owners not less than 20 business days before a feedlot permit will be issued. Current law provides notice for not less than 10 business days.

The law will also require the state Environmental Quality Board to study and evaluate environmental review information and the public input process regarding proposed feedlots of less than 1,000 animal units, and report its findings to the Legislature by Jan. 15, 2004.

### Workforce issues

The workforce development fund will gain more revenues, due to a House-Senate compromise that increases for two years the special assessment rate employers pay to the fund. The fund provides for the training of laid-off and unemployed workers, and did so in 2002 at the amount of \$66 million.

Under current law, all employers must pay the assessment for each one of their employees earning more than \$22,000 in a year. The current rate levies seven-hundredths of 1 percent per year on all taxable wages.

As written in the new law, the rate will rise to one-tenth of 1 percent for two years, effective Jan. 1, 2004, with additional discretion for the state to raise the rate to 0.12 percent in 2004 and 2005. The rate will fall back to its current level of seven-hundredths of 1 percent in 2006. The rate increase will generate \$25 million more in the biennium.

Minnesota Technology Inc., an economic development organization serving Greater Minnesota, will be forced to transform from a state

agency to a non-profit, stand-alone entity through an appropriation giving \$3 million in 2004, but nothing thereafter. The Senate plan called for giving it \$11.6 million in the 2004-05 biennium. The House number was \$2 million in 2004 only, and at zero



PHOTO BY TOM OLMSCHIED

The law maintains a 13-cent per gallon payment by the state to ethanol producers through 2006-07.

thereafter.

Apprentices enrolled in official apprenticeship job-training programs will be charged \$30 per year, under the law. In addition to a \$350,000 allocation from the workforce development program, the revenues will fund employees at the state Labor and Industry Department overseeing the apprentice program. The governor proposed cutting the staff.

### Emergency housing

Homeless shelters, transitional housing, and homeless prevention programs will receive \$14.1 million in the 2004-05 biennium, an increase from the original House plan.

The appropriation is less than that in the 2002-03 biennium and will result in an additional 2,000 people being turned away from homeless shelters every night, according to Rep. Karen Clark (DFL-Mpls).

### Flooding reconstruction

Roseau and surrounding areas will receive \$7.9 million to address flood damage through a combination of direct appropriations and bond sales.

### Further study required

The new law will order studies on a number of issues, including:

- state park funding;
- motorized trail use on state lands;
- unstable sewage systems;
- impaired waters program;
- solid waste management funding;
- phosphorus in the wastewater stream;
- workforce service areas; and
- North American Free Trade Agreement effects on Minnesota's manufacturing industry.



## Back to school

Sponsors say bill's cuts will not affect core K-12 instruction funding, but other areas will be reduced

By TOM LONERGAN

Minnesota's public school districts and charter schools will be supported by about \$11.9 billion in state general fund spending for 2004-05, under a bill awaiting action by Gov. Tim Pawlenty.

Education finance represents more than 40 percent of state general fund spending.

Overall, the spending plan (SSHF51) does not differ markedly from the administration's education budget recommendations proposed in February or the omnibus education finance bill the House passed April 30.

A compromise bill that merged different House and Senate K-12 spending proposals passed the House 68-61 on May 22 and passed the Senate the same day by one vote, 34-33.

House Minority Leader Matt Entenza (DFL-St. Paul) said state education funding is being cut \$180 million from existing levels, and he predicted the cuts would "cause a massive increase in property taxes across the state."

Rep. Alice Seagren (R-Bloomington), sponsor of the bill along with Sen. Steve Kelley (DFL-Hopkins), said the cuts represent a "2 percent reduction overall." Most cuts would not affect core K-12 instruction funding, she said, but are applied to compensatory and special education revenue, and funding for English language learning students, among other areas. Rep. Jim Abeler (R-Anoka), chided House DFL members for suggesting the education bill would "leave every child behind."

"I can't think of a more irresponsible thing to say," said Abeler, a member of the House Education Finance Committee. "We tried hard to serve most of the kids."

A proposal Abeler sponsored that would allow school districts the option to seek additional revenue through advertising, sponsorships, and offering building naming rights is included in the bill.

The bill would set the following state education appropriations:

- general education funding at \$9.95 billion;
- special education funding at \$1.27 billion;
- early childhood programs at \$92.4 million;
- adult education programs at \$71.9 million; and

- state education department and academies at \$81.5 million.

The latter category includes \$47.3 million for the renamed Department of Education, which administers K-12 funds, policies, and regulations. The state's Board of Teaching would collect an additional \$10 per license in fees from teachers during the next two years. Teachers and administrators' licenses will cost \$57.

One-time transition revenue totaling about \$35.7 million in the state funding plan is expected to help schools match their existing classroom spending. Nearly two-thirds of the transition state aid is for fiscal year 2004, however, leaving larger cuts proposed for fiscal year 2005, particularly in supplemental education programs. School districts would have the option in fiscal year 2005 to replace the transition revenue through property tax levies.

Locally generated property tax revenue, the other major source of education funding, would provide an additional estimated \$2.56 billion for school districts during the next two years.

The bill would provide no increase in levy authority overall for districts to seek additional revenue from property taxpayers, but some suburban districts would have authority to seek small inflationary increases in operating revenue through tax referenda.

School districts with lower total property value would receive more state equalization aid, and equity revenue for small rural districts would also increase.

House and Senate conferees shifted monies within the proposed K-12 education spending proposals to soften cuts in several areas, including early childhood education, after-school and summer school programs, and compensatory

revenue for districts with high enrollment of students from low-income families.

The conferees restored \$5 million of an \$8 million cut the House had initially approved in state funding of federally supported Head Start programs and also eliminated a requirement that a percentage of future state grants for Head Start be considered for "innovative programming."

The conference bill would provide \$4 million more in state aid than the \$30.8 million the governor had proposed for early childhood and family education programs. Still, fees would likely increase for program participants.

"There can be some fee changes to charge some of the parents that can afford it," Seagren said.

Conferees adopted the governor's recommendation to fund English language learning students for only five years. The House had proposed a seven-year program with funding being phased out in the last three years. The amount of state aid per pupil for English language learners will increase, but will be based on a more narrowly defined formula.

Approximately \$102 million was included in the bill for extended day school programs, which include after-school classes for students in academic need, and summer school. The new "extended time revenue" was not proposed by the governor.

A framework and a funding mechanism for online learning programs would be established under the bill.

Students could enroll in a maximum of 12 semester-long courses online and complete course work at a different grade level than their own.

Teachers with a state license could assemble and deliver online course instruction. The bill would limit the teacher-to-student ratio for an online course to 1:40.

The bill would waive, for the next two years, a state requirement for a Jan. 15 (in even-years) teacher contract deadline in school district

Continued on page 41



PHOTO BY ANDREW VON BANK

The education finance bill passed by the House and Senate would provide \$11.9 billion for classroom instruction and other programs.

## Operational funding

Law provides double-digit percentage reductions for most state agencies, other ideas to reduce the cost of government

By MIKE COOK

State agencies would have about \$598.7 million in direct general fund appropriations under a new law, signed by Gov. Tim Pawlenty May 28.

The number represents about a 9.1 percent cut from 2002-03 levels. The House proposal was \$545.5 million and the Senate \$607.3 million.

The House passed the omnibus state government finance law shortly before midnight on May 19, the final day of the regular session, but the Senate did not have time to take up the measure. Instead it was the first passed in special session by both bodies one day later.

"This has a lot of innovative change, which I think will be good for government in providing services and good for the taxpayers of this state," said Rep. Bill Haas (R-Champlin), the law's House sponsor. The Senate sponsor was Sen. Jane Ranum (DFL-Mpls).

The law calls for a legislative reduction of 9.6 percent, including a House reduction of 8.5 percent, Senate cut of 9 percent, and reductions to the Legislative Coordinating Commission of 9.6 percent. Within the LCC, the Legislative Commission on the Economic Status of Women is retained, but the Subcommittee on Geographic Information Systems Office is not. Both were to be eliminated in the House plan, and just the geographic office in the Senate plan.

All constitutional officers' budgets will be cut by 15 percent. Earlier plans had cuts as high as 24.8 percent for the attorney general's office. Most other state agencies will be cut between 10 percent and 15 percent.

The Lawful Gambling Control Board and Minnesota Racing Commission will become fee-supported under the law. However, both are given some money in fiscal year 2004 to begin the transition.

The law does not contain a wage freeze for state employees, something the governor

initially proposed, nor a provision that would limit the state contribution to employee health plans at 2003 levels. Both were in the initial House plan.

Calling it a bad law for state employees, Rep. Bill Hilty (DFL-Finlayson), Rep. Tom Rukavina (DFL-Virginia), and Rep. Jean Wagenius (DFL-Mpls) all asked for specific numbers on how many state employees would lose their jobs during House floor debate.

Haas said he could not answer that because the law allows agency managers to distribute cuts as they see fit.

"They are going to need to manage their



PHOTO BY ANDREW VON BANK

The state government finance law provides budgets for a number of state departments, including the Legislature and constitutional officers, which are housed in the State Capitol.

money and work to make sure their services continue going to the people of Minnesota and make sure they have the employees to do it. We're not telling them to lay off 'X' number of people; that's a department decision. We are not here to micromanage government," he said. "I have not seen any reports from agencies or from departments as far as potential layoffs. We've built in flexibility to make reductions and give them ways other than laying off employees to get to where they need to go."

Sen. Mady Reiter (R-Shoreview), a member of the State Government Budget Division of the Senate Finance Committee, said during the session she heard many good ideas where department heads can make cuts without

reducing staff.

Haas, who chairs the House State Government Finance Committee, also said staffing could be a union negotiation issue because an increase in pay may mean less employees since the amount of money available is limited.

Rep. Phyllis Kahn (DFL-Mpls) was critical of the law, saying it hurts women.

It will provide that no political subdivision need to submit pay equity reports for 2003 and 2004, and that beginning in 2005 a political subdivision must report no more frequently than once every five years, instead of every three years. It also provides that the state auditor, rather than the commissioner of employee relations, monitor compliance with the local government pay equity laws.

"The two-year moratorium in this (law) will weaken compliance," Kahn said. "Every year one-third of the local reporting governments are out of compliance at the beginning of the reporting cycle. At the end of the year with extensive assistance from (the Department of Employee Relations) almost all have achieved compliance. This only benefits those seeking to avoid fair pay for women in their workforce."

Other potential state savings in the law include:

- limiting art in new or renovated state buildings to the lesser of \$100,000 or 1 percent of total cost;
- a required evaluation to determine whether participation in a multi-state or multi-agency drug purchasing program for employees can reduce costs or improve benefit; and
- an evaluation of the use of cell phones by state employees and the number of vehicles in the state fleet. Policies are to be implemented to reduce usage that is not cost-effective.

The law also includes an expansion of reverse auction — an electronic bidding process where bidders can see what competitors are offering and then lower their price in order to win the contract — to engineering design and computer services. It is already used for some goods and services.

"Reverse auction will save money," Haas said. "If we can get something that costs a dollar for 90 cents, that is 10 cents we can use elsewhere."

The law also contains about \$14 million in fee increases for things such as charitable



gambling licenses, and lobbyist registrations. "Some go to cover the cost of whatever operation the fee is related to, but some go directly to the general fund," Hilty said in criticism of the fees as being a tax.

For example, lobbyists and principals will pay more fees to support Campaign Finance and Public Disclosure Board operations that regulate those groups. The board as a whole will not be totally fee-supported.

Other bill provisions include:

- reductions of 35 percent for Minnesota Public Radio and 30 percent for public television;
- the sale of at least \$5.5 million of state-owned lands;
- all unclaimed state lottery prize winnings will be put into the general fund, instead of being split three ways, including money to the environment and natural resources fund;
- an independent entity must study the economic effect of a gaming facility on existing tribal gaming facilities within 100 miles of the metropolitan area if the state lottery is authorized to operate a gaming facility in



the metropolitan area;

- a 7-cent-per-month increase in the fee users pay for emergency 911 phone service. The money will be used to provide grants to local governments to support bonds for a system that links public safety radio systems;
  - the elimination of the state's printing agency;
  - an agency must write an evaluation of the work done, including an appraisal of timeliness, quality, and cost upon completion of a professional or technical services contract;
  - authorization for the governor, under certain circumstances, to hire a private counsel rather than rely on the attorney general; and
  - the Capitol Area Architectural and Planning Board will remain its own entity, but get a 20 percent cut in appropriations. The House wanted to move the agency into the Department of Administration.
- 2003 Special Session HF1\*/SF1/CH1

The new law calls for an evaluation of the use of cell phones by state employees and the number of vehicles in the state fleet.

## House passes bonding bill

A year after Gov. Jesse Ventura vetoed funding for a number of bonding projects, the House and Senate approved a \$230.9 million bonding measure May 29 including funding for many of the ones that drew the veto pen.

Needing three-fifths of members to pass, the bill (SSHF8), sponsored by Rep. Phil Krinkie (R-Shoreview) and Sen. Keith Langseth (DFL-Glyndon), cleared the House 100-27 and the Senate 49-13.

Rep. Jim Knoblach (R-St. Cloud) described the situation as, "déjà vu all over again" as he presented the projects to members on the House floor. He also indicated that the bill would benefit different areas in different categories across the state.

More than \$108 million of the total would go toward higher education, including \$59.7 million for the Minnesota State Colleges and Universities system and \$48.7 million for the University of Minnesota.

Among the projects funded are:

- \$24.7 million for the Translational Research Facility at the university's Twin Cities campus, of which half must come from non-state sources before state funds would be allocated;
- \$10 million to convert Centennial Hall at St. Cloud State University from library to classroom use,

- \$10 million to acquire property near MnSCU campuses,
- \$8.6 million for a social science building renovation at the university's Morris campus, and
- \$8.4 million for Minnesota State University, Mankato to continue an athletic facility upgrade.

One of the more controversial parts of the bill during debate were two arts provisions: \$25 million for a new Guthrie Theater and \$5 million for a Children's Theatre expansion.

The bill would continue to aid people that were affected by the flooding last summer in and around Roseau. Among the provisions are the following:

- \$3 million for flood hazard mitigation grants,
- \$1.12 million to help local governments fix and replace infrastructure that was damaged,
- \$1 million to help with road and bridge repair and replacement,
- \$500,000 to Roseau to relocate the flood damaged city hall, auditorium, library, museum, and police department out of the Roseau River floodway, and
- \$400,000 to repair a structure on state Highway 220 north of Climax that was damaged.

Other projects that would be funded include:

- \$20 million to the Minnesota Department of Transportation for a local road improvement program;
- \$5.5 million to build the Trollwood Performing Arts School in Moorhead;
- \$5 million to the Minnesota Amateur Sports Commission to construct a sports conference center;
- \$5 million to acquire land and build a Paul and Sheila Wellstone Center for Community Building in St. Paul;
- \$3.5 million for freight access improvements at the Winona harbor;
- \$2.7 million to the Como Conservatory in St. Paul for the renovation of a fern room and construction of a bonsai collection space, an orchid growing and display house, and a children's activity zone;
- \$2.7 million to acquire land for wetlands and restore wetlands drained or filled as a result of the repair, maintenance, or rehabilitation of existing public roads;
- \$1 million for Greater Minnesota transit facilities;
- \$1 million for the design of the Northwest Busway Corridor; and
- \$500,000 for a National Eagle Center in Wabasha. The money would not be given until \$1 million in non-state sources have been committed to the project.

## College fund

Higher education law appropriates about 15 percent less than 2002-03 levels for public colleges and universities

By MIKE COOK

**T**he \$2.56 billion higher education omnibus law, signed May 28 by Gov. Tim Pawlenty, cuts funding to colleges, while trying to help students pay anticipated higher expenses by changing the state grant program.

Sponsored by Rep. Doug Stang (R-Cold Spring) and Sen. Sandra Pappas (DFL-St. Paul), the law calls for general fund appropriations of nearly \$1.11 billion for the Minnesota State Colleges and Universities (MnSCU) system and slightly more than \$1.1 billion for the University of Minnesota. Each of those numbers represents about a 15 percent cut from the 2002-03 base.

The university appropriation is about \$13 million more than recommended by Pawlenty, and the MnSCU number is about \$15 million higher.

University President Robert Bruininks told conferees May 8 that the institution has already laid off 525 employees and expects as many as 700 total layoffs. In addition, he said, tuition would increase by about 15 percent next year and employees will continue to pay more for their health care.

"No matter what there will be significant cuts of historic proportions on our campuses," MnSCU Chancellor James McCormick said at the same meeting. "We'll have to close programs, have fewer faculty, look at a double-digit tuition increase, and cut off applications earlier."

The Mayo Medical Foundation will receive \$2.78 million, also a 15 percent reduction, the same as recommended by the governor and initially proposed by the Senate. The House bill had an additional \$170,000 to the foundation.

For the Higher Education Services Office (HESO), which administers the state grant program among its duties, the \$350 million appropriation is about \$20 million less than recommended by the House and governor and is \$40 million more than the Senate proposed. The total is about an 11 percent increase above current levels.

Included in the office allocation is an additional \$39.5 million for the state grant



PHOTO BY TOM OLMSCHIED

The higher education finance law will likely result in higher tuition for public college students, but the law also provides more money for the state grant program.

program. The program was forced to stop accepting applications in January 2003 due to demand.

"Within the grant program itself we had to make some other changes to recognize the growing demand within the system as a result of increased enrollment, increased tuition, and so on," Stang said.

For example, the child-care grant maximum will be capped at \$2,200 for each eligible child per academic year, instead of the current \$2,600. Eligibility for the program will also be reduced from 10 to eight equivalent semesters, as is eligibility for state grants. Eligibility for students in two-year programs will be limited to the two-year tuition and fee maximum for two-year institutions.

Language in the legislation will no longer permit the office to transfer money from the child-care and work-study grants to make up a shortfall in the state grant program. To help prevent a program deficit the office must prorate awards by equally reducing the dollar amounts through an equal surcharge to the applicant's assigned family responsibility and a percentage added to the student responsibility.

The law also calls for the governor to appoint the office director, who must be confirmed by the Senate. The provision is effective Dec. 30, 2004 or when a vacancy occurs in the

position, whichever occurs first. Proponents say that the creation of a cabinet-level position will give higher education more of a voice in the state.

In addition to maintaining the student advisory and HESO councils, the Higher Education Advisory Council will be altered by eliminating four positions and making one of the six remaining positions a gubernatorial appointee.

Among other provisions in the law are:

- the addition of two students to the Regent Candidate Advisory Council, which recommends candidates to the Legislature for the university's governing body;
- beginning June 1, 2003, each postsecondary institution must provide information on the risks of meningitis and the effectiveness and availability of a vaccine to first-year students living in on-campus housing;
- Fond du Lac Community and Tribal College in Cloquet will be permitted to offer a four-year degree in elementary education; and
- a request that the Minnesota Association of Colleges and Teacher Education collect data to measure the involvement of teacher education program faculty with K-12 schools. The data must include the extent to which faculty are licensed to teach at the K-12 level, and the K-12 teaching of that faculty within the last five years. A report is due to the Legislature by Feb. 15, 2004.

Not included in the final law was an original House provision to appropriate \$6 million for the MnSCU system to be used for health education. System officials said the money would be used to help train more nurses, a field in which the state is experiencing a significant shortage expected to continue in future years.

Also not included in the final law were the following:

- a Senate provision that would prohibit institutions, including student and alumni associations, from giving student information to credit card companies without the student's consent and prohibit credit card companies from marketing credit cards to undergraduates;
- an opt-in provision for paying fees that fund campus student organizations (originally in the House proposal); and
- increased penalties for rioting.

Stang said there was concern about the provision because it essentially prohibited a student convicted of rioting from

Continued on page 41



## Caring for Minnesotans

Omnibus bill changes eligibility for a number of assistance programs, such as welfare and child-care aid

By MICHELLE KIBIGER

In one of its last actions of the 2003 special session, the House passed 78-54 on May 29 a health and human services finance bill that would appropriate about \$8.7 billion for those functions in 2004-05. Nearly \$7.5 billion of that appropriation comes from the state's general fund.

The bill now awaits Gov. Tim Pawlenty's action.

The final agreement represents a reduction of about \$960 million from anticipated 2004-05 funding levels, including \$805 million in projected general fund spending.

The bill would provide funding for the Health and Human Services departments, which include a number of welfare, health care, and community services programs, as well as the state's veterans homes. Though funding in the bill is higher than in 2002-03, with the state facing a \$4.2 billion projected deficit, a number of programs needed to be cut to accommodate increased health care costs within existing revenue streams.

House sponsor of the bill (SSHF6), Rep. Fran Bradley (R-Rochester), described the bill as better than the version that left the House in April and better than the governor's proposal.

"The bill that we return today to you is something that we can support on both sides of the aisle," said Bradley. "It supports all the constituencies well" that will be affected by the bill.

The Senate version, sponsored by Sen. Linda Berglin (DFL-Mpls), passed 34-28 the same day.

Other members were not convinced that the bill improved enough from the original House version. Acknowledging that the bill was better, House Minority Leader Matt Entenza (DFL-St. Paul) said, "Today we take a dramatic and terrible step in the wrong direction," referring to the shifts and changes in coverage the bill would enact.

In order to balance the budget, the bill would also shift the remaining tobacco endowment funds, slightly more than \$1 billion, to

the general fund.

### Health care

A proposal to merge the General Assistance Medical Care program with the MinnesotaCare program in the initial House bill was not included in the final compromise. A number of other changes were made to formulas involving health care programs.

General Assistance Medical Care provides state-funded health care primarily to low-income Minnesotans ineligible for other state and federal health care programs. MinnesotaCare is the state's subsidized health care program for low- and moderate-income families.

Eligibility for adults without children to obtain MinnesotaCare benefits would be limited to income limits of between 75 percent and 175 percent of federal poverty guidelines, which in 2003 is an annual income of \$8,980 for a single person. In addition, benefits would be capped at \$5,000 with the anticipated infusion of federal money. The overall adjustments would save \$108 million over the biennium.

In addition, General Assistance Medical Care benefits would be limited for adults without children to 75 percent of federal poverty guidelines. Those adjustments and other administrative changes would result in a \$104 million savings to the general fund over the biennium.

Undocumented immigrants would not

receive any Medical Assistance or General Medical Assistance program benefits under the bill. Medical Assistance is funded by both the state and federal government and is the state's version of the Medicaid program. The initiative would trim about \$35.5 million from the biennial budget.

In addition, Medical Assistance benefits for pregnant women would be reduced from 275 percent of federal poverty guidelines to 200 percent and for children from 170 percent of the guidelines to 150 percent.

Payments to hospitals and managed care facilities for the three programs would also be reduced under the bill. And a number of services under the programs would also be subject to co-payments.

### Child-care aid

Sliding fee child-care assistance would also change under the bill. The initial House plan reduced eligibility significantly to compensate for funding in nursing homes, meals-on-

wheels, and senior companion programs.

The new bill would trim general child-care assistance eligibility to between 175 percent and 250 percent of federal poverty guidelines, limit reimbursement for legal non-licensed facilities at 80 percent, and freeze other provider reimbursement rates at 2003 levels.

In addition, co-payments for families would be adjusted under the bill.

### Welfare changes

Pawlenty proposed a number of changes to the state's

welfare program, also known as the Minnesota Family Investment Program. Many of the changes focus on restructuring benefits to encourage more recipients to move into the workforce.



PHOTO ILLUSTRATION BY TOM OLMSCHIED

The omnibus health and human services bill contains provisions that would modify the state's prescription drug benefit program.

Continued on page 41

## More and less

Omnibus package includes reduced funding for corrections, judiciary, public safety, and increases fees for some court services

By JEFF JONES

A new law providing funding for the state's judicial, corrections, and public safety systems for the next biennium, while at the same time raising some additional revenue, was signed by Gov. Tim Pawlenty May 28. Funding provisions are effective July 1, 2003.

After cutting funding to the base budgets of most agencies and departments it covers, the new law will allocate more than \$1.4 billion from the general fund, about \$5 million less than the initial House plan, \$63 million less than the Senate, but still \$46 million more than Pawlenty recommended. It also softens the impact of some cuts by bringing in about \$93 million in new revenues through increased fees and fines.

In addition to raising and appropriating money, the law includes a variety of policy provisions, from housing state prisoners in local jails to increased penalties for methamphetamine manufacturers.

The state Supreme Court, Court of Appeals, and district courts will receive cuts of about 3 percent under the bill, with slightly more going to the Supreme Court and slightly less going to district courts than the original House proposal.

Most of the increased fees the state will collect come from a variety of court services. In most cases House and Senate negotiators accepted Senate fee proposals, which were about twice as high as those from the House on average. Some of the fee increases include:

- certain filings in a civil case (increased from \$135 to \$265),
- filing certain appeals (\$250 to \$500),
- issuing a subpoena (\$3 to \$12), and
- depositing a will (\$5 to \$20).

In addition, the law will institute higher co-payments for people receiving public defender services. According to the bill, a person would pay \$50 if they are accused of a misdemeanor,

\$100 for a gross misdemeanor, and \$200 for a felony, whether the individual is found guilty or innocent. Previously, everyone using a public defender pays a flat \$28 co-payment.

Revenue from the co-payments will help to partially mitigate cuts to the state Public Defense Board. Rep. Eric Lipman (R-Lake Elmo) said that along with other provisions limiting what people public defenders must serve, the co-payments will help the state keep as many public defenders as possible. "It's a simple, modest requirement. We are going to do all we can to make sure that we don't squander that resource," Lipman said.



PHOTO BY TOM OLMSCHIED

Fees for a variety of court services and for individuals receiving public defenders will increase under a new law signed by Gov. Tim Pawlenty.

The Department of Human Rights will take an 11 percent cut in its base budget under the bill.

Rep. Keith Ellison (DFL-Mpls) argued during debate that money from a \$75 affirmative action certificate fee he inserted into the House proposal had been drained into the general fund rather than staying within the department. " (Now) they'll have to take staff time to be a collection agency where before the money they collected was going to be a benefit," he said.

The Department of Public Safety will take a 10 percent cut to its budget, about 3 percent deeper than the House had proposed.

Bill opponents said the cuts will put the state at risk. Referring to reductions in state anti-terrorism funding, police training, and the CriMNet electronic criminal information system, said House Minority Leader Matt Entenza (DFL-St. Paul), "at the very time when our country is in crisis, we are cutting police and firefighters, and we are cutting funds to prepare us for a disaster."

Supporters said the federal government will supply the state increased anti-terrorism money.

The new law will cut \$6 million to battered women's programs and shelters. The House originally proposed \$10 million in cuts, the governor \$4 million, and the Senate zero.

Affecting those serving time for crimes, the law will address growing prison populations by moving prisoners with less than six months remaining on their sentences to local jails and by allowing officials to double-bunk inmates in most prisons. It will also allow officials to serve some inmates only two meals per day on weekends and holidays.

Judges will be permitted to impose so-called staggered sentences on multiple-drunken driving offenders, where a three-year prison sentence can be served in three segments each spaced one year apart. Judges may decide not to execute any segments after the first if the offender meets certain requirements.

Other House provisions contained in the bill include:

- allowing law enforcement officers to use gun silencers in "high-risk" situations (originally HF1058),
- making deliberate interference with law enforcement or emergency radio communications a felony offense (HF784),
- giving probation officers the option to mete out penalties for technical probation violations without a court hearing (HF1354),
- making the attempted manufacture of methamphetamine a controlled substance crime (HF416),
- increasing penalties for identity theft crimes committed against eight or more people (HF821), and
- continuing to collect DNA samples from all convicted criminals and current prison inmates.

Rep. Steve Smith (R-Mound) and Sen. Leo Foley (DFL-Coon Rapids) sponsored the law. 2003 Special Session HF2/SF2\*/CH2



## Local government aid

Tax bill changes the distribution for program funds, creates zones to promote economic development in distressed areas

By MIKE COOK

An agreement to fund local units of government, a major sticking point during budgetary negotiations, now awaits the signature of Gov. Tim Pawlenty.

A key part of the omnibus tax bill (SSHF7), approved 68-65 by the House May 27 and the Senate 34-29 on May 29, is \$465 million in local government aid (LGA) to be paid to cities based on taxes payable in calendar year 2003 and \$437 million for calendar year 2004. The longstanding program has two purposes — to reduce property taxes, and to bring equity to communities by providing state money for services, including police and fire, road maintenance, and parks.

By comparison, approximately \$586 million was certified to be paid to cities in calendar year 2003. Pawlenty's plan reduced the number to \$352 million for 2004. The compromise total represents about \$30 million more than the House proposal.

Cities that rely heavily on the aid include Albert Lea, Duluth, Minneapolis, St. Paul, and Willmar. Approximately \$18 million of the additional funding will go to Minneapolis and St. Paul. By comparison, among the cities that receive no local government aid is Edina. Others receiving minimal amounts include Chanhausen, Egan, Mendota Heights, Plymouth, Shoreview, and Woodbury.

The statewide average of local government aid is now \$150 per-capita, according to non-partisan House researchers.

Advocates have said the aid continues to be critical to communities with low population growth and low property values, as well as to large urban cities with ever-growing problems of crime, lack of affordable housing, and sustaining good jobs. But critics say the existing aid program is flawed because it distributes money based on previous spending habits. Indeed, part of the complicated funding formula guarantees cities their 1993 state allocation. However, the grandfathering proposal is phased out in the bill. Only aid granted since 1995 for specific purposes is retained.

Under the bill, a new city aid formula is to

be implemented in 2004. Proffered by the governor and his staff, it attempts to remove political factors, and to objectively measure a city's need versus its ability to raise revenues. For cities larger than 2,500 people, it calculates need for aid by assessing the following factors:

- amount of housing constructed before 1940,
- population decline in the past 10 years,
- household size,
- the average number of accidents on city streets in the past three years, and
- the city's status as either a metropolitan or non-metropolitan municipality.

In determining the need for aid for smaller cities, the formula continues to include the age of housing, population figures, and the percent of commercial and industrial property, as is the case in current law.

"This is a fair, needs-based formula and a relative needs index that will serve Minnesotans far better than the formula it replaces," said Rep. Ron Abrams (R-Minnetonka), the House sponsor. "You can't defend the current formula."

In determining a city's ability to raise money on its own, the bill calls for calculating 50 percent of local government option sales tax revenues and incrementally higher percentages of any taconite tax aid a community receives. Under the bill, 100 percent of taconite aid will be considered as part of a city's ability to raise revenue by 2008. The taconite tax is charged to mining operations in lieu of property taxes. Revenues are distributed to qualifying cities, towns, counties, and school districts.

Some opposed to the bill say it hurts rural Minnesota where forecasts indicate some cities would receive a reduction of more than 30 percent versus minimal percentage decreases in some Twin Cities suburban communities. "Rural Minnesota is in tough times and LGA helps keep us viable," said Rep. Paul Marquart (DFL-Dilworth).

Our cities have greater wealth and it is our obligation to share that, said Rep. Ann Lenczewski (DFL-Bloomington). "But to say the suburbs are the bad guys, I don't buy it."

Some opponents of LGA reductions have said that cities will simply increase their property taxes to make up the difference; thereby attempting to keep services status quo or they'll reduce services, including police and fire protection.

The bill would ultimately restrict local prop-

erty tax increases. It states that cities and counties can recover 60 percent of their reduced aid through higher property tax levies only for the first year of the budget cycle.

"Instead of two years of levy limits followed by reverse referen-

dum, there is one year of levy limits and no reverse referendum," Abrams said. "Cities of under 2,500 remain exempt from levy limits as they always have been."

"It's clear taxes are going up," warned House Minority Leader Rep. Matt Entenza (DFL-St. Paul). "There is now no question about that."

### Tax-free zones

The bill also includes the tax-free zone initiative, supported by Pawlenty.

Under the bill, the commissioner of the Department of Trade and Economic Development may designate up to 10 areas, dubbed job opportunity building zones, of up to 5,000 acres each in economically distressed rural portions of the state. The bill also calls for the establishment of five agricultural processing facility zones, which would be limited to the

Continued on page 41



PHOTO BY TOM OLMSCHIED

Members of the tax conference committee meet May 22 in hopes of working out an agreement. Despite days of work, the committee was one of those unable to reach agreement in the final days of the regular session.

## Full speed ahead

Finance bill includes accelerated construction, additional state troopers, and operating funds for light-rail transit

By MICHELLE KIBIGER

A \$3.79 billion transportation package is on its way to the governor for approval, following passage 82-50 by the House May 27 and the Senate 35-27 May 29.

The bill (SSHF5), which largely resembles the bill that originally left the House in late April, appropriates about \$2.48 billion from the trunk highway fund and \$161.2 million from the general fund, among other budgetary appropriations for the 2004-05 biennium.

Among items covered in the bill are appropriations for state and local road construction, the departments of Transportation and Public Safety, and transit operations through the Metropolitan Council.

Included in the bill is part of a proposal by Gov. Tim Pawlenty to sell \$400 million in trunk highway bonds, and spend up to an extra \$400 million through 2009 in order to leverage advance federal transportation money. The governor originally proposed \$550 million in bonds and up to \$550 million in advance construction.

The bill accounts for about \$72 million in budget reductions to the Transportation Department for the biennium to finance the bonds.

Sponsored by Rep. Bill Kuisle (R-Rochester) and Sen. Dean Johnson (DFL-Willmar), the bill went to conference committee during the regular session, but conferees were unable to reach an agreement.

The bill would allocate about \$3.5 billion to operations, maintenance, and construction in the state highway, county state aid highway, and municipal state aid road systems – about \$300 million more than in the original House

bill.

However, provisions in the initial Senate plan that would raise gas taxes and increase license tab fees were not included in the new proposal. It would raise additional revenue for certain special funds and public safety functions by increasing certain license plate and driver's license fees.

For metropolitan transit, the bill would provide about \$114.7 million for the biennium, \$2.4 million more than the original House or about \$16 million below 2002-03 levels. In addition, the Transportation Department would receive \$31.9 million for Greater Minnesota transit operations as was provided in the original House plan, but still reflecting a cut of \$3.6 million in general fund appropriations for the biennium.

The new bill changes the funding formula for the Hiawatha light-rail transit line, set to

begin operations in 2004. Initially, it would have provided 40 percent of operating costs from the state. The new bill would split the costs, as follows: 50 percent from the state and 50 percent from Hennepin



PHOTO BY TOM OLMSCHIED

The transportation finance package provides up to \$800 million in a combination of additional bonding for transportation and advance construction to leverage federal money.

County.

While the bill would retain the 20.5 percent dedication of the motor vehicle sales tax to transit in the metropolitan area, it would repeal the additional 2 percent set to go to metropolitan transit beginning in 2004. That provision was in both the initial House and Senate bills.

Other transit-related issues include the following:

- regional rail authorities in the Twin Cities metropolitan area, which would have

initially been abolished in the House bill, will remain, though conferees indicated interest in changing their makeup and adding accountability measures to their operation;

- the southwest transit corridor, in the southwestern Twin Cities metropolitan area, would be prohibited from pursuing a rail transit option for two years; and
- the Metropolitan Council would be required to request proposals from internal staff and private vendors to operate the Hiawatha light-rail transit line.

A number of other policy-related provisions are also included in the bill.

As part of the agreement to fund additional state troopers, the bill would allocate up to \$7.2 million over the biennium through certain alcohol surcharges collected through the Department of Public Safety. The surcharges would be collected if establishments, in cities that elect to allow bars and restaurants to serve alcohol until 2 a.m., choose to stay open. Kuisle estimated that 40 new troopers would be hired, under the proposal.

State law would limit speed limits in school zones to up to 30 miles per hour below posted speeds, under the bill. Law already sets the minimum speed limit on any road at 15 miles per hour.

The commissioner of transportation is directed to report to the Legislature regarding the status of the highway rest area program, including the feasibility of developing lease agreements with outside vendors or local governments to operate the rest areas.

Single occupant vehicles would be allowed to use high-occupancy vehicle lanes, particularly those along Interstate 394 west of Minneapolis, by paying a fee. The money collected from these motorists would first be used to pay administrative overhead to operate the program and then could be used to expand transit opportunities or fund improvements to the corridor.

Special license plates would be limited under the bill, which would now require an applicant to show that at least 10,000 car owners would purchase the plates.

The Transportation Department would be required to study the use of rumble strips, for safety purposes, along the centerlines of two-lane state highways.


Not included in the bill is the measure dealing with driver's licenses and identification

cards for temporary foreign visitors in the state. That measure, originally contained in HF1, would have linked the expiration date of such cards with the day the visitor's legal status in the country expires. It would also have placed a status check date on the front and back of the license to alert law enforcement

that the individual's legal status may have expired.

Initially, the House bill included \$940,000 for flood rehabilitation grants associated with northwestern Minnesota flooding from the summer of 2002. That money was removed from the bill and transferred to another


portion of the budget.

Also, a provision to raise the speed limit along Interstate 35E in downtown St. Paul to 55 miles per hour was not included in the bill. Nor was a proposal to classify public safety 911 operators as essential employees. 

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### Education continued from page 33

negotiations, and requires school districts considering project labor agreements with union-based contractors to hold a public hearing before issuing proposals for construction bids.

Other labor-related provisions the House had proposed to exempt school districts from paying prevailing wages on construction projects and allowing districts to seek outside contracts for non-instructional services like food and maintenance were removed from the final bill. 

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### Higher Education continued from page 36


receiving state grant money and because of the administrative problem institutions would have performing background checks.

Some members against the law expressed concern that the numbers are leading to tuition increases of up to 15 percent each of the next two years.

"I'm going to give you 3,300 reasons to vote against this bill," said Rep. Thomas Huntley (DFL-Duluth) on the House floor. "At (the University of Minnesota-Duluth) in the year 2000 tuition and fees was \$5,400. Today tuition is \$6,700, and in two years with this bill tuition will be \$8,700."

Because a majority of senators on the conference committee would not sign the conference report, the final bill language was amended to another bill on the House floor. It passed both bodies in that format.

The funding provisions in the law are effective July 1, 2003.

HF772/SF675\*/CH133 

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### Human Services continued from page 37

Among the adjustments is a new requirement that individuals exit the program when they reach 115 percent of federal poverty guidelines. Currently, recipients exit at 120 percent of guidelines.

Emergency assistance programs would only be available to recipients once per year, under the bill. In addition, certain 24-month educational programs for recipients would continue to be funded under the proposal.

### Prescription drugs

With regard to the state's prescription drug

program, eligibility would be reduced from 135 percent of federal poverty guidelines to 120 percent.

A prescription drug discount program is instituted in the bill, as well. Under the provision, any individual making up to 250 percent of federal poverty guidelines would be eligible for the discount program, which is based largely on a manufacturer/pharmacy rebate system. No age requirement is part of the plan.


In addition, an initial House ban on coverage of RU-486, which is used to induce abortion and to treat a number of other things such as cancer and glaucoma, was removed from the bill.

### Other items

A number of programs for individuals with mental and physical disabilities would either be reduced, adjusted, or reorganized under the bill, including state-operated services. Treatment services for adult mental health would be restructured under the bill. And certain mental health screenings for children, particularly those exposed to violent or threatening environments, would receive additional funding.

Continuing care grants would be reduced by \$14 million for the biennium. They fund such items as senior companion, home-delivered meals, senior nutrition, epilepsy demonstration, and regional planning programs.

Automatic cost-of-living adjustments for nursing facilities would be eliminated under the bill, at a savings of \$24.6 million.

Alternative care program changes would result in a \$20 million savings in 2004-05. In addition, nursing home facility rates and surcharges, including their payments related to inter-governmental transfers would increase under the bill. 

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### Taxes continued from page 39

sites of agricultural processing facilities themselves.

Proponents say the provisions could help jump-start economic development initiatives in parts of the state that are now struggling.

Qualifying zone businesses would forgo sales, income, and property taxes for up to 12 years. Individuals investing in the zone businesses would be exempt from applicable income and capital gains taxes.

The property tax exemption would not extend to land; commercial-industrial property, where neither the owner nor the lessee is a qualified business; debt service levies on general obligation bonds; and school-operating referenda approved by voters prior to designation of the zone. Cities and counties could opt to not provide exemption from their taxes.


Furthermore, one biotechnology and health science industry zone would be designated, under the bill.

Proffered by Pawlenty, the idea is to facilitate proper commercialization of the hundreds of discoveries every year at the University of Minnesota, the Mayo Clinic in Rochester, and at other research institutions. Officials say these discoveries could improve the quality of life by curing disease, making food safer and more abundant, reducing dependence on fossil fuels and foreign oil, making better use of Minnesota agriculture products, and creating "tens of thousands of new, high-paying jobs."

Eligible facilities would include those researching, developing, or manufacturing a biotechnology product, medical device, or service, as well as those promoting, supplying, or servicing such a facility.

### Other provisions

The bill would provide additional items, including:

- \$596 million to build up the state budget reserve;
  - dedication of 6.5 cents per pack of cigarette tax revenues to the University of Minnesota's Academic Health Center special revenue fund;
  - a special tax-rate for low-alcohol dairy cocktails;
  - appropriation of \$100,000 each year to one or more nonprofit organizations for the coordination and provision of taxpayer assistance services; and
  - \$1.5 million for border city enterprise zone and border city development zone tax reductions. The five cities that qualify are Moorhead, Dilworth, East Grand Forks, Breckenridge, and Ortonville.
- Sen. Larry Pogemiller (DFL-Mpls) sponsored the bill in the Senate. 

— STAFF WRITER MIRANDA BRYANT CONTRIBUTED TO THIS STORY.



## Tracking new laws, vetoes

Exactly 3,234 bills were introduced during the 2003 Legislative Session — 1,658 by the House and 1,576 by the Senate. Of those, 133 bills were passed by both bodies during the session and sent to the governor.

In the 2003 First Special Session, the House introduced another 70 bills, with the Senate introducing another 47. Of those, 12 were transmitted to the governor for approval, through May 29.

So what happened to the other 3,100 bills? Some were duplicates, some were folded into other bills, but most are in limbo, awaiting legislative action when the next regular session begins on Feb. 2, 2004.

And what happened to the 133 bills that were sent to the governor? Most were signed into law, and some were vetoed.

Here's a quick review of the governor's veto authority during the first year of the biennium.

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

biennium results in the bill becoming law.

The timing of these actions is as important as the actions themselves.

For bills passed in the special session, the governor has 14 days from "presentment" to veto them — the same rules that apply in the second year of the biennium. If the governor takes no action on a bill during this time, the bill is vetoed in what is commonly referred to as a "pocket veto."

And the important thing to remember in the first year of the biennium is this: 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 without his signature. (Sundays are not counted in the three-day 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 spending items to which he or she objects. As with all vetoes, the governor must include a statement listing the reasons for the veto with the returned bill. Here, too, the timetable is within three days after the governor receives the bill.

A two-thirds vote of the members in each house is needed to override a veto. So the Legislature, either next year or when it is called

into special session before then, could vote to override the governor's veto.

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

So what happens to the bills that weren't approved by the Legislature this year?

Bills that were awaiting floor action on the General Register now return to the last committee they were acted upon, where they will stay unless action upon by the 2004 Legislature. This rule also applies to any bill up for consideration on the Consent Calendar, Calendar for the Day, or Fiscal Calendar.

For appointed conference committees that have not submitted a report upon adjournment, the bill returns to the body it originally came from and is laid on the table. The conference committee is then disbanded.

Bills that are passed by one body and not the other remain alive for the second year of the biennium. The house that approved the bill in the first year need not repass the bill in the second.

Bills pending before the Rules and Legislative Administration Committee from either body return to the standing committee to which the bill was previously referred.

Bills vetoed by the governor are returned to the body where the bill originated and laid on the table.

Bills remaining in standing committees can be taken up in the second year of the biennium in the committee to which they were last referred.

Editor's note: The following chart includes the 133 bills that passed both the House and the Senate and have been sent on to the governor for consideration. Two were vetoed and one had a portion line-item vetoed. The bills are, for the most part, sorted according to the committee of origin. However, only two omnibus appropriation bills were passed by both bodies before adjournment of the regular session May 19. As a result, the governor called a special session for the Legislature to finalize those bills. As of May 29, 12 bills from the special session had been submitted to the governor. Nine of those await his approval or veto.

Here are definitions of some of the terms used in the chart.

### Governor's options

- enactment  
The date the governor signed the bill into law.
- line-item veto (liv)  
The power or action of the governor to reject

individual items within an appropriations bill while approving the rest of the bill.

- Veto  
The governor did not approve the bill.
- \*An asterisk marks the version of the bill the House and Senate approved and sent on to the governor.

### Effective dates

Each act takes effect at 12:01 a.m. on the day it becomes effective, unless the act specifies a different time. Examples:

- Aug. 1, 2003  
Each act the governor signs into law, except those that make appropriations, take effect on Aug. 1 following its final enactment, unless the act specifies a different date.
- July 1, 2003  
An appropriations act, or an act spending money, takes effect at the beginning of the first day of July following its final enactment,

unless the act specifies a different date.

- Day after enactment  
The act becomes effective on the day after the governor signs it.
- Upon local approval  
A special law requiring approval from the local government unit it affects becomes effective the day after the local government unit's governing body files a certificate with the secretary of state, unless the act specifies a later date.
- Various  
Different parts of the act have different effective dates.
- with exceptions (we)  
Act includes other effective dates.
- with qualifications (wq)  
Act adds conditions to the effective date.
- retroactive (retro.)  
Act goes into effect as of a specified date in the past.

2003 MINNESOTA LEGISLATURE FINAL ACTION (as of May 29, 2003)					CH	Governor's signature	Governor's veto	Awaiting governor's action	Effective date
HF—House File SF—Senate File R—Resolution CH—Chapter									
we—with exceptions wq—with qualifications *—version of the bill the governor signed or vetoed									
†—approved without governor's signature liv—line item veto									
HF	Author	SF	Author	Bill Title	CH	Governor's signature	Governor's veto	Awaiting governor's action	Effective date
				<b>Agriculture Policy</b>					
94	Seifert	187*	Dille	State fair season circuses prohibition repeal (24-hour waiting period for abortions).	14	4/14			7/1
258*	Dorman	680	Dibble	Arsenic; fertilizers containing arsenic prohibited.	33	5/12			8/1
1374*	Urdahl	1263	Dibble	Agriculture Department headquarters named the Orville L. Freeman building.	67	5/19			8/1
1213	Swenson	990*	Murphy	Foods provisions modified relating to wild rice, organic foods, and milk storage.	107	5/27			Various
967	Ozment	905*	Murphy	Omnibus environment, agriculture, economic development, and housing finance bill.	128	5/28	liv		Various
772	Stang	675*	Sams	Omnibus higher education finance bill.	133	5/28			Various
				<b>Civil Law</b>					
273*	DeLaForest	195	Betzold	Revisor's bill correcting erroneous, ambiguous, and omitted text and obsolete references.	2	3/19			Various
112*	Pugh	92	Neuville	Title, lien, and mortgage technical changes provided.	5	3/31			Various
457	Holberg	356*	Cohen	Child de facto custodian provisions modifications.	7	4/4			8/1
166	Thissen	112*	Betzold	Uniform Guardianship and Protective Proceedings Act.	12	4/11			Various
678	DeLaForest	578*	Foley	Civil commitment examiner and health officer definitions clarified.	22	4/28			8/1
700*	Eastlund	722	Foley	Civil action immunity provided for good faith reports to or requests for assistance.	35	5/12			8/1
817	Mahoney	1098*	Bachmann	Occupational safety and health provisions modifications.	38	5/13			8/1
628*	Kohls	673	Ortman	Emergency notification actions liability limitation provided.	65	5/20			8/1
1114	Kohls	872*	Scheid	Purchase-money mortgage conveyance by spouses provisions modified.	71	5/19			8/1
264	Biernat	230*	Skoglund	Housing violation summons and hearing scheduling requirements modified.	114	5/25			8/1
754*	Osterman	688	Gaither	Displaced person definition changed to correspond with federal law.	117	5/27			8/1
1326	Latz	1176*	Hottinger	Civil actions against the state in federal court provisions clarified.	132	5/28			8/1
				<b>Commerce, Jobs and Economic Development Policy</b>					
267*	Wilkin	176	Scheid	Fire insurance standard policy provisions modified relating to terrorism.	10	4/7			4/8
536*	Simpson	382	Scheid	Joint underwriting association coverage and market assistance responsibilities modified.	21	4/28			8/1
1189	Erhardt	1064*	Bachmann	Minors working as assistant soccer referees exempted from child labor age restrictions.	26	5/2			5/3
446*	Wardlow	745	Higgins	Minors exempted from minimum age restrictions for work as youth athletic program referees.	31	5/8			5/9
203	Sertich	350*	Scheid	FAIR property insurance plan provisions modification.	40	5/13			Various
710*	Atkins	1097	Bachmann	Obsolete mandatory retirement language deleted.	46	5/15			8/1
1234*	Ruth	1252	Day	Cemetery interment errors corrections provided.	48	5/15			8/16
1143	Severson	891*	Rest	Housing and economic development authorities authorized to create legal partnerships.	50	5/16			5/17
1039	Davids	1069*	Sparks	Financial institution exam, applications, loans, and organizational provisions regulated.	51	5/16			Various
438	Lindner	645*	Metzen	Interest rates on rental security deposits provided.	52	5/16			8/1
645*	Paulsen	937	Kiscaden	Tech. business licensing provisions modified to provide exemptions from MN Electrical Act.	58	5/19			Various
946*	Johnson, J.	776	Scheid	Insurance guaranty assoc. regulation and insurance information usage regulation provided.	74	5/22†			5/23
547*	Davids	674	Sams	Farm implement dealers warranty work payment regulated.	78	5/22			8/1
155	Kohls	28*	Betzold	Uniform commercial code revisions enacted.	81	5/22			8/1
894*	Pugh	878	Metzen	Manufactured homes certificates of title provisions modified.	90	5/23			5/24
741*	Howes	718	Murphy	Motor vehicle dealer advertising regulated.	94	5/23			8/1
984*	Swenson	679	Skoe	Minnesota Cooperative Associations Act adopted.	105	5/25			8/1
821	Paulsen	980*	Foley	Identity theft reporting procedures and venue provided.	106	5/27			Various
673*	Haas	994	Sparks	Comprehensive health association authorized to offer policies with higher annual deductibles.	109	5/27			5/28
359	Rukavina	308*	Tomassoni	Mining owners and operators duties specified when operations are discontinued.	113	5/25			5/26
501	Meslow	420*	Wiger	Travel clubs regulated.	125	5/28			8/1
1132	Gerlach	1099*	Bachmann	Entertainment agency laws repealed.	131	5/28			8/1
95*	Seifert	291	Marko	Archaic prohibition on misrepresenting the size of certain items relating to wagons repealed.	4	3/31			8/1
				<b>Education Policy</b>					
6	Anderson, B.	287*	Murphy	Pledge of Allegiance recitation required in all public schools.	120	5/27			Various
302*	Sykora	481	Kelley	Profile of Learning repealed.	129	5/21			Various
517	Demmer	296*	Michel	Department of Children, Families and Learning renamed the Department of Education.	130	5/28			8/1
				<b>Environment and Natural Resources Policy</b>					
111	Opatz	94*	Kleis	St. Cloud State land conveyance description correction.	1	2/27			2/28/03
1054	McNamara	1001*	Saxhaug	Solid waste management plans updating and content requirements modified.	13	4/17			8/1
850*	Brod	841	Neuville	Sibley County land conveyance from Minnesota Valley state recreation area.	24	5/2			Various
823	Cornish	842*	Pariseau	DNR gifts, and grants authority modified; concealed carry handgun permits.	28	4/28			Various
335*	Ozment	781	Marty	Irrigation system moisture or rainfall sensing equipment required.	44	5/14			7/1
859*	Lindgren	888	Saxhaug	Timber sale provisions modified and criminal penalties provided.	73	5/22			8/1
837*	Olson	1054	Dille	Clearwater River Watershed District authorized to charge facilities for disposing sewage.	83	5/23			8/1
1257*	Swenson	1195	Hottinger	Drainage authority authorized to compensate landowners for bridge removal.	84	5/23			5/24

2003 MINNESOTA LEGISLATURE FINAL ACTION (as of May 29, 2003)					CH	Governor's signature	Governor's veto	Awaiting governor's action	Effective date
HF	Author	SF	Author	Bill Title					
HF—House File SF—Senate File R—Resolution CH—Chapter we—with exceptions wq—with qualifications *—version of the bill the governor signed or vetoed †—approved without governor's signature liv—line item veto									
414*	Cox	392	Murphy	Soil and water conservation district law updates provided.	104	5/25			8/1
				<b>Governmental Operations and Veterans Affairs Policy</b>					
64	Seifert	61*	Betzold	State agencies rule adoption procedures modified.	3	3/24			7/1
330	Swiggum	293*	Hottinger	Public employment labor agreements ratified.	11	4/9			Various
827	Severson	768*	Betzold	Capitol Area Architectural and Planning Board enabling language modified.	17	4/17			8/1
912	Kielkucki	1095*	Rosen	State soldiers assistance fund use restriction clarification.	18	4/17			4/18
1112*	Adolphson	1185	Murphy	Veterans Affairs Department authorized to access certain state databases.	25	5/2			10/1/2004
456*	Mullery	511	Higgins	Hennepin: Victory Memorial Drive designated as a historic district.	30	5/12			8/1
1080*	Brod	971	Metzen	National Guard tuition reimbursement program extended.	34	5/12			8/1
585	Nornes	479*	Larson	Certified public accountants authorized to perform annual audits for county nursing homes.	53	5/16			8/1
361*	Kielkucki	329	Sams	Special election procedures for town officials provided.	56	5/19			8/1
553	Kielkucki	407*	Vickerman	Optional election of certain town offices provided.	60	5/19			8/1
1335	Thao	1282*	Murphy	Hmong veterans of the war in Laos during the Vietnam War commemorative statue provided.	69	5/20			8/1
504*	Kielkucki	384	Vickerman	Ballot questions limited to those meeting all deadlines.	75	5/22			8/1
503*	Kielkucki	385	Vickerman	Ballot preparation provisions clarified.	76	5/22			8/1
677*	Erickson	638	Scheid	Architects, engineers, surveyors, landscape architects, geoscientists, interior designers licensure.	85	5/23			5/24
624*	Seifert	1070	Senjem	Local government impact notes provided for state agency rule proposals.	103		5/27		
1244*	Jacobson	1153	Vickerman	Lawful gambling clarifying and technical changes provided.	110	5/27			Various
943*	Rhodes	997	Michel	State finance practices and procedures modified.	112	5/27			Various
294*	Eastlund	117	Betzold	State employees called to active duty authorized to receive payment of a salary differential.	123	5/28			5/29
768*	Anderson, J.	1039	Murphy	Military certificates of discharge classified as private data.	124	5/28			1/1/2004
				<b>Health and Human Services Finance</b>					
1158*	Bradley	993	Berglin	County nursing home payment adjustment increased, and money appropriated.	9	4/7			Various
				<b>Health and Human Services Policy</b>					
774	Abeler	790*	Kiscaden	Department of Human Services Background Studies Act.	15	4/17			4/18
647*	Swenson	533	Hottinger	Nicollet County nursing home construction moratorium exception provided.	16	4/17			7/1
51*	Davids	537	Anderson	Health insurance provisions clarified relating to long-term care insurance.	19	4/23			4/24
266*	Finstad	224	Kiscaden	Purchasing alliance stop-loss fund modified relating to health plan companies.	20	4/23			8/1
1384	Powell	1071*	Senjem	Alkaline hydrolysis regulations and requirements application.	32	5/12			8/1
410	Abeler	433*	Higgins	Alzheimer's disease specialized training required in certain facilities and services.	37	5/12			8/1
1026*	Kohls	962	Ortman	Medical assistance capitated payment option authorized for certain services.	47	5/15			8/1
1251*	Samuelson	1266	Kiscaden	Licensed home care agencies excluded from supplemental nursing services law.	55	5/16			Various
419*	Sykora	796	Robling	Child care licensing provisions modified.	57	5/19			8/1
373	Nornes	418*	Dibble	Optometrist drug prescription limitation removed.	62	5/19			8/1
1044*	Brod	127	Skoglund	Health professional boards costs and penalties relating to disciplinary proceedings clarified.	66	5/20			8/1
653	Olsen	727*	Knutson	Postadoption services req. modified to require release of nonidentifying history of birth family.	68	5/20			8/1
1095*	Bradley	1060	Berglin	Construction deadline extended for previously approved nursing home moratorium exception projects.	72	5/22			7/1
321*	Cox	257	Neuville	Northfield medical facilities related to the municipal hospital authorized.	77	5/22			5/23
346	Abeler	333*	Sams	Health care advisory councils extended; speech-language pathology or audiology provisions modified.	87	5/23			Various
1001	Boudreau	1019*	Kelley	Adverse Health Care Events Reporting Act of 2003 adopted.	99	5/27			8/1
223	Clark	39*	Berglin	Essential community provider application authorized for a specified Hennepin County clinic.	100	5/27			5/28
151*	Seifert	396	Frederickson	Children eligible for adoption assistance exempted from prepaid medical assistance program.	101	5/25			7/1
279*	Abeler	229	Fischbach	Physician assistants authority expanded.	108	5/25			8/1
1140*	Soderstrom	1215	Kiscaden	Nuclear materials regulation agreement under the Atomic Energy Act of 1954 requirements modified.	111	5/27			Various
692*	Abeler	574	Higgins	Pharmacists scope of practice modified to include administration of influenza and pneumococcal vaccine.	118	5/27			Various
865	Powell	328*	Solon	Psychology board independent examination of a practitioner required.	122	5/27			7/1
				<b>Jobs and Economic Development Finance</b>					
1059*	Osterman	1034	Saxhaug	Housing finance agency clarifying and technical changes to programs provided.	61	5/19			Various
				<b>Judiciary Policy and Finance</b>					
268*	Strachan	225	Marko	State fair police dept. authorized to employ additional part-time peace officers.	23	4/28			4/29
920	Fuller	907*	Skoglund	Corrections Department forensic pathologists authorized to issue death certificates.	27	5/2			8/1
909	Lipman	942*	Chaudhary	Criminal proceedings blood specimens evidence admissibility.	29	5/12			8/1
1226	Meslow	515*	Skoglund	Financial crimes investigation modifications.	36	5/12			7/1
1066	Zellers	941*	Sparks	Hazardous materials incident response provisions modifications.	39	5/13			8/1
385*	Fuller	355	Skoglund	Arson in the fifth degree gross misdemeanor provided.	82	5/23			8/1
522	Strachan	256*	McGinn	Search warrant regulations modified.	86	5/23			8/1
731	Kohls	926*	Marty	Property manager background checks on Minnesota computerized criminal history system provided.	89	5/23			5/24



2003 MINNESOTA LEGISLATURE FINAL ACTION (as of May 29, 2003)					CH	Governor's signature	Governor's veto	Awaiting governor's action	Effective date					
HF	Author	SF	Author	Bill Title										
HF—House File SF—Senate File R—Resolution CH—Chapter					we—with exceptions wq—with qualifications *—version of the bill the governor signed or vetoed					†—approved without governor's signature liv—line item veto				
1035	Strachan	1158*	Betzold	DWI breath-testing instruments provisions modified.	96	5/25			8/1					
1278	Lipman	964*	Moua	Predatory offender registration law definitions provided.	116	5/27			8/1					
808	Dill	351*	Bakk	Radio equipment capable of receiving police emergency transmissions use clarified.	121	5/25			8/1					
Local Government and Metropolitan Affairs														
744	Erickson	726*	Sams	State building code cumulative fees collection.	6	4/3			4/4					
415	Borrell	512*	Ourada	Rockford Metropolitan Council jurisdiction removal.	8	4/2			8/1					
433*	Strachan	486	Solon	State and other agency response deadline provisions modified relating to zoning.	41	5/13			6/1					
770*	Solberg	863	Saxhaug	Aitkin County Long Lake conservation center fund made a separate county enterprise fund.	42	5/13			8/1					
554	Buesgens	422*	Robling	Title examiner alternative means of compensation provided.	54	5/16			8/1					
944*	Holberg	1062	Robling	Local public notice newspaper designation requirements exception provided.	59	5/19			8/1					
93	Lesch	374*	Pappas	St. Paul Civic Center Authority powers and duties technical changes provided.	63	5/20			Upon local approval					
428*	Blaine	354	Betzold	Cities authorized to exercise town powers within their limits.	64	5/20			8/1					
204	Murphy	174*	Bakk	Political activity restrictions modified for certain St. Louis Co. officers and classified employees.	70	5/20			8/1					
244	Lesch	231*	Pappas	St. Paul civil service separation retroactive effective date established.	80	5/22			8/1					
582	Olson	857*	Sams	Lake improvement district creation and termination provisions modified.	91	5/23			5/24					
293*	Brod	197	Vickerman	Municipalities authorized to prescribe fees by a fee schedule.	93	5/23			8/1					
657	Nelson, P.	484*	Wergin	Counties authorized to require dedication of land for public parks.	95	5/27			8/1					
845	Abrams	770*	Rest	Hennepin County Medical Center and HMO exempted from contracting requirements.	98	5/25			8/1					
389	Hornstein	421*	Higgins	Minneapolis City Council authorized to establish unclassified service positions.	115	5/25			Upon local approval					
923*	Westrom	911	Sams	Township officer conflict of interest law exception provided.	119	5/25			Upon local approval					
Regulated Industries														
317*	Hackbarth	172	Foley	County facilities use for commercial wireless service providers authorized.	43	5/14			Various					
1115	Hoppe	1260*	Kelley	Telephone assistance plan provisions modified.	79	5/22			8/1					
671*	Gunther	660	Metzen	Telephone company service promotions and packages regulated.	97	5/27			Various					
719*	Beard	143	Pappas	Brewpubs authorized to make off-sales, posting and lic. prov. modified, bar hours expanded to 2 a.m.	126	5/28			Various					
Taxes														
1565	Abrams	1505*	Pogemiller	Omnibus tax policy bill.	127	5/25			7/1					
Transportation Policy														
1268*	Severson	791	Fischbach	Vehicle light display when visibility is impaired provisions clarified.	45	5/14			5/15					
314*	Walz	210	Ruud	Blue lights display on front of emergency vehicles authorized.	49	5/14			8/1					
723*	Erhardt	456	Wiger	Seat belt law exemption modified relating to work vehicles traveling under 25 miles per hour.	92	5/23			8/1					
988*	Magnus	1038	McGinn	Railroad lands replacement authorized when needed for a trunk highway.	102	5/25			8/1					
Ways and Means														
679	Anderson, B.	552*	Skoglund	Claims against the state payment provided.	88		5/23							
Special Session														
SSH1*	Haas	SSH1	Ranum	Omnibus state government finance bill.	1	5/28			Various					
SSH2	Smith	SSH2*	Foley	Omnibus judiciary finance bill.	2	5/28			Various					
SSH12	Gunther	SSH18*	Anderson	Unemployment insurance provisions modified to increase the solvency of the trust fund.	3			x						
SSH25	Gunther	SSH28	Sams	Trade and Econ. Dev. Dept. renamed Dept. of Employment and Econ. Dev.	4			x						
SSH33	Samuelson	SSH13*	Lourey	Dental practice provision modified.	5			x						
SSH19	Seifert	SSH6*	Betzold	Administrative rules use of the good cause exemption notice requirements imposed.	6			x						
SSH16	Rhodes	SSH8*	Scheid	Help America Vote Act account established.	7			x						
SSH29	Krinkie	SSH10*	Marko	Administration Department provisions modified and data practices regulated.	8			x						
SSH51*	Seagren	none	none	Omnibus early childhood, family, and K-12 education funding bill.	9			x						
SSH34	Wardlow	SSH27*	Kelley	Municipal guaranteed energy savings contracts maximum length extended to 15 years.	10			x						
SSH9*	Westrom	SSH21	Murphy	Prairie Island facility additional dry cask storage requirements provided.	11	5/29			5/30					
SSH37	Smith	SSH22*	Betzold	Omnibus pension bill modifying provisions relating to state and public employee retirement.	12			x						

**Friday, May 16****HF1626—Sykora (R)**  
Civil Law

Parenting time center funding surcharge fee imposed on divorce filings.

**HF1627—Clark (DFL)**  
Judiciary Policy & Finance  
Persons carrying firearms required to obtain permission from possessors of private residences before entry.

**HF1628—Bernardy (DFL)**  
Environment & Natural Resources Finance  
Senior citizen fishing license reinstated.

**HF1629—Hackbarth (R)**  
Taxes  
Shooting range property tax classification provided.

**HF1630—Thissen (DFL)**  
Commerce, Jobs & Economic Development Policy  
Workers' compensation timeliness of payment standard modified.

**HF1631—Kahn (DFL)**  
Governmental Operations & Veterans Affairs Policy  
Piping; government purchase of piping or pipe products prohibited from companies who have violated federal Occupational and Safety Health Act regulations.

**HF1632—Latz (DFL)**  
Judiciary Policy and Finance  
City councils authorized to prohibit firearms in a city hall or city meeting.

**Monday, May 19**

**HF1633—Davids (R)**  
Commerce, Jobs & Economic Development Policy  
Cable telecommunications laws modified providing technical and clarifying revisions.

**HF1634—Eken (DFL)**  
Taxes  
Qualified family business definition provided, and specified property, income, corporate franchise, sales, and motor vehicle sales tax exemptions provided.

**HF1635—Thissen (DFL)**  
Governmental Operations & Veterans Affairs Policy  
Metropolitan Airports Commission required to complete its 1996 sound insulation program.

**HF1636—Heidgerken (R)**  
Taxes  
Ethanol; retailers who install equipment to dispense E85 fuel provided tax credit.

**HF1637—Kielkucki (R)**  
Civil Law  
Abortion; Minnesota Constitution amended to establish the same standard as the United States Constitution for issues relating to abortion.

**HF1638—Klinzing (R)**  
Education Finance  
East Metro Integration District No. 6067 grant provided, bonds issued, and money appropriated.

**HF1639—Anderson, I. (DFL)**  
Governmental Operations & Veterans Affairs Policy  
Legislature authorized to extend the duration of regular sessions by majority vote of both bodies by proposed constitutional amendment.

**HF1640—Kuisle (R)**  
Environment & Natural Resources Finance  
Olmsted County non-motorized riding and hiking trail funding provided, and money appropriated.

**HF1641—Koenen (DFL)**  
Governmental Operations & Veterans Affairs Policy  
Corrections Department required to purchase blankets made within the state.

**HF1642—Koenen (DFL)**  
Transportation Policy  
Recreational vehicle combination maximum allowable length increased to 65 feet.

**HF1643—Olson, M. (R)**  
Civil Law  
Civil actions involving fault regulated.

**HF1644—Dorman (R)**  
Transportation Finance  
Motor vehicle purchase rebate provided for flexible fuel vehicles.

**HF1645—Urdahl (R)**  
Commerce, Jobs & Economic Development Policy  
Minnesota museum property act adopted providing museum and archives repositories loans and abandoned property regulation, and providing a process for establishing ownership of loaned property.

**HF1646—Latz (DFL)**  
Judiciary Policy & Finance  
City councils and county boards authorized to prohibit carrying firearms in a city hall, courthouse, or a city or county meeting; and penalties prescribed.

**HF1647—Peterson (DFL)**  
Regulated Industries  
Wind energy conversion facilities incentive payment eligibility limited.

**HF1648—Boudreau (R)**  
Governmental Operations & Veterans Affairs Policy  
Prior Minnesota State Retirement System service transfer authorized for a specified corrections employee.

**HF1649—Boudreau (R)**  
Governmental Operations & Veterans Affairs Policy  
Prior Minnesota State Retirement System service transfer authorized for a specified civil commitment review coordinator.

**HF1650—Olson, M. (R)**  
Local Government & Metropolitan Affairs  
Personal rapid transit local bonding authorized.

**HF1651—Olson, M. (R)**  
Education Policy  
Pledge of Allegiance; resolution urging Congress to limit the appellate jurisdiction of the federal courts regarding the recitation of the Pledge of Allegiance in public schools.

**HF1652—Olson, M. (R)**  
Health & Human Services Policy  
Health care discriminatory charges prohibited.

**HF1653—Huntley (DFL)**  
Health & Human Services Policy  
Health plan coverage for routine costs of clinical trials required.

**HF1654—Solberg (DFL)**  
Education Finance  
Independent School District No. 316, Coleraine, special levy authorized.

**HF1655—Huntley (DFL)**  
Transportation Policy  
Vehicle lights display regulation technical, conforming, and clarifying revisions provided.

**HF1656—Hoppe (R)**  
Commerce, Jobs & Economic Development Policy  
Telecommunications laws recodified, excise tax imposed on certain telecommunications, cable, and video programming services, and money appropriated.

**HF1657—Clark (DFL)**  
Health & Human Services Policy  
Ovarian cancer surveillance test coverage extended to women at risk for ovarian cancer.

**HF1658—Clark (DFL)**  
Health & Human Services Policy  
Environmental toxicity data collection provided relating to birth defects and cancer.

**Special Session****Tuesday, May 20**

**HF1—Haas (R)**  
Omnibus state government finance bill appropriating money for the general legislative and administrative expenses of state government and economic development.

**HF2—Smith (R)**  
Omnibus judiciary finance bill appropriating money for the courts, public safety, corrections, and other criminal justice agencies; imposing criminal and civil penalties; and setting fines and fees.

**Wednesday, May 21**

**HF3—Knoblach (R)**  
Rules & Legislative Administration  
Appropriations adjustments provided for fiscal year 2003.

**HF4—Seagren (R)**  
Rules & Legislative Administration  
General education revenue obsolete language removed.

**HF5—Kuisle (R)**  
Rules & Legislative Administration  
Omnibus transportation finance bill.

**HF6—Bradley (R)**  
Rules & Legislative Administration  
Omnibus health and human services bill modifying public assistance, health care, long-term care, licensing, and children's services provisions; making forecast adjustments; and appropriating money.

- HF7—Abrams (R)**  
Rules & Legislative Administration  
Job opportunity building zones, biotechnology and health services industry zone, and tax increment financing provided; specified tax payments accelerated; county payments provided; gambling taxes required; and money appropriated.
- HF8—Krinkie (R)**  
Rules & Legislative Administration  
Omnibus capital improvements bill authorizing bonding for higher education, transportation, trade and economic development, and other purposes; and appropriating money.
- HF9—Westrom (R)**  
Rules & Legislative Administration  
Prairie Island facility additional dry cask storage requirements provided, alternative energy development incentives and objectives modified, and consumptive use of water authorized.
- HF10—Buesgens (R)**  
Rules & Legislative Administration  
Metropolitan Council appointment and authority provisions modified, direct wastewater treatment user fees provided, redistricting plan adopted, and certain reporting requirements and other obsolete provisions repealed.
- HF11—Buesgens (R)**  
Governmental Operations & Veterans Affairs Policy  
Racino; gaming machines authorized on premises of a license racetrack, horse racing purse payments established, gaming machine revenue tax imposed, report required, and money appropriated.
- HF12—Gunther (R)**  
Rules & Legislative Administration  
Unemployment insurance provisions modified to increase the solvency of the trust fund.
- HF13—Howes (R)**  
Rules & Legislative Administration  
State land acquisitions provided; state parks, recreation areas, forests, and wildlife management areas modified; land exchanges required; appropriations conditions modified; and Boundary Waters Canoe Area provisions modified.
- HF14—Ellison (DFL)**  
Judiciary Policy & Finance  
Trespass; persons carrying a firearm required to obtain express permission before entering a public or private building, governmental subdivisions authorized to make and enforce relevant policies, and criminal penalties provided.
- HF15—Howes (R)**  
Rules & Legislative Administration  
10-year warranty against defective materials provided for completed dwelling sales, and limitation on actions based on breach of warranty specified.
- HF16—Rhodes (R)**  
Rules & Legislative Administration  
Help America Vote Act account established, funding provided and fund use specified, and money appropriated.
- HF17—Smith (R)**  
Rules & Legislative Administration  
Local municipal housing code violation reinspection special assessments authorized.
- HF18—Holberg (R)**  
Rules & Legislative Administration  
Sexual abuse against a minor personal injury civil action limitations period modified.
- HF19—Seifert (R)**  
Rules & Legislative Administration  
Administrative rules use of the good cause exemption notice requirements imposed.
- HF20—Solberg (DFL)**  
Governmental Operations & Veterans Affairs Policy  
Open meeting law expanded to include certain meetings of the governor with legislative leadership.
- HF21—Holberg (R)**  
Rules & Legislative Administration  
Money judgment stays of execution regulated.
- HF22—Slawik (DFL)**  
Judiciary Policy & Finance  
Minnesota Citizens' Personal Protection Act of 2003 repealed.
- HF23—Howes (R)**  
Rules & Legislative Administration  
State land acquisitions provided; state parks, recreation areas, forests, and wildlife management areas modified; state land sales and conveyances authorized; and flood mitigation grants provided.
- HF24—Beard (R)**  
Rules & Legislative Administration  
Brewpubs off-sales authorized; posting, licensing, and sampling provisions modified; and local on-sale liquor licenses authorized.
- HF25—Gunther (R)**  
Rules & Legislative Administration  
Department of Trade and Economic Development renamed department of employment and economic development.
- HF26—Fuller (R)**  
Rules & Legislative Administration  
DWI; vehicle forfeiture definitions, standards, and procedures clarified and modified for forfeitures associated with driving while impaired.
- HF27—Hackbarth (R)**  
Rules & Legislative Administration  
Mourning dove hunting season authorized, report required, and money appropriated.
- HF28—Knoblach (R)**  
Rules & Legislative Administration  
Job reference information disclosure protections provided, schools required to disclose data relating to acts of violence or inappropriate sexual contact with students, and employee personnel records inspection rights regulated.
- HF29—Krinkie (R)**  
Rules & Legislative Administration  
Administration Department provisions modified and data practices regulated.
- HF30—Kuisle (R)**  
Rules & Legislative Administration  
State highway routes modified, vacated, and transferred.
- HF31—Magnus (R)**  
Rules & Legislative Administration  
Job opportunity building zones provided, and money appropriated.
- HF32—Dorman (R)**  
Rules & Legislative Administration  
Workers' compensation technical changes provided, medical fee schedule conversion factor frozen for one year, and surcharge rate established.
- HF33—Samuelson (R)**  
Rules & Legislative Administration  
Dental practice provision modified.
- HF34—Wardlow (R)**  
Rules & Legislative Administration  
Municipal guaranteed energy savings contracts maximum length extended to 15 years.
- HF35—Brod (R)**  
Rules & Legislative Administration  
Veterans affairs commissioner authorized access to taxpayer identification information to notify veterans of possible health hazards exposure.
- HF36—Wilkin (R)**  
Rules & Legislative Administration  
Medicare supplement insurance regulated, state law conformity with minimum federal standards provided, hearing aid coverage for certain children required, and evaluation of mandated health benefit proposals required.
- HF37—Smith (R)**  
Rules & Legislative Administration  
Omnibus pension bill modifying provisions relating to state and public employee retirement.
- HF38—Lenczewski (DFL)**  
Governmental Operations & Veterans Affairs Policy  
Casinos; location of a state-operated or state-licensed gambling facility prohibited in a city that has adopted a resolution of disapproval.
- HF39—Lenczewski (DFL)**  
Environment & Natural Resources Finance  
Old Cedar Avenue bridge maintained, bonds authorized, and money appropriated.
- HF40—Lenczewski (DFL)**  
Ways & Means  
Revenue forecast inflation provided.
- HF41—Lenczewski (DFL)**  
Taxes  
Metropolitan Revenue Distribution Act abolished.
- HF42—Lenczewski (DFL)**  
Transportation Finance  
Bloomington trunk highway construction project bonds authorized and money appropriated.
- HF43—Lenczewski (DFL)**  
Commerce, Jobs & Economic Development Policy  
Do-not-call list loopholes closed and definition modified.
- HF44—Lenczewski (DFL)**  
Jobs & Economic Development Finance  
Bloomington arts center funding provided, bonds issued, and money appropriated.
- HF45—Lenczewski (DFL)**  
Judiciary Policy & Finance  
Firearms; city councils authorized to prohibit carrying a firearm in a city hall or city meeting, and penalties provided.
- HF46—Lenczewski (DFL)**  
Taxes  
Light-rail transit operating subsidies fiscal disparities adjustment provided.
- HF47—Lenczewski (DFL)**  
Taxes  
Bloomington's obligation to make additional contributions to the fiscal disparities pool eliminated.
- HF48—Lenczewski (DFL)**  
Judiciary Policy & Finance  
Firearms; cities authorized to prohibit carrying firearms on city property, and penalties provided.



HF49—Lenczewski (DFL)  
Ways & Means  
July revenue forecast required.

HF50—Lenczewski (DFL)  
Taxes  
State spending increases limited and constitutional amendment proposed.

## Thursday, May 22

HF51—Seagren (R)  
Omnibus early childhood, family, and kindergarten through grade 12 education funding bill.

HF52—Finstad (R)  
Rules & Legislative Administration  
Baseball parks operated by private nonprofit corporations and used by amateur players exempted from property taxation.

HF53—Hoppe (R)  
Rules & Legislative Administration  
Game and fish licensing provisions modified, mourning dove hunting season established, dogs permitted to track and trail bear, reports required, and money appropriated.

HF54—Davnie (DFL)  
Civil Law  
Graffiti damage recovery action provided.

## Friday, May 23

HF55—Abrams (R)  
Rules & Legislative Administration  
Precinct caucus date changed, state party nominating elections and primary date changed, state party nomination election ballot requirements modified, and cities and school districts authorized to change the date of their primary.

HF56—Meslow (R)  
Rules & Legislative Administration  
Technical clarifications provided for Laws 2003, chapter 48, relating to correction of interment errors.

## Saturday, May 24

HF57—Anderson, B. (R)  
Rules & Legislative Administration  
Claims against the state payment provided, and money appropriated.

HF58—Soderstrom (R)  
Rules & Legislative Administration  
Sex offender treatment co-pay collection authorized, and civilly committed sexual psychopaths prohibited from receiving obscene or pornographic materials.

## Tuesday, May 27

HF59—Dill (DFL)  
Environment & Natural Resources Policy  
Lead fishing tackle awareness, education, and grants provided.

HF60—Severson (R)  
Rules & Legislative Administration  
Sauk Rapids bridge bonds issued and money appropriated.

HF61—Dorman (R)  
Rules & Legislative Administration  
Market value homestead credit reimbursement payment to cities eliminated, transit levy authorization reinstated, and city local government aid reduced.

HF62—Boudreau (R)  
Rules & Legislative Administration  
Personal Protection Act of 2003 reasonable request to prohibit firearms provision modified.

HF63—Lipman (R)  
Rules & Legislative Administration  
Memorial fund trusts provided, application provision modified, procedures clarified, and duplicative affidavit requirement eliminated.

## Wednesday, May 28

HF64—Tingelstad (R)  
Rules & Legislative Administration  
Northstar commuter rail line funding provided, bonds issued, and money appropriated.

HF65—Olson (R)  
Rules & Legislative Administration  
Personal rapid transit applications study required to supplement transportation system options.

HF66—Buesgens (R)  
Rules & Legislative Administration  
Metropolitan Council vacancies exempted from public meeting requirement, other Metropolitan Council and agency provisions modified, re-districting plan adopted, obsolete language deleted, and conforming changes provided.

## Thursday, May 29

HF67—Abrams (R)  
Rules & Legislative Administration  
Political party definition changes repealed relating to major and minor political parties.

HF68—Krinkie (R)  
Rules & Legislative Administration  
Omnibus bonding bill providing funding to acquire and better public land and buildings and other improvements of a capital nature, requiring studies and reports, providing flood relief to Roseau, issuing bonds, and appropriating money.

HF69—Thissen (DFL)  
Governmental Operations & Veterans Affairs Policy  
Time restriction for governor to sign or veto a bill modified.

HF70—Olson (R)  
Rules & Legislative Administration  
Personal rapid transit study required.

# Constitutional Officers

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# 2003 Minnesota House of Representatives Members

District/Member/Party			Phone (651) 296-	District/Member/Party			Phone (651) 296-
		Room*				Room*	
48B	Abeler, Jim (R)	369	1729	63B	Larson, Dan (DFL)	287	7158
43B	Abrams, Ron (R)	585	9934	44B	Latz, Ron (DFL)	225	7026
42A	Adolphson, Peter (R)	597	3964	40B	Lenczewski, Ann (DFL)	237	4218
19A	Anderson, Bruce (R)	437	5063	66A	Lesch, John (DFL)	223	4224
3A	Anderson, Irv (DFL)	321	4936	1B	Lieder, Bernie (DFL)	323	5091
27B	Anderson, Jeff (R)	583	4193	2B	Lindgren, Doug (R)	523	4265
39B	Atkins, Joe (DFL)	221	4192	32A	Lindner, Arlon (R)	417	7806
35A	Beard, Michael (R)	451	8872	56A	Lipman, Eric (R)	567	4244
51B	Bernardy, Connie (DFL)	337	5510	22A	Magnus, Doug (R)	515	5505
59A	Biernat, Len (DFL)	303	4219	67A	Mahoney, Tim (DFL)	289	4277
12B	Blaine, Greg (R)	387	4247	65B	Mariani, Carlos (DFL)	203	9714
19B	Borrell, Dick (R)	545	4336	9B	Marquart, Paul (DFL)	311	6829
26B	Boudreau, Lynda (R)	559	8237	57B	McNamara, Denny (R)	577	3135
29B	Bradley, Fran (R)	563	9249	53B	Meslow, Doug (R)	377	5363
25A	Brod, Laura (R)	581	4229	58A	Mullery, Joe (DFL)	209	4262
35B	Buesgens, Mark (R)	445	5185	6B	Murphy, Mary (DFL)	343	2676
45B	Carlson, Lyndon (DFL)	283	4255	30A	Nelson, Carla (R)	571	0573
61A	Clark, Karen (DFL)	307	0294	46A	Nelson, Michael (DFL)	231	3751
24B	Cornish, Tony (R)	487	4240	17B	Nelson, Peter (R)	433	5377
25B	Cox, Ray (R)	413	7065	10A	Nornes, Bud (R)	471	4946
31B	Davids, Gregory (R)	379	9278	47B	Olsen, Stephanie (R)	531	4280
62A	Davnie, Jim (DFL)	241	0173	16B	Olson, Mark (R)	501	4237
49A	DeLaForest, Chris (R)	503	4231	15B	Opatz, Joe (DFL)	277	6612
29A	Demmer, Randy (R)	371	9236	45A	Osterman, Lynne (R)	431	4176
28A	Dempsey, Jerry (R)	575	8635	11B	Otremba, Mary Ellen (DFL)	247	3201
6A	Dill, David (DFL)	315	2190	52B	Otto, Rebecca (DFL)	393	3018
27A	Dorman, Dan (R)	579	8216	37B	Ozment, Dennis (R)	479	4306
23B	Dorn, John (DFL)	201	3248	42B	Paulsen, Erik (R)	459	7449
17A	Eastlund, Rob (R)	449	5364	64B	Paymar, Michael (DFL)	253	4199
2A	Eken, Kent (DFL)	329	9918	31A	Pelowski, Gene (DFL)	295	8637
58B	Ellison, Keith (DFL)	229	8659	1A	Penas, Maxine (R)	553	9635
64A	Entenza, Matt (DFL)	267	8799	20A	Peterson, Aaron (DFL)	313	4228
41A	Erhardt, Ron (R)	591	4363	40A	Powell, Duke (R)	411	4212
16A	Erickson, Sondra (R)	407	6746	39A	Pugh, Thomas (DFL)	273	6828
21B	Finstad, Brad (R)	353	9303	44A	Rhodes, Jim (R)	443	9889
4A	Fuller, Doug (R)	525	5516	5A	Rukavina, Tom (DFL)	279	0170
37A	Gerlach, Chris (R)	533	5506	26A	Ruth, Connie (R)	415	5368
50A	Goodwin, Barbara (DFL)	331	4331	50B	Samuelson, Char (R)	423	0141
54A	Greiling, Mindy (DFL)	259	5387	41B	Seagren, Alice (R)	477	7803
24A	Gunther, Bob (R)	485	3240	21A	Seifert, Marty (R)	357	5374
47A	Haas, Bill (R)	569	5513	5B	Sertich, Anthony (DFL)	233	0172
48A	Hackbarth, Tom (R)	409	2439	14A	Severson, Dan (R)	389	7808
22B	Harder, Elaine (R)	509	5373	57A	Sieben, Katie (DFL)	211	4342
66B	Hausman, Alice (DFL)	245	3824	10B	Simpson, Dean (R)	473	4293
13A	Heidgerken, Bud (R)	359	4317	55B	Slawik, Nora (DFL)	317	7807
46B	Hilstrom, Debra (DFL)	239	3709	33A	Smith, Steve (R)	543	9188
8A	Hilty, Bill (DFL)	207	4308	8B	Soderstrom, Judy (R)	439	0518
36A	Holberg, Mary Liz (R)	349	6926	3B	Solberg, Loren (DFL)	309	2365
34B	Hoppe, Joe (R)	537	5066	14B	Stang, Doug (R)	375	4373
60B	Hornstein, Frank (DFL)	227	9281	36B	Strachan, Steve (R)	345	1069
4B	Howes, Larry (R)	351	2451	28B	Sviggum, Steve (R)	463	2273
7A	Huntley, Thomas (DFL)	335	2228	23A	Swenson, Howard (R)	517	8634
54B	Jacobson, Carl (R)	429	7153	33B	Sykora, Barb (R)	403	4315
7B	Jaros, Mike (DFL)	291	4246	65A	Thao, Cy (DFL)	215	5158
43A	Johnson, Jeff (R)	401	5511	63A	Thissen, Paul (DFL)	301	5375
67B	Johnson, Sheldon (DFL)	243	4201	49B	Tingelstad, Kathy (R)	507	5369
13B	Juhnke, Al (DFL)	281	6206	18B	Urdahl, Dean (R)	521	4344
59B	Kahn, Phyllis (DFL)	255	4257	52A	Vandever, Ray (R)	529	4124
60A	Kelliher, Margaret Anderson (DFL)	261	0171	62B	Wagenius, Jean (DFL)	251	4200
18A	Kielkucki, Tony (R)	367	1534	61B	Walker, Neva (DFL)	213	7152
56B	Klinzing, Karen (R)	539	1147	12A	Walz, Dale (R)	527	4333
15A	Knoblach, Jim (R)	453	6316	38B	Wardlow, Lynn (R)	491	4128
20B	Koenen, Lyle (DFL)	327	4346	55A	Wasiluk, Scott (DFL)	217	1188
34A	Kohls, Paul (R)	421	4282	51A	Westerberg, Andrew (R)	549	4226
53A	Krinkie, Philip (R)	365	2907	11A	Westrom, Torrey (R)	381	4929
30B	Kuisle, William (R)	565	4378	38A	Wilkin, Tim (R)	551	3533
9A	Lanning, Morrie (R)	593	5515	32B	Zellers, Kurt (R)	557	5502

List as of March 3, 2003.

\*All rooms are in the State Office Building unless otherwise noted, St. Paul, MN 55155

# 2003 Minnesota Senate Members

Phone			Phone		
District/Member/Party	Room*	(651) 296-	District/Member/Party	Room*	(651) 296-
66 Anderson, Ellen (DFL)	120 Cap.	5537	54 Marty, John (DFL)	323 Cap.	5645
52 Bachmann, Michele (R)	141 SOB	4351	38 McGinn, Mike (R)	G-19 SOB	7-8073
6 Bakk, Thomas (DFL)	301 Cap.	8881	39 Metzen, James (DFL)	322 Cap.	4370
40 Belanger, William (R)	113 SOB	5975	41 Michel, Geoff (R)	151 SOB	6238
61 Berglin, Linda (DFL)	309 Cap.	4261	67 Moua, Mee (DFL)	235 Cap.	5285
51 Betzold, Don (DFL)	111 Cap.	2556	28 Murphy, Steve (DFL)	306 Cap.	4264
50 Chaudhary, Satveer (DFL)	317 Cap.	4334	25 Neuville, Thomas (R)	123 SOB	1279
64 Cohen, Richard (DFL)	317 Cap.	5931	17 Nienow, Sean (R)	105 SOB	5419
26 Day, Dick (R)	147 SOB	9457	33 Olson, Gen (R)	119 SOB	1282
60 Dibble, D. Scott (DFL)	111 Cap.	4191	34 Ortman, Julianne (R)	G-21 SOB	4837
18 Dille, Steve (R)	103 SOB	4131	19 Ourada, Mark (R)	145 SOB	5981
14 Fischbach, Michelle (R)	129 SOB	2084	65 Pappas, Sandra (DFL)	120 Cap.	1802
47 Foley, Leo (DFL)	G-24 Cap.	4154	36 Pariseau, Pat (R)	117 SOB	5252
21 Frederickson, Dennis (R)	139 SOB	8138	59 Pogemiller, Lawrence (DFL)	235 Cap.	7809
43 Gaither, David (R)	107 SOB	4314	63 Ranum, Jane (DFL)	120 Cap.	7-8061
42 Hann, David (R)	G-27 SOB	1749	53 Reiter, Mady (R)	132D SOB	1253
58 Higgins, Linda (DFL)	328 Cap.	9246	45 Rest, Ann (DFL)	205 Cap.	2889
23 Hottinger, John (DFL)	208 Cap.	6153	35 Robling, Claire (R)	143 SOB	4123
13 Johnson, Dean (DFL)	121 Cap.	3826	24 Rosen, Julie (R)	G-23 SOB	5713
49 Johnson, Debbie (R)	135 SOB	3219	4 Ruud, Carrie (R)	109 SOB	4913
48 Jungbauer, Michael (R)	115 SOB	3733	11 Sams, Dallas (DFL)	328 Cap.	7-8063
44 Kelley, Steve (DFL)	205 Cap.	7-8065	3 Saxhaug, Tom (DFL)	124 Cap.	4136
31 Kierlin, Bob (R)	127 SOB	5649	46 Scheid, Linda (DFL)	303 Cap.	8869
30 Kiscaden, Sheila (IP)	G-15 SOB	4848	29 Senjem, David (R)	G-17 SOB	3903
15 Kleis, Dave (R)	G-25 SOB	6455	2 Skoe, Rod (DFL)	124 Cap.	4196
37 Knutson, David (R)	133 SOB	4120	62 Skoglund, Wesley (DFL)	124 Cap.	4274
12 Koering, Paul (R)	131 SOB	4875	7 Solon, Yvonne Prettnier (DFL)	303 Cap.	4188
20 Kubly, Gary (DFL)	306 Cap.	5094	27 Sparks, Dan (DFL)	G-24 Cap.	9248
9 Langseth, Keith (DFL)	122 Cap.	3205	1 Stumpf, LeRoy (DFL)	G-24 Cap.	8660
10 Larson, Cal (R)	153 SOB	5655	5 Tomassoni, David (DFL)	321 Cap.	8017
56 LeClair, Brian (R)	149 SOB	4166	22 Vickerman, Jim (DFL)	226 Cap.	5650
32 Limmer, Warren (R)	121 SOB	2159	16 Wergin, Betsy (R)	125 SOB	8075
8 Lourey, Becky (DFL)	G-24 Cap.	0293	55 Wiger, Charles (DFL)	226 Cap.	6820
57 Marko, Sharon (DFL)	G-24 Cap.	7-8060			

\*Capitol or State Office Building, St. Paul, MN 55155  
For phone numbers, contact Senate Information at 651-296-0504

## Minnesota House and Senate Membership

<b>1</b> A Rep. Maxine Penas-(R) B Rep. Bernie Lieder-(DFL) Sen. LeRoy A. Stumpf-(DFL)	<b>15</b> A Rep. Jim Knoblach-(R) B Rep. Joe Opatz-(DFL) Sen. Dave Kleis-(R)	<b>29</b> A Rep. Randy Demmer-(R) B Rep. Fran Bradley-(R) Sen. David H. Senjem-(R)	<b>43</b> A Rep. Jeff Johnson-(R) B Rep. Ron Abrams-(R) Sen. David Gaither-(R)	<b>57</b> A Rep. Katie Sieben-(DFL) B Rep. Denny McNamara-(R) Sen. Sharon Marko-(DFL)
<b>2</b> A Rep. Kent Eken-(DFL) B Rep. Doug Lindgren-(R) Sen. Rod Skoe-(DFL)	<b>16</b> A Rep. Sondra Erickson-(R) B Rep. Mark Olson-(R) Sen. Betsy L. Wergin-(R)	<b>30</b> A Rep. Carla Nelson-(R) B Rep. William Kuisle-(R) Sen. Sheila M. Kiscaden-(IP)	<b>44</b> A Rep. Jim Rhodes-(R) B Rep. Ron Latz-(DFL) Sen. Steve Kelley-(DFL)	<b>58</b> A Rep. Joe Mullery-(DFL) B Rep. Phyllis Kahn-(DFL) Sen. Linda Higgins-(DFL)
<b>3</b> A Rep. Irv Anderson-(DFL) B Rep. Loren A. Solberg-(DFL) Sen. Tom Saxhaug-(DFL)	<b>17</b> A Rep. Rob Eastlund-(R) B Rep. Peter (Pete) Nelson-(R) Sen. Sean R. Nienow-(R)	<b>31</b> A Rep. Gene Pelowski Jr.-(DFL) B Rep. Gregory M. Davids-(R) Sen. Bob Kierlin-(R)	<b>45</b> A Rep. Lynne Osterman-(R) B Rep. Lyndon R. Carlson-(DFL) Sen. Ann H. Rest-(DFL)	<b>59</b> A Rep. Len Biernat-(DFL) B Rep. Frank Hornstein-(DFL) Sen. Lawrence J. Pogemiller-(DFL)
<b>4</b> A Rep. Doug Fuller-(R) B Rep. Larry Howes-(R) Sen. Carrie L. Ruud-(R)	<b>18</b> A Rep. Tony Kielucki-(R) B Rep. Dean Urdahl-(R) Sen. Steve Dille-(R)	<b>32</b> A Rep. Arlon Lindner-(R) B Rep. Kurt Zellers-(R) Sen. Warren Limmer-(R)	<b>46</b> A Rep. Michael Nelson-(DFL) B Rep. Debra Hilstrom-(DFL) Sen. Linda Scheid-(DFL)	<b>60</b> A Rep. Margaret Anderson Kelliher-(DFL) B Rep. Frank Hornstein-(DFL) Sen. D. Scott Dibble-(DFL)
<b>5</b> A Rep. Tom Rukavina-(DFL) B Rep. Anthony (Tony) Sertich-(DFL) Sen. David J. Tomassoni-(DFL)	<b>19</b> A Rep. Bruce Anderson-(R) B Rep. Dick Borrell-(R) Sen. Mark Ourada-(R)	<b>33</b> A Rep. Steve Smith-(R) B Rep. Barb Sykora-(R) Sen. Gen Olson-(R)	<b>47</b> A Rep. Bill Haas-(R) B Rep. Stephanie Olsen-(R) Sen. Leo Foley-(DFL)	<b>61</b> A Rep. Karen Clark-(DFL) B Rep. Neva Walker-(DFL) Sen. Linda Berglin-(DFL)
<b>6</b> A Rep. David Dill-(DFL) B Rep. Mary Murphy-(DFL) Sen. Thomas M. Bakk-(DFL)	<b>20</b> A Rep. Aaron Peterson-(DFL) B Rep. Lyle Koenen-(DFL) Sen. Gary Kubly-(DFL)	<b>34</b> A Rep. Paul Kohls-(R) B Rep. Joe Hoppe-(R) Sen. Julianne E. Ortman-(R)	<b>48</b> A Rep. Tom Hackbarth-(R) B Rep. Jim Abeler-(R) Sen. Michael J. Jungbauer-(R)	<b>62</b> A Rep. Jim Davnie-(DFL) B Rep. Jean Wagenius-(DFL) Sen. Wesley J. Skoglund-(DFL)
<b>7</b> A Rep. Thomas Huntley-(DFL) B Rep. Brad Finstad-(R) Sen. Yvonne Prettnier Solon-(DFL)	<b>21</b> A Rep. Marty Seifert-(R) B Rep. Brad Finstad-(R) Sen. Dennis R. Frederickson-(R)	<b>35</b> A Rep. Michael Beard-(R) B Rep. Mark Buesgens-(R) Sen. Claire A. Robling-(R)	<b>49</b> A Rep. Chris DeLaForest-(R) B Rep. Kathy Tingelstad-(R) Sen. Debbie J. Johnson-(R)	<b>63</b> A Rep. Paul Thissen-(DFL) B Rep. Dan Larson-(DFL) Sen. Jane B. Ranum-(DFL)
<b>8</b> A Rep. Bill Hilty-(DFL) B Rep. Judy Soderstrom-(R) Sen. Becky Lourey-(DFL)	<b>22</b> A Rep. Doug Magnus-(R) B Rep. Elaine Harder-(R) Sen. Jim Vickerman-(DFL)	<b>36</b> A Rep. Mary Liz Holberg-(R) B Rep. Steve Strachan-(R) Sen. Pat Pariseau-(R)	<b>50</b> A Rep. Barbara Goodwin-(DFL) B Rep. Char Samuelson-(R) Sen. Satveer Chaudhary-(DFL)	<b>64</b> A Rep. Matt Entenza-(DFL) B Rep. Michael Paymar-(DFL) Sen. Richard J. Cohen-(DFL)
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<b>10</b> A Rep. Bud Nornes-(R) B Rep. Dean Simpson-(R) Sen. Cal Larson-(R)	<b>24</b> A Rep. Bob Gunther-(R) B Rep. Tony Cornish-(R) Sen. Julie Rosen-(R)	<b>38</b> A Rep. Tim Wilkin-(R) B Rep. Lynn Wardlow-(R) Sen. Mike McGinn-(R)	<b>52</b> A Rep. Ray Vandever-(R) B Rep. Rebecca Otto-(DFL) Sen. Michele Bachmann-(R)	<b>66</b> A Rep. John Lesch-(DFL) B Rep. Alice Hausman-(DFL) Sen. Ellen R. Anderson-(DFL)
<b>11</b> A Rep. Torrey Westrom-(R) B Rep. Mary Ellen Otremba-(DFL) Sen. Dallas C. Sams-(DFL)	<b>25</b> A Rep. Laura Brod-(R) B Rep. Raymond Cox-(R) Sen. Thomas M. Neuville-(R)	<b>39</b> A Rep. Thomas W. Pugh-(DFL) B Rep. Joseph Atkins-(DFL) Sen. James P. Metzen-(DFL)	<b>53</b> A Rep. Philip Krinkle-(R) B Rep. Doug Meslow-(R) Sen. Mady Reiter-(R)	<b>67</b> A Rep. Tim Mahoney-(DFL) B Rep. Sheldon Johnson-(DFL) Sen. Mee Moua-(DFL)
<b>12</b> A Rep. Dale Walz-(R) B Rep. Greg Blaine-(R) Sen. Paul E. Koering-(R)	<b>26</b> A Rep. Connie Ruth-(R) B Rep. Lynda Boudreau-(R) Sen. Dick Day-(R)	<b>40</b> A Rep. Duke Powell-(R) B Rep. Ann Lenczewski-(DFL) Sen. William V. Belanger Jr.-(R)	<b>54</b> A Rep. Mindy Greiling-(DFL) B Rep. Carl Jacobson-(R) Sen. John Marty-(DFL)	
<b>13</b> A Rep. Bud Heidgerken-(R) B Rep. Al Juhnke-(DFL) Sen. Dean E. Johnson-(DFL)	<b>27</b> A Rep. Dan Dorman-(R) B Rep. Jeff Anderson-(R) Sen. Dan Sparks-(DFL)	<b>41</b> A Rep. Ron Erhardt-(R) B Rep. Alice Seagren-(R) Sen. Geoff Michel-(R)	<b>55</b> A Rep. Scott Wasiluk-(DFL) B Rep. Nora Slawik-(DFL) Sen. Charles (Chuck) W. Wiger-(DFL)	
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# Readership Survey: 2003 *Session Weekly*

Please take a moment to tell us what you think of *Session Weekly*. Your opinions will help us plan for next year. You can register your answers at: **www.house.mn** or mail to us at Session Weekly Survey, 175 State Office Building, St. Paul, MN 55155.

Tell us about yourself

Gender: ☐ Male ☐ Female

Age: ☐ Under 18 ☐ 19-24 ☐ 25-39 ☐ 40-59 ☐ 60+

Where do you live:

☐ Mpls/St. Paul ☐ Twin Cities suburbs ☐ Other metropolitan area (i.e. Duluth, St. Cloud, Rochester) ☐ Greater Minnesota

1. How often do you read *Session Weekly*? (Check one.)

☐ Once a month ☐ Twice a month ☐ Three times a month ☐ Every week

2. Where do you receive *Session Weekly*?

☐ Home ☐ Work ☐ School ☐ Other

3. How many people read the copy sent to this address? \_\_\_\_\_

4. What day of the week do you typically receive the *Session Weekly* in the mail? \_\_\_\_\_

5. Which sections do you most often read? (Check all that apply.)

<input type="checkbox"/> Highlights	<input type="checkbox"/> News Features (First Reading, At Issue)	<input type="checkbox"/> Historical Features/It's a Fact
<input type="checkbox"/> Member Profiles	<input type="checkbox"/> Resources (i.e., lists)	<input type="checkbox"/> Governor's Desk
<input type="checkbox"/> Bill Introductions	<input type="checkbox"/> Committee Schedule	<input type="checkbox"/> Minnesota Index
<input type="checkbox"/> Reflections	<input type="checkbox"/> The 50 States	

6. Please rate the following aspects of the *Session Weekly* by checking one answer in each set.

<b>Writing</b>	<input type="checkbox"/> Hard to understand	<input type="checkbox"/> Somewhat understandable	<input type="checkbox"/> Easy to understand
<b>Story Length</b>	<input type="checkbox"/> Too short	<input type="checkbox"/> Too long	<input type="checkbox"/> Just right
<b>Story Topics</b>	<input type="checkbox"/> Not at all interesting	<input type="checkbox"/> Interesting	<input type="checkbox"/> Very interesting
<b>Layout</b>	<input type="checkbox"/> Poor	<input type="checkbox"/> Average	<input type="checkbox"/> Excellent
<b>Photographs</b>	<input type="checkbox"/> Poor	<input type="checkbox"/> Average	<input type="checkbox"/> Excellent

7. Do you have any suggestions for improving the magazine?

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8. Do you have Internet access? ☐ Yes ☐ No Do you read *Session Weekly* on the Internet? ☐ Yes ☐ No

9. If *Session Weekly* were available as an Internet-only resource, would you use it? ☐ Yes ☐ No

Do you have any suggestions related to an online-only version of *Session Weekly*?

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10. Would you be willing to donate money to fund printing and mailing costs associated with *Session Weekly*? ☐ Yes ☐ No

11. Do you use the Legislature's Web site? ☐ Yes ☐ No

Please list the things that you use the Web site for:

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12. What other Internet resources would be useful to you?

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MINNESOTA HOUSE OF REPRESENTATIVES  
PUBLIC INFORMATION OFFICE  
175 STATE OFFICE BUILDING  
ST. PAUL, MINNESOTA 55155-1298

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

## MINNESOTA INDEX

### 2003 Legislative Session

Total number of special sessions in state history, including 2003 .....	43
Consecutive years, including 2003, with a special session .....	3
Number of special sessions in the 1990s .....	7
Number of House files introduced during the 2003 regular session .....	1,658
In 2001 .....	2,565
In 1999 .....	2,475
Number of Senate files introduced in 2003 regular session .....	1,568
In 2001 .....	2,407
In 1999 .....	2,285
Special session bills introduced by the House .....	70
Introduced by the Senate .....	47
Regular session bills sent to governor .....	133
In 2001 .....	217
In 1999 .....	250
Regular session bills signed by Gov. Tim Pawlenty .....	131
Regular session bills vetoed in part or in whole by Gov. Pawlenty .....	3
By Gov. Jesse Ventura in 2001 .....	5
By Ventura in 1999 .....	18
Bills vetoed from 1939 to 2002 .....	411
Last year without a veto .....	1978
Number of resolutions sent to governor in 2003 .....	0
In 2001 .....	4
In 1999 .....	3
Pages in the 2003 Journal of the House for the regular session .....	4,424
In 2001 .....	5,516
In 1999 .....	5,484
Maximum number of legislative days lawmakers can meet in regular session during a biennium .....	120
Number of Legislative days used so far .....	59
In 2001 .....	59
In 1999 .....	67
Days from when the gavel fell to conclude the 2003 regular session to when the next regularly scheduled session begins at noon on Feb. 2, 2004 .....	259

Sources: House Public Information Services Office; Legislative Reference Library; Chief Clerk's Office Governor's Log 2003; Legislature Web site ([www.leg.mn](http://www.leg.mn)).

### FOR MORE INFORMATION

For general information, call:  
House Information Office  
(651) 296-2146 or  
1-800-657-3550

To obtain a copy of a bill, call:  
Chief Clerk's Office  
(651) 296-2314

To find out about bill introductions or  
the status of a specific bill, call:  
House Index Office  
(651) 296-6646

For an up-to-date recorded message  
giving committee meeting times and  
agendas, call:  
Committee Hotline  
(651) 296-9283

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<http://www.house.mn>

Teletypewriter for the hearing  
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