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**Sex trafficking, insurance fraud, and more**
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On the cover: A spring day near the Minnesota State Capitol as photographed through a Wratten no. 87 infrared gelatin filter.

— Photo by Andrew VonBank
First inning
Plan to build stadiums in the Twin Cities metropolitan area, including a referendum, survives its first committee vote

BY TOM LONERGAN

Local governments would cover the biggest funding share of building two new publicly owned professional sports facilities in the Twin Cities metropolitan area, and a local referendum would be required for user tax increases, under a bill narrowly approved by the House Taxes Committee May 4.


Following five hours of debate, during which 28 amendments were considered, the committee voted 15-13 to advance the bill, which would limit the state’s investment to $285 million of a potential $1.1 billion in construction costs for a Minnesota Twins baseball park and a Minnesota Vikings football stadium.

“This is a superfluous luxury that we’re doing,” said Rep. Mike Jaros (DFL-Duluth), who opposed the bill. Jaros said he voted in 1979 for the publicly funded Metrodome, where the Twins, Vikings, and University of Minnesota football team have played home games since 1982, because it provided “an efficient way to play sports.”

However Jaros also expressed concern about what he called “a double standard in the state. Individuals have to prove they need (a government subsidy). Corporations don’t have to prove they need it.”

Twins and Vikings team officials have said that due to economic conditions, they can’t raise enough annual revenue in the Metrodome to remain competitive in their respective professional sports. If a stadium deal is reached, the teams said they would likely increase some ticket prices and seek more stadium concession revenue than they currently receive in the Metrodome.

Jaros and three other DFL members joined nine Republican members in opposing the bill, which was supported by nine Republican and six DFL members.

The committee spent five days hearing testimony from stadium supporters and opponents prior to its extended debate before voting on the bill.

Rep. Jerry Dempsey (R-Red Wing), who supported the bill, said: “I don’t know where the common good is and that has to do with morality. All we’ve heard from is special interests. Everybody comes to see how much is in it for me.”

The bill would create an appointed regional stadium authority that would negotiate stadium locations, financing, construction, leasing, and operating details with the teams and prospective host local governments.

Hennepin County, with the city of Minneapolis, and the city of St. Paul are offering potential sites for a $520 million-plus baseball park. Anoka County is the sole pursuer of a proposed $645 million football stadium to be part of a larger commercial district development in Blaine.

Stadium costs are development estimates. Under the bill, the stadium authority — following site selection and negotiations with the teams and host communities — would eventually determine a stadium’s construction cost, which would be funded by a mix of public and private money. The Metropolitan Council would issue revenue bonds for stadium construction.

Citing the bill’s structure, Stang said it was difficult to determine the maximum public funding shares to be borne by the state and host local governments. “We’ll have time to continue to work on the numbers if we get to the floor on this,” he said.

The committee adopted an amendment by Rep. Ron Abrams (R-Minnetonka), the committee chair, which sets “total public investment maximums” of $478 million for the baseball stadium and $600 million for the football stadium.

The bill would require each team’s contribution to be no less than one-third of their respective stadium’s project cost. The team share must be at least 25 percent in “up-front cash contributions,” with the remainder in annual payments. The bill would require each team to pay all stadium cost overruns.

Rep. Alice Hausman (DFL-St. Paul), who opposed the bill, said its inclusion of a maximum state share, combined with yet unknown team contributions, meant “we’ve given up on the one-third” concept of the state, host local...
governments and teams assuming equal shares of construction costs. Another unknown share “would be local governments,” Hausman said.

Other amendments approved by the committee would provide for voter approval on local government proposed taxes to fund the stadiums, and legislative “intent” of future support for a $222 million on-campus football stadium for the University of Minnesota, if the university raises 60 percent of the financing privately.

The university stadium amendment, proposed by Abrams, seeks a governor’s recommendation at the start of the 2005 legislative session for a maximum $89 million in state funds for a stadium to be built near existing sports arenas on the Minneapolis campus.

The local referendum amendment by Rep. Ray Vandevene (R-Forest Lake) was adopted on a 22-1 committee vote. It would require voter approval on proposed restaurant, alcoholic beverage, prepared food, lodging, or general sales taxes in local government jurisdictions.

Taxes on stadium admissions and parking would not be included in the referendum requirement. The committee adopted amendments that dropped “places of amusement” and “sports memorabilia” from potential local taxation.

A half-dozen amendments that attempted to change the bill’s most contested proposal — how the state’s funding share of the stadiums would be determined — all failed.

The bill proposes that a team’s lease determined by the presence of the streetcar company,” he wrote. “Far-seeing city fathers, who envisioned a metropolis of a million persons in a hundred years, added huge tracts of land to the city in 1874 and 1887, so that, by the latter year, St. Paul had already gained its present boundaries. This, too, played an important part in encouraging widespread settlement.”

Around that time, Minneapolis’ population was 32,721. Nearly 50 percent of the population lived within a one-mile radius of its center and 97 percent within two miles. By 1883, and with more tracks having been laid, the Minneapolis Street Railway Company, which began eight years earlier, saw a cumulative 8.5 million passengers.

“New lines were laid into areas with no previous settlement,” wrote Kieffer. “Invariably, though there might be few houses in the area when the company announced plans for laying track, by the time this track was actually laid (and the difference in time was usually a matter of but a few months), real estate promoters had platted and sold almost all the land along the path of the line.”

Minneapolis’ first steam-powered motor train — preferred over sluggish horses — began operating in 1879. Electric streetcars appeared shortly thereafter, being preferred over the noisy and dirty steam engines. Newspapers praised the electric streetcars for carrying as many people in one car as a horse-car carried in an entire day.

“…It was the streetcar lines which opened up new areas and prevented the building of tenements and large flats with concentrated masses of population. In this way, the Twin Cities became known as cities of homes, with very high percentages of self-owned dwellings.”

Kieffer wrote that the early history of bus transportation is “hazy.” However, it’s known that by 1921 Minneapolis had a regular urban bus service.

(M. BRYANT)

Photo courtesy of the Minnesota Historical Society
CHILDREN

**Blocking Internet material**

Public libraries that fail to install filtering or blocking software to prevent a person under age 18 from accessing obscene or pornographic material on the Internet could temporarily lose state funding, under a bill the House passed 111-18 May 5.

Sponsored by Rep. Jeff Johnson (R-Plymouth), HF2832 would also require all computers at a school site with Internet access to be equipped with software filtering or blocking technology, else the school would risk losing state funds for its library or computer lab.

The bill now moves to the Senate, where Sen. Betsy Wergin (R-Princeton) is the sponsor. It is also in the House omnibus education finance bill (HF1793), sponsored by Rep. Alice Seagren (R-Bloomington), which the House passed March 31.

Johnson said most library systems in the state have installed blocking software to comply with existing laws. He said the bill would amend state law to require that libraries and school district purchase and install blocking software, rather than implement “some other system.”

 Compliance with the bill could cost a county library system up to $31,000 annually to initially install and maintain blocking software, Johnson said.

“They possibly also all schools are already doing this,” he added.

Rep. Keith Ellison (DFL-Mpls) opposed the bill. “I doubt any responsible library board or librarian condones looking at pornography on their computers. The state Legislature is not a nanny. Leave these budgetary decisions to the library board.”

“Is this just another form of electronic book burning?” asked Rep. Barbara Goodwin (DFL-Columbia Heights). She said the bill would take funds away from local library and school officials who already determine what material is harmful to minors.

As a condition of receiving federal funding or grants for computer-related purchases, public libraries must install pornography filters on all computers with Internet access.

Johnson said he received an e-mail message from a librarian who said the bill would be a restriction on freedom.

“If freedom is to look at pornography in a library surrounded by kids,” Johnson said, “then we live in a pretty messed up country, in my opinion.”

CRIME

**Gas-n-go**

Those who fill their automobile gas tank and then cruise off without paying could face criminal charges, under a bill passed by the House 128-2 May 5.

Rep. Duke Powell (R-Burnsville), the sponsor of HF2763, said it is “attempting to solve quite a vexing problem.” He explained that several Twin Cities metropolitan area retailers complained that police would not respond to 911 calls pertaining to gas-drive offs. The retailers told Powell that the police said such incidents are not addressed in criminal statutes and therefore can only be pursued through civil court proceedings.

“...That sounded like theft to me,” Powell said.

His bill states that any civil liability proceedings do not preclude criminal charges from being filed against the individual.

“This, I believe, would instruct local law enforcement that this is indeed a crime and should be pursued as such,” Powell explained.

An effort by Rep. Dean Urdahl (R-Grove City) to add an amendment prohibiting obesity lawsuits was ruled not to be germane by the House speaker. The amendment would have prohibited frivolous civil liability lawsuits against food producers, wholesalers, and retailers for any claim arising from weight gain, obesity, or a condition allegedly arising from “long-term consumption of food.”

The bill now goes to the Senate, where Sen. William Belanger Jr. (R-Bloomington) is the sponsor.

**Employee protection**

A bill that would treat crimes against probation officers as seriously as crimes against jail and prison employees was passed 130-0 by the House May 5.

Rep. Sheldon Johnson (DFL-St. Paul) said his bill (HF2352/SF2387*) recognizes the increasing public safety concerns that law enforcement agents encounter in the course of their work. Johnson works in the corrections field.

Supporting the bill at the March 10 meeting of the House Judiciary Policy and Finance Committee was Terrence Wagner, chief steward for the Ramsey County probation officers.

“I think it’s only going to get worse in the future,” Wagner said, referring to violent incidents carried out against those in his profession.

A second component of the bill would make it a felony level crime to throw bodily fluids or feces at a law enforcement officer or a probation officer.

A person convicted of throwing bodily fluids or feces at a law enforcement officer could be sentenced to up to three years in prison and made to pay a fine of up to $6,000, or both, under the bill. The same crime against a probation officer or jail or prison employee carries a maximum penalty of two years in prison and a $4,000 fine.

In the Senate, where Sen. Mee Moua (DFL-St. Paul) is the sponsor, the bill passed 64-1 on April 5.

It now goes to the governor.

**Disabled worker study**

A one-year project to study extended employment of people with severe disabilities would be conducted in Thief River Falls, under a bill the House passed 130-0 May 5.

The pilot project to study an industrial model for individuals with severe disabilities would not

The program, which would begin July 1, 2004, would be monitored by the Department of Employment and Economic Development and implemented by the Occupational Development Center, a non-profit company. The project would provide the state with information to clarify the distinction between center-based and community employment subprograms.

The center’s Custom Products division would provide employment. The company must pay minimum wages or better to all employees with severe disabilities and provide benefits equal to those provided to non-disabled employees. All work teams would be integrated and the project must maintain a minimum 60 percent ratio of disabled persons.

The Employment and Economic Development Department must complete a program evaluation by Oct. 1, 2005.

The bill was successfully amended by Rep. Marty Seifert (R-Marshall) to provide $2.4 million in federal matching vocational rehabilitation funds to the Centers for Independent Living, whose funding was cut 30 percent by the 2003 Legislature.

The centers provide job training to moderately disabled people, Seifert said. The funding would be effective for the fiscal year 2005, which begins July 1, 2004.

Because of the amendment, the bill now returns to the Senate where it passed 61-0 April 12.

Program changes

A bill that would make changes to the displaced worker program that helps those who become unemployed through plant closings, substantial layoffs, and changing market demands was passed 129-0 by the House May 5.

Sponsored by Rep. Bob Gunther (R-Fairmont), HF2799 modifies services, tightens eligibility requirements for the displaced worker program, allocates grant funds, and provides legislative oversight.

Along with changes to how the program oversight board distributes funds to workforce service areas, a board would be required by January 15 of each odd-numbered year to submit recommendations to the Legislature regarding workforce development programs, modifications or eliminations of existing workforce programs under the board’s oversight, as well as any potential new programs. Funding levels and sources must be included in the board’s recommendations.

HF2799 also includes descriptions for long-term and short-term training, with greater emphasis on the short-term. The short-term training is used to “help the participant enhance current skills in a similar occupation or industry; entrepreneurial training, customized training, or on-the-job training; basic or remedial education to enhance current skills; and literacy and work-related English training for non-English speakers.”

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

Workers’ compensation changes

Changes recommended by the Workers’ Compensation Advisory Board were approved by the House Ways and Means Committee May 4 and sent to the House floor.

The board consists of both labor and business representatives. Rep. Jeff Johnson (R-Plymouth), the sponsor of HF2915, said a delicate compromise was reached between both parties, resulting in the bill.

Provisions include:

• an injury or illness resulting from a vaccine required for an employee’s job, as a result of a federal declaration under the Public Health Service Act, would be compensable;
• if an in-network pharmacy is not within 15 miles of an employee’s work or home, the employee would be allowed to receive services from a closer pharmacy and still get reimbursed;
• an exemption from paying for workers’ compensation coverage would be allowed for members of certain religious groups, the Amish and Mennonites, whose beliefs prohibit receiving those benefits;
• permission would be granted to certified managed care plans to offer discounted provider fees; and
• rules for health care provider standards of care would be based on an analysis of medical evidence and accepted standards of medical practice.

Judy Hawley, executive director of the Minnesota Chapter of the American Physical Therapy Association, said the association was opposed to provisions allowing discounted provider fees and the change in language regarding standards of care. Hawley said the change would compromise patient choice, the level of expertise patients receive, and their speed of returning to work.

“I don’t criticize them for not liking the idea of providing a negotiating provision in there that might allow parties to negotiate a lower fee…but to argue that this is somehow going to hurt injured workers, I don’t think that’s accurate at all,” Johnson responded.

No changes were made to the provision.

A companion bill (SF2844), sponsored by Sen. Thomas Bakk (DFL-Cook), awaits action in the Senate State and Local Government Operations Committee.

**Capital view**

A panoramic view of the State Capitol Mall from atop the Department of Transportation Building. This image is a composite of several images that were electronically “stitched” together.
Phasing out PCBs

Polychlorinated biphenyls (PCBs) are a class of man-made compounds that, up until serious health and environmental concerns arose in the 1970s, were commonly used as insulators in electrical equipment.

They are still sometimes found today in the oil that is placed in transformers and other electric utility equipment that has not reached the end of its service life, an average of 30 years, according to industry estimates.

A bill that utility representatives have described as a proactive way to voluntarily remove from service equipment containing those hazardous compounds passed the House 131-0 May 3 after it was passed in the Senate 64-0 April 5. It awaits action by the governor.

Sponsored by Rep. Dean Simpson (R-New York Mills) and Sen. John Marty (DFL-Roseville), HF2500/SF2422* would waive state hazardous waste fees on PCB waste associated with oil-filled electronic equipment voluntarily disposed of or retro-filled prior to the end of its service life.

“This legislation simplifies the laws surrounding polychlorinated biphenyls (PCBs) while retaining the high environmental protection standards Minnesotans are so proud of,” Simpson said.

In the 1970s, Minnesota was ahead of the federal government in regulating PCBs, Simpson said. The federal government has since updated the codes, he said, and the bill would eliminate duplicative state and federal standards for labeling, emergency planning, and training, as well as a disincentive to get rid of the equipment in advance due to the cost of compliance with those double requirements.

Under current law, the industry pays hazardous waste generator fees to the Pollution Control Agency for disposal of equipment that has reached the end of the line.

Under the bill, waste generators and the agency would have to execute a voluntary PCB phase-out agreement containing specific goals and a schedule for implementation.

The bill would not waive emergency fees or the fees on equipment being taken out of service at the end of its normal life span.

The nugget rush

Hopes are riding high in northeastern Minnesota and the Iron Range for a new process of producing high-quality iron nuggets from iron ore. After a successful testing period, the Mesabi Nugget process is ready to move from demonstration to production. Indiana, however, could give Minnesota a run for its money in the race to be the first full-scale producer of a better iron nugget.

In order to stay competitive, HF2986, sponsored by Rep. David Dill (DFL-Crane Lake), would exempt from certain environmental review the first iron nugget production facility in the state. The bill also would require state agencies with permit granting authority to provide public notice for necessary permits within four months of receiving a complete application.

The House Environment and Natural Resources Policy Committee approved the bill May 5 and sent it to the House Rules and Legislative Administration Committee.

The general belief has been that the production facility would be constructed at the site of the demonstration plant in Silver Bay. After three successful test runs, “the Minnesota Mesabi Nugget is now king and it’s sought all across America for steelmaking,” Dill said. “The problem is there is not enough of it.”

And the reality of a two- to three-year environmental review process for a facility along the Lake Superior shore has prompted a change in plans and location, Dill said.

Instead, the first production plant could be built on the site of the former LTV plant in Hoyt Lakes. Cleveland Cliffs purchased that plant in a bankruptcy, Dill said, and all of the assets such as roads, buildings, railroads, and tailing ponds, have been preserved. There is an existing operating permit for a 10 million-ton taconite plant for the site, and preliminary estimates show that the nugget process is “as clean or cleaner than for all pollutants from LTV furnaces,” said Ann Foss, a program administrator with the majors and remediation division of the Minnesota Pollution Control Agency.

While the Pawlenty administration supports the bill, the agency is typically not supportive of waiving environmental review, Foss said. But, she added, the bill specifies that certain federal regulations still would apply and the agency would not reduce its environmental oversight.

“We are not opposed to the legislation,” Foss said.

Rep. Rebecca Otto (DFL-Marine on St. Croix) offered an amendment that would have required the facility, when constructed, to utilize the “most effective available technology that specifically reduces mercury emissions.”

“We want the jobs, we want the plant,” she said. “We’re also concerned about the mercury.”

Otto withdrew the amendment and deferred instead to an amendment successfully offered by Rep. Dennis Ozment (R-Rosemount) that states the agency “shall strive in the permitting process to assure the lowest mercury emissions reasonably possible.”

Under the current plan, a second plant could be built in Silver Bay under the regular
environmental review process.

A Senate companion bill (SF3022), sponsored by Sen. Thomas Bakk (DFL-Cook), has advanced to the Senate Rules and Administration Committee.

Regulating petroleum tanks

A new law signed by Gov. Tim Pawlenty April 29 will modify the Pollution Control Agency’s field citation practices to make aboveground storage tanks subject to the same regulations as underground storage tanks with respect to environmental considerations such as spill, overfill, and corrosion protections and leak detection methods.

Effective Aug. 1, 2004, the new law also will shorten the compliance grace period facility operators have to meet the regulations and raise the penalties for certain violations.

The agency has the regulatory authority to issue red tags to facility operators for failure to comply with state and federal requirements. The tag is attached to the top of the tank’s fill pipe, and it signifies that petroleum product deliveries are prohibited until the violation is corrected.

Under the new law, which was forwarded at the behest of the Minnesota Petroleum Marketers Association, facility owners will have 60 days to correct a violation before a citation is issued, unless there is a discharge associated with the violation or it is a repeat violation from a previous inspection. Currently, the grace period is 90 days.

Another provision will raise from $250 to $500 the penalty for violating rules relating to upgrading existing underground storage tank systems, up to a maximum of $2,000 per tank system; and raise from $100 to $250 the penalty for violating underground storage tank system general operating requirements.

Rep. Joe Hoppe (R-Chaska) and Sen. Thomas Bakk (DFL-Cook) sponsored the law. HF2365/SF2299*/CH169

Gambling

Charitable provisions

A new law signed April 30 by Gov. Tim Pawlenty makes several changes to charitable gambling, including raising the total winnings of a bingo prize from $2,500 to $2,800, unless a coverall game is played, in which case the limit increases from $3,500 to $3,800.


It also makes changes to the Minnesota Gambling Control Board. Added to its oversight responsibilities are the adoption of rules for tipboard games with multiple seals and cumulative or carryover tipboard prizes.

Other provisions include:
• Veteran’s posts can spend up to $1,500 per person to send as many as two veterans to Washington, D.C., for the May 29 dedication of the National World War II Memorial. The measure places a cap on the total amount from each organization at $6,000. Originally the provision was HF1835 sponsored by Rep. Marty Seifert (R-Marshall).
• A person under age 18 may play bingo on one occasion at an event sponsored by a licensed organization as part of an annual community event, if a parent or guardian accompanies the minor.
• The number of days in a calendar year on which an organization may conduct lawful gambling on premises other than those for which the organization has a premises permit is increased to four. Also allowed is one event up to 12 consecutive days in connection with a county fair, state fair, church festival, or civic celebration. Previous law was one day or one event.
• No gambling organization may report cash shortages in any fiscal year that exceed three-tenths of 1 percent of the gross receipts from lawful gambling. Previous law allowed for four-tenths of 1 percent.
• Most of the law is effective May 1, 2004, except for the cash shortages section, which takes effect July 1, 2004.
HF2521*/SF2435/CH172

Government

Fiscal impact notes

The House passed a bill May 3 that would give cities, townships, and other local units of government the ability to request fiscal notes under certain conditions when a state agency changes a rule. The vote was 100-30.

Under HF2101, sponsored by Rep. Marty Seifert (R-Marshall), the commissioner of finance would be required to prepare a fiscal impact note if requested by a governing body. If it is determined that the compliance cost exceeds $50,000 for any business with less than 50 full-time employees, the rule must go before the Legislature for approval.

“Only the most costly and onerous rules” would be required to go through the process, Seifert said.

Governing bodies are defined in the bill as the elected governing body of a city, township, county, school district, soil and water conservation district, or sanitary district. The request must be made at least 10 days before a public hearing, or at least 10 days before the deadline for requesting a public hearing.

The entity making the request may be required to pay a $35 per hour fee for time spent preparing the note.

“Existing law covers this in a way that has been responsible,” said Rep. Phyllis Kahn (DFL-Mpls) in opposition.

Gov. Tim Pawlenty vetoed a similar bill (HF624) last session that called for a $10,000 threshold. During House floor debate Kahn read a portion of the veto message: “Currently, the Legislature has the authority to change or amend an existing rule through legislation. Existing law, which allows the Legislature to essentially over-ride any rule passed by an agency, would seem to provide ample protections against overly burdensome or unnecessary rules.”

Seifert said he attempted to address concerns such as the lower threshold and too much authority being given to the legislative branch.

Additionally, Kahn said the bill doesn’t adequately address how one entity’s cost may affect another entity’s benefit. She said this was especially true in relation to environmental issues, citing as an example when a city discharging pollution into a river picks up the costs to improve water treatment and another town downstream benefits without paying anything.

Seifert said the issue comes down to a simple philosophical disagreement on the process. “If we have rules that impact a small business to that extent I think that they deserve to have their hearing before elected legislators not unelected bureaucrats.”

The bill now goes to the Senate, where Sen. David Senjem (R-Rochester) is the sponsor.

Duty transfer

The House passed a bill 130-0 May 5 that would transfer duties from the education commissioner to the commissioner of veterans affairs relating to certifying higher education programs for federal funding eligibility and a veterans training program.

Sponsored by Rep. Dean Urdahl (R-Grove City), HF2166 conforms statutes to the Governor’s Executive Reorganization Order 190 that became effective Dec. 25, 2003. Urdahl said both departments support the legislation, and three full-time staff had already made the move from the Education Department to the Department of Veterans Affairs.

The bill also changes some language relating to the State Soldier’s Assistance Fund used to provide optical and dental assistance to needy veterans. According to nonpartisan House research staff, due to funding limitations the program has not been used to
provide emergency hospitalization and medical treatment. The bill changes statutes to reflect current practice.

The bill now goes to the Senate, where Sen. Jim Vickerman (DFL-Tracy) is the sponsor.

The bill now moves to the Senate, where Sen. Michelle Fischbach (R-Paynesville) is the sponsor.

HEALTH

Green lighting hospitals

Under current law, hospitals are prohibited from increasing or redistributing bed capacity. The 1984 Legislature placed this moratorium on the construction of new hospitals in the state, and most exceptions must currently obtain legislative approval.

A bill that would lay new framework for the process through which hospitals seeking exceptions to the moratorium submit plans passed the House 128-1 May 5. HF2085, sponsored by Rep. Dan Severson (R-Sauk Rapids), would establish a process by which the health commissioner must issue findings and recommendations to the Legislature when hospitals seek an exception.

Under the bill, hospitals would be required to pay for the cost of the review and answer a number of questions designed to establish whether the exception is in the public’s best interest.

Originally, the moratorium was intended to regulate the “migration of hospitals from the inner city to the richer outer suburbs,” Severson said.

“The reason this bill is here is because we need to take (moratorium exceptions) out of the political legislative process,” and give the Department of Health the third-party ability to review the applications, Severson said. Those findings would give the Legislature an objective perspective, he added.

Rep. Joe Opatz (DFL-St. Cloud) agreed, stating legislators can become caught between a rock and a hard place when two local hospitals are competing.

“Is this going to be used as a gatekeeper or a way to stop competition?” asked Rep. Torrey Westrom (R-Elbow Lake).

Severson said the whole issue with regard to health care and the moratorium is that free enterprise does not always work in health care. The process is being proposed in order to get a good perspective on the competition and health care in an area, he said.

Representatives from both sides of the aisle, namely Rep. Mark Olson (R-Big Lake) and Rep. Michael Paymar (DFL-St. Paul), expressed concerns over whether the Legislature would have the ultimate say. Neither could find a legislative approval clause.

Severson said the process was not in place of bringing the vote to the House and Senate floors, a statement backed up by the chairs of the House health and human services policy and finance committees.

The bill was approved 61-0 by the Senate April 12. Its Senate sponsor is Sen. Tom Saxhaug (DFL-Grand Rapids).

Moratorium exemption

A bill that would add to the list of hospital construction moratorium exceptions was passed by the House 130-0 May 5. It now awaits gubernatorial action.

Rep. Loren Solberg (DFL-Grand Rapids), the sponsor of HF1896/SF1716*, said the Itasca County Hospital requested an exception to the moratorium to add 14 beds that would be used for rehabilitation services. “There is no opposition to the bill,” he told members.

“The state imposed the construction moratorium several years ago in an effort to help control health care costs. So far, 16 other exceptions have been provided in law,” according to a Feb. 20 news release from Solberg’s office.

According to state statute: “The following construction or modification may not be commenced: (1) any erection, building, alteration, reconstruction, modernization, improvement, extension, lease, or other acquisition by or on behalf of a hospital that increases the bed capacity of a hospital, relocates hospital beds from one physical facility, complex, or site to another, or otherwise results in an increase or redistribution of hospital beds within the state; and (2) the establishment of a new hospital.”

The bill was approved 61-0 by the Senate April 12. Its Senate sponsor is Sen. Tom Saxhaug (DFL-Grand Rapids).

License provisions

The House passed a bill 123-6 May 5 that would make changes to licensure provisions for speech-language pathologists, audiologists, occupational therapy professionals, dentists, and other public health occupations.

Rep. Jim Abeler (R-Anoka), the sponsor of HF2175, said he was originally opposed to the bill, but took on the project to find areas to be tweaked. The bill covers nine licensure groups and clarifies regulations.

Several additional regulations include: allowing physician’s assistants to provide radiography, adding oriental massage to acupuncturists’ scope of practice, and requiring that graduates from nursing education programs in Canada show proof of licensure in that country or the United States, while graduates from other countries must submit verification of graduation from a nursing program and be approved the Board of Behavioral Health and Therapy.

The bill also encourages health-care providers to use thimerosal-free vaccines when available. A pair of health agencies and vaccine manufacturers have recommended against using thimerosal as a precautionary
measure. Thimerosal is a mercury-containing preservative used in some vaccines. Doses used in vaccines may cause minor reactions like redness or swelling at the injection site.

A successful amendment by Rep. Laura Brod (R-New Prague) added a cross reference of language relating to licensures of Minnesota National Guard members who are ordered to active military service.

A nurse recently returning from deployment faced a situation as to whether he could be relicensed due to some lapsed continuing education requirements. Brod said the change would help those reading the statutes relating to veterans and service members, "know where to find the place where this service member is covered."

Also amended onto the bill was HF2436, also sponsored by Abeler. It modifies the Emergency Health Powers Act in a number of ways, including: allowing the governor to issue an executive order allowing care to be administered in temporary facilities when the regional hospital system is at capacity, and permitting law enforcement to use "reasonable force" in enforcing a quarantine or isolation order. A Senate companion (SF2512), sponsored by Sen. Becky Lourey (DFL-Kerrick), awaits action by a third committee.

The bill now goes to the Senate, where Sen. Sheila Kiscaden (IP-Rochester) is the sponsor.

Survey changes

Every nursing home in Minnesota must have a state license from the Department of Health to operate. Department staff, known as surveyors, regularly inspect the homes for compliance.

On a 129-0 vote, the House passed a bill May 5 that makes changes to the federally required nursing facility survey process.

"What this bill does is look at the survey processes in the nursing homes and includes some areas where these can be approved," said Rep. Char Samuelson (R-New Brighton), the sponsor of HF2246.

Rick Carter, president of Care Providers of Minnesota, told the House Health and Human Service Policy Committee Feb. 25 that the survey process is "out of control. It is demoralizing for all concerned."

Among changes under the bill are additional requirements for provider and surveyor training.

"One of the areas is joint training, which means that the providers and the surveyors will have training together on new items or new regulations that are in place," Samuelson said. Otherwise, the only time the entities would meet is during the actual survey, which can be a stressful time for all involved.

The bill requires the health commissioner to establish a quality improvement program for the facility survey and complaint process. According to the bill, "The commissioner must regularly consult with consumers, consumer advocates, and representatives of the nursing home industry and representatives of nursing home employees in implementing the program." An annual quality improvement report must be submitted to the Legislature beginning Dec. 15, 2004.

The commissioner must also provide facilities with draft statements of deficiencies at the time of the survey exit process and provide facilities with completed statements of deficiencies within 15 working days of the exit process. Furthermore, when citations are posted on the agency Web site, the facility's response must also be posted.

"There is no fiscal impact and all stakeholders are in favor of the bill," Samuelson said.

The bill has no Senate sponsor.

Adverse event reporting

The House passed a bill May 5 that clarifies the duties of the Department of Health and health facilities in the reporting of adverse health care events.

Following the 130-0 vote, the bill is on its way to the governor. Senate approval was given by a 64-0 vote April 26.

"We passed a bill last session that requires the reporting of 27 events that should never happen in hospitals," said Rep. Lynda Boudreau (R-Faribault), who sponsored HF2365* with Sen. Steve Kelley (DFL-Hopkins). "This bill makes some technical changes to that act."

Under current law, adverse health care events could include surgery on the wrong body part or person, patient death or disability related to medical devices or drugs, or patient protection errors such as discharging an infant to the wrong person.

"Medical errors that now involve children will be reported and that is why there is a reference to the Maltreatment of Minors Act," she said. "The boards of practice for physicians, nurses, physicians assistants, pharmacists, and podiatrists want to be mandated reporters of these adverse events, in addition to the hospitals."

The bill also addresses the protection of the confidentiality of investigative documents that are held by the Department of Health.

"I'm not aware of any opposition or concerns with this legislation," Boudreau said. "There's great peace in the valley on this bill."

Different terminology

A bill that provides a state statute clarification for the way some assisted living facilities are termed is on its way to the governor.

Passed by the House 130-0 on May 5, HF1936/SF1571* was passed by the Senate 63-0 March 22.

"This bill is a technical fix to the assisted living communities in the state of Minnesota," said Rep. Brad Finstad (R-New Ulm), who sponsored the bill with Sen. Mee Moua (DFL-St. Paul).

"We see in the industry some problems with long-term care insurance, and the way our state statutes address assisted living we call it 'housing with services,'" he said. "This bill just makes some technical changes in providing more definitions for housing with services as an assisted living facility and assisted living services."

Under the bill, a registered housing with services establishment "that holds, or contracts with an individual or entity that holds, a home care license and all other licenses, permits, registrations, or other governmental approvals legally required for delivery of the services the establishment offers or provides to its residents, constitutes an 'assisted living facility' or 'assisted living residence.'"

Industry

Non-oxygenated fuel exemptions

The statutory definition of oxygenated gasoline is gasoline that has been blended with agriculturally derived denatured ethanol or with another oxygenate approved by the U.S. Environmental Protection Agency.

State law now requires that all gasoline sold in Minnesota must contain at least 10 percent denatured ethanol by volume, with the exception of gas sold for use in collector vehicles or vehicles eligible to be licensed as collector vehicles, off-road vehicles, motorcycles, boats, snowmobiles, or small engines.

HF2098/SF2433*, sponsored by Rep. Dan Dorman (R-Albert Lea) and Sen. Becky Lourey (DFL-Kerrick), would make some changes to the guidelines for stations selling both oxygenated and non-oxygenated fuels.

The bill passed the House 111-19 May 5.

Dorman said that the 10 percent mandate has caused a "small hitch" for certain retail gasoline stations that sell both types of gasoline.

In some cases, those stations could have a blending switch on a pump and come close to meeting the new mandate but not quite make it, he said. The bill would provide certain exemptions for those retailers.

Another provision would require a sticker
informing customers of the approved non-oxygenated fuel uses to be placed on the pump at least 2 feet above the ground.

Dorman said in some cases the sticker wasn’t visible unless a person bent over to tie their shoes while pumping gas.

Also under current law, gasoline stations in Anoka, Carver, Chisago, Dakota, Hennepin, Isanti, Ramsey, Scott, Washington, and Wright counties must notify the Department of Commerce of the intent to sell non-oxygenated fuel between Oct. 1 and Jan. 31 and then report the number of gallons sold during that period.

Under the bill, any retail gas station in the state selling non-oxygenated premium gasoline would have to submit a report summarizing the annual sales volume every two years.

Dorman said it makes more sense to establish a trend line and find out how much non-oxygenated fuel is being used on an annual statewide basis.

The provision would “give the folks in the renewable fuel area some comfort,” he said.

Rep. Bob Gunther (R-Fairmont) successfully amended the bill to include a provision that would raise the petroleum inspection fee from 85 cents to $1 for every 1,000 gallons.

That would raise the petroleum inspection fee some comfort,” he said.

The Senate companion bill (SF2587), sponsored by Sen. Dan Sparks (DFL-Austin), has been incorporated into SF1889, which contains government data classification and dissemination provisions. That bill awaits action by the full Senate.

A successful amendment offered by Wilkin on the House floor contains several health plan provisions from the health and human services omnibus bill that aim to achieve costs saving, as well as regulate the electronic transmission of required information.

The Senate companion bill (SF2587), sponsored by Sen. Dan Sparks (DFL-Austin), has been incorporated into SF1889, which contains government data classification and dissemination provisions. That bill awaits action by the full Senate.

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

Sponsors of Rep. Greg Blaine (R-Little Falls) and Sen. Betsy Wergin (R-Princeton), HF2555/SF2851* does two things.

First, a young person whose provisional license is revoked due to a drunken driving crime or a crash-related moving violation would not be able to regain a license until age 18. Furthermore, that person would have to complete a formal driving instruction course, document three months’ experience in operating a motor vehicle, and pass the driver’s license written examination.

Second, any person under age 18 driving without an instruction permit who is convicted of a DWI-related crime or a crash-related moving violation would not be allowed a license until age 18. In order to obtain a regular license, this person would then have to pass a written test, obtain a learner’s permit and hold it for at least six months, and then pass a behind-the-wheel test.

Blaine said the bill is referred to as “Vanessa’s Law.” Vanessa Weiss was killed in May 2003, just days before her 16th birthday. She was a passenger in a vehicle being driven by an unlicensed 15-year-old who lost control of the vehicle.

Vanessa’s mother, Mary Weiss of St. Louis Park, testified before the House Civil Law Committee March 12 in support of the bill. She said alcohol and drugs were not a factor in the accident. To blame were excessive speed, inattentive driving, and youthful inexperience.

“My heart is very unfortunate that the life of an innocent young girl was taken before we have taken action to address this issue,” Blaine said.

The bill was amended on the House floor to clarify its intent.

The amendment was preceded by a robust debate between Blaine and Rep. Tom Rukavina (DFL-Virginia). Rukavina said passing the bill would only further disenfranchise teenagers and limit the ability of judges to use discretion.

“It’s very unfortunate what happened to this young woman… but to just go with a blanket

Continued on page 14
The image to the right was photographed normally in the visible spectrum. To the far right is the same Capitol area image photographed using an infrared filter.

Below: The ghostly forms of children playing around the Charles Lindbergh memorial in a three-second infrared exposure.
With the use of an infrared filter, light is captured in the part of the spectrum not visible to the human eye. Such images often take on a dreamlike or otherworldly look. Since green light is translated into white through the infrared filter, spring landscapes often take on the appearance of a snow-covered environment. These infrared images were obtained using a Wratten no. 87 filter at shutter speeds between one second and three seconds.

Below left: The Korean War Veterans Memorial in infrared.

Below right: Friends enjoy an infrared lunch on the east veranda of the State Capitol.

SPRING IN INFRARED LIGHT

PHOTOS AND TEXT
BY ANDREW VONBANK
Continued from page 11

bill, Rep. Blaine, I just can’t support it,” Rukavina said.

Responded Blaine, “This a blanket attempt to address the fact that we want young people in the state of Minnesota to think before they get behind the wheel if they don’t have a driver’s license.”

The Senate passed the amended version 63-1 May 4. It now goes to the governor.

**Property protection**

A bill that would have protected private property cave owners from injury lawsuits by recreational explorers was vetoed by Gov. Tim Pawlenty April 29.

The veto comes in the wake of the April 27 deaths of three teenagers from carbon monoxide poisoning in St. Paul caves near the Mississippi River. The odorless, colorless gas tends to build up in the caves.

“In light of the deaths this week in a St. Paul cave, this is an issue we should not take lightly,” Pawlenty said in a press release. “We’ve seen firsthand the dangers involved in cave exploration. This bill could decrease precautions to avoid tragedy in the future.”

The veto is the first of the 2004 legislative session.

Under current law, a landowner making his property available for recreational activities without charge has no responsibility to prevent individuals from harming themselves. Activities currently covered by the law are hunting, trapping, fishing, swimming, boating, camping, picnicking, hiking, bicycling, horseback riding, firewood gathering, pleasure driving, snowmobiling, water skiing, as well as activities including winter sports, use of trails on foot or motorized vehicles, and the viewing of historical, archaeological, scenic, or scientific sites.

The bill would have added rock climbing and cave exploration to the list. Rep. Gregory Davids (R-Preston) and Sen. Mady Reiter (R-Shoreview) were its sponsors.

Bill Brueck of Chatfield, representing the Minnesota Speleological Survey, testified in support of the bill at the Feb. 18 House Civil Law Committee meeting.

“...As hobbyists, as cave explorers, as scientists, as recreationalists on this activity, we are finding that landowners are simply concerned about having us on their property out of concern of liability,” Brueck said.

The Minnesota Speleological Survey is an affiliate of the National Speleological Society, an organization dedicated to the study, exploration, and conservation of caves.

The group asked for the addition of rock climbing to the definition as well, recognizing that access to cave entrances occasionally requires rock climb and rappelling.

“We also feel it is our responsibility if we get in trouble while we’re doing this and so we want to make sure landowners are not held responsible for our activities,” Brueck said.

**TOURISM**

**Promoting Minnesota**

A new law signed April 28 by Gov. Tim Pawlenty creates a new office within the executive branch called Explore Minnesota Tourism.

Tourism functions are currently administered within the Department of Employment and Economic Development, but the transfer of duties to a new agency would help increase the awareness of tourism in Minnesota,” John Edman, deputy commissioner of the Minnesota Office of Tourism, told a House committee.

The budget would move with the office, resulting in no net fiscal impact to the state.

Rep. Gregory Davids (R-Preston), who sponsored the law with Sen. Thomas Bakk (DFL-Cook), said the current configuration no longer meets the needs of the industry.

Edman said Minnesota is being outspent on tourism marketing by neighboring states. With more people leaving the state to travel than people coming here from elsewhere, it is time to look at other funding mechanisms for promoting Minnesota travel. He said for every dollar the state spends, it gets $4.60 back in tourism.

Under the law, the governor will continue to appoint the director, as well as a 28-member council to oversee the tourism office. Council members will include the director of Explore Minnesota Tourism, 11 representatives from associations representing specified tourism and hospitality groups, one representative from each of the four tourism marketing areas to be designated by the office, and two legislators from both the House and Senate.

Effective July 1, 2004, the law permits the director to sell reports, publications, or related publicity or promotional material of the office.

There was no floor debate on the issue, but the bill generated a great deal of discussion in committee. The measure was favored by garbages companies and opposed by city engineers and county representatives.

Julie Ketchum, representing Waste Management of Minnesota Inc., told the House Transportation Policy Committee that five of her company’s drivers were charged with gross misdemeanors in April 2003 for violating highway weight restrictions. After being unable to get the charges placed in the company’s name, they are facing jury trials.

If signed into law, the bill would allow law enforcement to impose a civil penalty on garbage and recycling truck drivers violating weight restrictions. It would disallow criminal penalties.

Tom Mathisen, Crystal city engineer, told the committee that the garbage hauling industry has increased truck sizes to increase profits and is now asking the Legislature for an exemption.

“You can’t make a highway pavement stronger by passing a law,” added Mike Wagner, Nicollet County engineer.

The committee also heard Roseville City Engineer Deb Bloom say that building one mile of road requires about $850,000. Allowing heavier loads could exacerbate the condition of county roads, which have $195 million in preservation and maintenance needs throughout the state.

**Pounds of gross weight**

Garbage trucks would be allowed to bypass road weight restrictions typically imposed during the spring thaw season, under a bill passed 98-32 by the House May 3.

HF722, sponsored by Rep. Ron Erhardt (R-Edina), would allow garbage trucks to continue making their routes despite any posted weight restrictions until July 1, 2005, provided the trucks do not exceed 14,000 pounds per axle.

Under current law, some heavy vehicles are already exempt from temporary annual weight restrictions, including school buses and recycling trucks.

The provision’s expiration date was chosen, Erhardt said, to coincide with completion of a study on road wear and weight restrictions being conducted by the Minnesota Department of Transportation and the Center for Transportation Studies at the University of Minnesota.

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Signed by the governor

[TOPIC: **TRANSPORTATION**]

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added Carol Lovro, representing the Association of Minnesota Counties.

The bill now goes to the Senate, where Sen. William Belanger Jr. (R-Bloomington) is the sponsor. The provisions are also in a Senate omnibus transportation policy bill (SF2247), sponsored by Sen. Steve Murphy (DFL-Red Wing). It awaits action on the Senate floor.

Behind the wheel

Substantial changes to the hours that truck drivers may work was signed into law April 29 by Gov. Tim Pawlenty. The new rules add an hour to allowed driving times, but also increase required off-duty rest times. Furthermore, more non-driving activities have been added to the definition of driving.

The changes, effective April 30, 2004, were mandated by an update of federal law in January.

Earlier this year, trucking companies throughout the nation objected to the new federal rules, fearing that the changes would drive up costs.

However, the Federal Motor Carrier Safety Administration, on its Web site, states that the new hours-of-service rule will save 75 lives and prevent 1,326 fatigue-related injuries and 6,900 incidents of property damage every year. Prevention of such incidents would save the American economy $628 million a year.

The cause of driver fatigue is the length of a driver’s workday, not just the amount of time he or she spends on the road, according to the federal agency.

“That’s why the … new hours-of-service rule reduces a driver’s workday by an hour and requires it to be consecutive, while allowing more of that time to be spent on the road, where most drivers earn their living,” said Administrator Annette M. Sandberg, on the agency’s Web site.

Sponsors of the law are Rep. Michael Beard (R-Shakopee) and Sen. Mark Ourada (R-Buffalo).

HF1978*/SF1910/CH167

### What’s on the Web

**Finding legislator votes online**

How did my representative vote on the issue?

The answer to this frequently asked question is seldom packaged as neatly as many constituents would prefer, but the documentation does exist as a matter of public record.

While there are no official compilations of voting records by individual legislator, all roll-call votes — required for the final passage of any bill — are recorded electronically and published in the Journal of the House.

The HouseWeb site contains electronic versions of the journal back to 1994. Visit www.house.leg.state.mn.us/cco/journals/journals.html to view the collection.

Even better than that, the House Web site features a handy link to floor votes and their respective journal pages sorted by House file number.

From the House main page (www.house.mn), select the “Recorded Roll Call Floor Votes” link under the House Legislation heading.

The Recorded Roll Call Votes By Year page offers links to every bill passed by a roll call vote back to the 2001 session. Select the particular bill you are interested in and the subsequent screen will present the vote tally, as well as links to the specific journal page, and the list of members who voted in the affirmative or the negative.

A link to recorded roll call votes also is available on the status page for House bills.

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| Capitol Security   | 296-6741 |
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Victims and criminals
Measure would distribute funds to fight domestic and international sex trafficking of Minnesota women, children

By Miranda Bryant

Paula can’t remember her first trick as a prostitute. But she can recall being abused by her brother and her father’s best friend.

At age 12 she presented a fake ID and began working as a prostitute at a massage parlor. By age 15 she had a pimp who beat her numerous times and trafficked her to seven different states, forcing her to walk the streets as a prostitut. Ultimately, she was bought and sold eight times to other pimps.

“Not only was I seen as a victim, but I was seen as a criminal,” she told the House Judiciary Policy and Finance Committee March 11. As she spoke, several women stood with their backs to the committee, allowing members to see the slogans on their T-shirts which stated: “We will not be bought, sold or traded at any price.”

Paula was testifying in support of HF2314, sponsored by Rep. Kathy Tingelstad (R-Andover), which would expand the definition of prostitution to include sex trafficking. The initiative would also allocate funds for the continued investigation of sex traffickers, and to organizations helping prostitutes and sex trafficking victims.

The measure has been included in the House judiciary finance omnibus bill (HF2028), approved by the House. The Senate companion (SF2245), sponsored by Sen. Sandra Pappas (DFL-St. Paul), has been incorporated into the Senate omnibus crime prevention bill (SF1863). It awaits action by a second committee.

Minnesota is not immune from sex trafficking crimes, according to Matt Wente, a Minneapolis police officer. Working undercover, Wente has helped numerous outstate police agencies infiltrate the adult and juvenile sex trade in Minnesota, particularly a statewide circuit that has developed over the past 15 to 20 years.

“There is no point on the compass that is immune from this particular situation,” Wente said. “The smallest of towns can have a problem and not see it.”

While Paula was recruited domestically, other women and children are recruited internationally.

Women in foreign countries can be lured by newspaper advertisements offering good jobs at high pay in exciting cities. Fraudulent travel, modeling, and matchmaking agencies can also snare victims. And in some cases, parents are convinced their children will be taught a useful skill or trade, or that their daughters will be married to rich, kind men.

Victims often feel powerless to seek help, hampered by language barriers, threats of physical harm, and fear of arrest.

Vednita Carter, executive director of the group Breaking Free, told the committee of one case in which 10 Minnesota girls under the age of 18 were kidnapped and taken to Chicago as part of a sex trafficking ring.

“Is it possible to end this form of oppression?” Carter said. “I say, yes, it is. Our policymakers were able to abolish slavery. We certainly can abolish prostitution, which is an extension of slavery.”

HF2314 defines sex trafficking to mean “recieving, recruiting, enticing, harboring, providing or obtaining by any means, an individual to aid in the prostitution of an individual.”

Under current law, promotion of prostitution carries a maximum sentence of 15 years and 20 years, depending on the prostitute’s age.

A major component of the bill is the distribution of funds gained through the sale of property used in prostitution. State law allows such items to be seized and sold. HF2314 would distribute the proceeds as follows:

- 40 percent to the law enforcement agency involved in the forfeiture,
- 40 percent to the Department of Public Safety for distribution to crime victims service organizations helping prostitution and sex trafficking victims, and
- 20 percent to the prosecuting agency handling the forfeiture.

The amount of revenues that could be raised is unknown.

However, state agencies submitting fiscal analyses to the judiciary committee expressed skepticism and concern.

“The activities covered in the definition of sex trafficking may already be prohibited,” stated a Supreme Court fiscal note.

The Sentencing Guidelines Commission reported that 21 people were sentenced for promotion of prostitution under the current definition in 2002. “It is projected that expanding the definition will result in a minimal increase in the number of offenders sentenced for this offense,” said the commission’s fiscal note.

The note went on to state, however, that local jail costs could be more substantial if the number of cases increases.

An amendment offered by Rep. Steve Smith (R-Mound) would require an annual report on the distribution and expenditure of seizure funds.

Officer Wente said the distribution of seized property revenues is important because complex sex trafficking investigations can last up to two years and severely burden local police forces with limited resources.

Said Wente, “Legislative initiatives like this one will only help to keep the law enforcement toolbox stocked with valuable and necessary tools — tools needed to catch and convict individuals bent on criminal exploitations of others.”
Greenway on the Red

Proposal would create greenway along Red River to prevent floods, boost tourism

BY NICOLE WOOD

In response to repeated, devastating floods in the Red River Valley, officials from three states and a province are working together to prevent flooding in the basin and thereby reduce the potential for damages and taxpayer expenditures in the aftermath of flooding.

The Red River of the North flows approximately 550 miles south to north from a confluence of the Otter Tail and Bois de Sioux rivers near Breckenridge, Minn., forming the Minnesota-North Dakota border, to an outlet in Lake Winnipeg, Manitoba.

The river’s basin encompasses an area of 45,000 square miles, including portions of northwestern Minnesota, much of eastern North Dakota, the southern part of Manitoba, and a small portion of northeastern South Dakota.

Minnesota’s portion of the basin covers about 37,100 square miles in all or part of 21 counties.

The fertile land surrounding the Red River is not so much a valley as it is an exposed lakebed, where Lake Agassiz formed 10,000 years ago in the wake of a receding glacier.

The Red River and its tributaries frequently overflow their banks in an ongoing effort, it seems, to return the basin to its prehistoric saturated state.

The consequences of the flooding wreak havoc on families, businesses, and state coffers.

A 1997 flood broke a number of records and set off an international debate over the degree to which the severity and frequency of flooding in the region is caused by human activities or Mother Nature.

Economic damages in the U.S. and Canada neared the $5 billion mark, according to the International Joint Commission, an organization established by the 1909 Boundary Waters Treaty to help the two countries manage shared water resources.

After the flood, the Canadian and U.S. governments asked the commission to examine flood management techniques and offer better solutions to reduce or prevent damages from future floods. The commission’s efforts resulted in a November 2000 report titled “Living with the Red.”

“There is no single solution to the flood damage mitigation challenge,” according to the report. “To reduce vulnerability to flooding, all possible approaches, including both structural and nonstructural damage reduction measures, must be considered as part of a comprehensive plan.”

“This would include, when environmentally, economically and socially justified, development of additional reservoir storage, restoration of wetlands, micro-storage, construction or improvement of levees and dikes, flood-walls and bypass channels, permanent evacuation of high-risk areas, flood-proofing, and the enhancement of flood forecasting and warning systems.”

Put quite bluntly, “There are no silver bullet,” according to the report. “The residents of the Red River basin must be ready to cope with the next flood. They must be prepared to deal with the challenges of fighting the flood and flood recovery. In other words, they must become resilient to the effects of flooding where they cannot avoid them.”

The resiliency to meet those flood mitigation challenges requires state, federal, and international cooperation. A number of flood damage reduction strategies are underway and under discussion by agencies and organizations in both countries, from the local to the federal levels.

Acting under a Memorandum of Understanding for Flood Mitigation signed in 2000, top elected officials from Minnesota, North Dakota, South Dakota, and Manitoba are considering the creation of a continuous parks and trails system along the length of the Red River. The Greenway on the Red, as the project is known, would extend from Lake Traverse in South Dakota to Lake Winnipeg.

The greenway would provide “multiple on-the-ground benefits through riparian restoration, water quality enhancement, farmer/landowner incentives, community strengthening, and increased recreation, tourism, and economic development,” according to Prairie Public Broadcasting’s River Watch Web site.

Gov. Tim Pawlenty recently hosted the annual meeting of state and provincial leaders at the governor’s residence in St. Paul. As an outcome of that gathering, the group has committed to exploring the greenway concept as a way to boost tourism and recreational opportunities while preventing flood damage.

“I believe that we do need a greenway along the Red,” said Rep. Maxine Penas (R-Badger), who represents a portion of the basin. “The question is, how far out?”

While she recognizes the need for a buffer zone, there is good fertile soil along the river that should be used for agriculture, she said.

The Conservation Reserve Enhancement Program is one vehicle to obtain the necessary easements, Penas said, but there has to be sound scientific data to ensure the width is appropriate and the greenway would accomplish flood mitigation goals without encroaching on farmers’ and landowners’ rights.

In addition to her state representative duties, Penas also is a delegate to an annual Red River basin legislator forum. Lawmakers from the three states and Manitoba are scheduled to gather at the end of May, Penas said, and the greenway surely will again be a topic of debate.
Fighting fraud

Lawmakers are considering the creation of an insurance fraud agency that could eventually save Minnesotans money

BY PATTY JANOVEC

Insurance fraud is on the rise across the nation, driving up the cost of property and automobile insurance by billions of dollars every year. Now, a legislative initiative would address the growing problem in Minnesota.

HF2640, sponsored by Rep. Gregory Davids (R-Preston), would create an insurance fraud prevention agency within the state Commerce Department. The division would “go after some of the folks that...have been defrauding insurance companies,” he said.

According to Bruce Gordon, the department's information director, the unit would investigate bodily injury fraud cases stemming from staged or actual auto accidents, fabricated injuries related to lawyer conspiracy, auto repair fraud, and workers' compensation claims. Between six and eight law enforcement officers would be assigned to the unit.

Currently, 70 individuals at the department field consumer complaints, some of which pertain to insurance matters. Employees refer calls to the appropriate enforcing department if insurance fraud is discovered.

Davids explained the agency policing component would work by employing certified police officers who would investigate such complaints as stolen cars, cars sent to “chop shops,” and fraudulent rings of chiropractors or doctors who mark up claims to “rip off insurance companies.”

Insurance companies would pay for the cost of establishing the agency, likely passing on the expense to consumers. Although the initial effect could mean higher premiums, savings would eventually be realized through the prevention of fraud, Davids said.

The bill has been approved by five House committees and awaits action by the House Rules and Legislative Administration Committee. A Senate companion (SF2607), sponsored by Sen. Linda Scheid (DFL-Brooklyn Park), has been approved by two committees and awaits action in the Senate Finance Committee.

Insurance fraud costs Americans an estimated $30 billion a year, according to the National Insurance Crime Bureau. This leaves the average Minnesota family to absorb about $1,000 per year in higher costs and premiums for insurance and other products, according to Bob Johnson, a lobbyist with the Insurance Federation of Minnesota.

Under current practice in Minnesota, insurance companies investigate suspicious claims and often refer cases to city or county attorneys. However, insurance companies do not have arrest powers or other tools that would be available to the proposed state insurance fraud unit.

The Coalition of Insurance Fraud reports that in the early 1990s, only eight fraud bureaus existed throughout the nation; 25 bureaus were created from 1991 to 1995. Today 40 states have insurance fraud units, utilizing a variety of funding mechanisms, Gordon said.

These insurance fraud bureaus received nearly 89,000 reports of potential fraud in 2000, up 5 percent from 1999. Referrals come from a number of sources, including insurance agencies, consumers, and other government and law enforcement agencies. New York, California, New Jersey, and Florida accounted for 73 percent of all referrals.

Of the complaints, more than 19,000 were determined by 35 bureaus to be actual fraud. Nearly 4,000 cases were prepared for prosecution by 38 fraud bureaus in 2000. Convictions totaled 2,123 in 2000, more than double the total five years earlier.

New Hampshire was the first state to address insurance fraud by appointing an insurance commissioner in 1851. As the insurance industry grew, so did the need for federal regulation. In 1945, Congress adopted the McCarran-Ferguson Act, declaring that states should regulate the business of insurance for the public's best interest, according to the National Association of Insurance Commissioners.

Minnesota isn't alone in debating new methods of addressing insurance fraud. The Louisiana Legislature is considering three fraud bills, according to the Coalition Against Insurance Fraud. Maryland legislators recently passed two anti-fraud bills, and Massachusetts sent to a study committee a bill that would create a state false claims act for insurance fraud.

Nearly half of the state fraud bureaus are housed in departments of insurance. Since 1995, legislatures have placed three bureaus within such departments, two in attorney general offices, and three in state police agencies.

Much of the debate in Minnesota's House committees revolved around what state agency should oversee the work of the proposed insurance fraud unit. The debate was sparked by a section of the bill that would move duties of the statewide auto theft prevention program from the Public Safety Department to the Commerce Department.

Davids told the House Judiciary Policy and Finance Committee that auto theft insurance is generally covered by comprehensive coverage on auto insurance policies, and it should therefore fall under the purview of the Commerce Department.

Opponents said the Public Safety Department should have more involvement in a policing agency.
Space-age transit
House bonding bill appropriates $4 million for personal rapid transit pilot project

By Miranda Bryant

While legislators continue to feud over funding the highly touted Northstar commuter rail, another effort at mass transit has persistently, and in many ways, quietly, received approval.

Personal rapid transit — described by some as a vision from the 1960s TV cartoon “The Jetsons” — consists of elevated guideways and automated personal pods. Riders would board at any one of multiple stations by swiping a prepaid fare card and entering a destination. A personal pod, capable of seating from one person to multiple people, would zoom to the station, pause for boarding, and then cruise off automatically and non-stop to the passenger’s destination.

Advocates say the system reduces automobile accidents, is less expensive than other mass transit modes, emits less pollution than buses, and requires less landmass than freeways. The one-way guideway, which would sit atop 16-foot poles placed 90 feet apart, could be built above freeway medians and roads.

“Most, if not all, of the particular companies involved with the supporting materials for this are here in the state of Minnesota,” Rep. Bruce Anderson (R-Buffalo Township) said during the Feb. 18 House Transportation Finance Committee meeting, “so it would give jobs and economic development increases.”

Critics say personal rapid transit has never truly worked in any city, that the elevated guideways are a visual blight, and that capacity levels are overstated and construction and development costs are understated.

Nonetheless, a bill (HF1686) appropriating bond money for the design and construction of a pilot personal rapid transit project somewhere in Minnesota was approved by three House committees. Portions of the bill, including a $4 million appropriation, were included in the bonding bill (HF2991) passed by the House April 29.

Sponsored by Rep. Mark Olson (R-Big Lake), HF1686 originally called for giving the pilot project grant money to the Duluth Transit Authority. The bill was later amended to allow the grant to whichever local government unit, postsecondary educational institution, or public transit authority meets the grant requirements.

To qualify, the recipient must agree to construct a 2,200-foot oval guideway, one off-line station, and a maintenance and control center. The final agreement must include cooperation from:

• a city government; and
• a local public transit provider, for the provision of personal rapid transit services to the public; and
• a postsecondary educational institution that will provide technical support and training for planning, design, operation, and maintenance.

The pilot project would allow for the training of engineers and operators, and for safety certification necessary for public use. The bonding bill further states that the pilot project would “establish a new and economically self-sustaining, viable technology in Minnesota,” and provide royalties to the University of Minnesota.

The grant agreement would be contingent on two matters: provision of $12 million in matching funds by the grant recipient, and an $8 million contribution from a private Minnesota entity with the “licensing and technological capacity” to provide at least three personal rapid transit vehicles and six months of testing.

The private entity, presumably, is Taxi 2000 Corporation. In the past months, the corporation has sponsored numerous tours for legislators of its prototype vehicle, which rides a 60-foot magnetic propulsion demonstration track in Fridley.

The corporation’s CEO, J. Edward Anderson, is retired from the University of Minnesota as a mechanical engineering professor. He has spent 20 years working on the personal rapid transit prototype. The university owns 9 percent of his corporation’s stock.

A second bill (HF2540), also sponsored by Olson, would exempt operations and capital equipment purchases for personal rapid transit systems from sales taxes. The provision was included in the House omnibus tax bill (HF2540) approved April 23.

Not all members favored appropriating bonding money for the project, however.

Rep. Kathy Tingelstad (R-Andover) offered an amendment April 29 to remove personal rapid transit from the bonding bill in order to help fund the proposed Northstar commuter rail line. It failed 78-55.

At an earlier House Taxes Committee meeting, Rep. Ann Lenczewski (DFL-Bloomington) unsuccessfully offered a similar amendment.

“I don’t think it’s appropriate for government to subsidize them to do this,” she said. “This is not a precedent we want to start where we in the state of Minnesota help a producer get their product to market. We don’t even know if Minnesota wants this product.”

It’s clear that one Minneapolis city councilman does want personal rapid transit. Councilman Dean Zimmerman told the House Transportation Finance Committee Feb. 18 that he is proposing a 31-mile, 68-station personal rapid transit plan for Minneapolis.

His system would connect downtown Minneapolis, the west bank of the University of Minnesota, and the Uptown area and inner-city districts. The system would also connect to the new Hiawatha light rail line at four points and to the downtown Minneapolis skyway at six points.
How a Bill Becomes

Idea

A bill is an idea for a new law or an idea to change an old law. Anyone can suggest an idea for a bill — an individual, consumer group, professional association, government agency, or the governor. Most often, however, ideas come from legislators, the only ones who can begin to move an idea through the process. There are 134 House members and 67 senators.

Legal form

The Office of the Revisor of Statutes and staff from other legislative offices work with legislators in putting the idea for a new law into proper legal form. The revisor’s office is responsible for assuring that the proposal’s form complies with the rules of both bodies before the bill can be introduced into the Minnesota House of Representatives and the Minnesota Senate.

Authors

Each bill must have a legislator to sponsor and introduce it in the Legislature. That legislator is the chief author whose name appears on the bill along with the bill’s file number to identify it as it moves through the legislative process. There may be up to 34 co-authors from the House and four from the Senate. Their names also appear on the bill.

General Register

In the House, the General Register serves as a parking lot where bills await action by the full body. Bills chosen to appear on the Calendar for the Day or the Fiscal Calendar are drawn from the General Register.

In the Senate, a different procedure is used. Bills are listed on the General Orders agenda. Senate members, acting as the “committee of the whole,” have a chance to debate the issue and offer amendments on the bill. Afterwards, they vote to recommend: passage of the bill, progress (delay action), or further committee action. And sometimes they recommend that a bill not pass. From here, the bill is placed on the Calendar.

Calendar for the Day

In the House, the Calendar for the Day is a list of bills the House Rules and Legislative Administration Committee has designated for the full House to vote on. Members can vote to amend the bill, and after amendments are dispensed with, the bill is given its third reading before the vote of the full body is taken. The House also has a Fiscal Calendar, on which the chair of the House Ways and Means Committee or House Taxes Committee can call up for consideration any tax or finance bill that has had a second reading. The bills are debated, amended, and passed in one day.

In the Senate, bills approved by the “committee of the whole” are placed on the Calendar. At this point, the bill has its third reading, after which time the bill cannot be amended unless the entire body agrees to it. Toward the end of the session, the Senate Committee on Rules and Administration designates bills from the General Orders calendar to receive priority consideration. These Special Orders bills are debated, amended, and passed in one day.

A bill needs 68 votes to pass the House and 34 votes to pass the Senate. If the House and Senate each pass the same version of the bill, it goes to the governor for a signature.
Introduction

The chief House author of the bill introduces it in the House; the chief Senate author introduces it in the Senate. Identical bills introduced in each body are called companion bills. The bill introduction is called the first reading. The presiding officer of the House then refers it to an appropriate House committee for discussion; the same thing happens in the Senate.

Committee

The bill is discussed in one or more committees, depending upon the subject matter. After discussion, committee members recommend action — approval or disapproval — to the full House and full Senate. The House committee then sends a report to the House about its action on the bill; the Senate committee does likewise in the Senate.

Conference

If the House and Senate versions of the bill are different, they go to a conference committee. In the House, the speaker appoints three or five representatives, and in the Senate, the Subcommittee on Committees of the Committee on Rules and Administration selects the same number of senators to form the committee. The committee meets to work out differences in the two bills and to reach a compromise.

Floor

After the full House or Senate accepts the committee report, the bill has its second reading and is placed on the House agenda called the General Register or the Senate agenda called General Orders. (A committee can recommend that non-controversial bills bypass the General Register or General Orders and go onto the Consent Calendar, where bills usually pass without debate.) After this point, House and Senate procedures differ slightly.

Floor

The conference committee’s compromise bill then goes back to the House and the Senate for another vote. If both bodies pass the bill in this form, it is sent to the governor for his or her approval or disapproval. (If one or both bodies reject the report, it goes back to the conference committee for further consideration.)

Governor

Once the governor has the bill, he or she may: sign it, and the bill becomes law; veto it within three days; or allow it to become law by not signing it. During session, the House and Senate can override a governor’s veto. This requires a two-thirds vote in the House (90 votes) and Senate (45 votes). The governor also may “line-item veto” parts of a money bill, or “pocket veto” a bill passed during the last three days of the session by not signing it within 14 days after final adjournment.
Once a bill has passed both the House and Senate in identical form, it's ready to be sent to the governor for consideration. The governor, who has several options when considering a bill, can:

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

In the second year of the biennium (even-numbered years), as this year is, a bill passed by the Legislature and presented to the governor before the final three days of the session will become law unless the governor vetoes it by returning it to the Legislature within three days. The governor normally signs the bills and files them with the secretary of state, but his signature is not required.

(Sundays are not counted in the three-day limit, but holidays are.)

But if a bill is passed during the last three days of session, the governor has a longer time to act on it. He or she must sign and deposit it with the secretary of state within 14 days after the Legislature adjourns "sine die" (Latin for adjournment "without a date certain"). If the governor does not sign a bill within this time frame, it will not become law, an action known as a "pocket veto." The governor is not required to provide a reason for the veto.

Only on appropriations bills can the governor exercise the line-item veto authority. This option allows the governor to eliminate the appropriation items to which he or she objects. As with all vetoes (save pocket vetoes) the governor must include a statement listing the reasons for the veto with the returned bill. Here, too, the timetable is either 14 days after adjournment for bills passed during the final three days of the session, or within three days after the governor receives the bill at any other time.

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

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

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

This information is also available on the governor's Web site (www.governor.state.mn.us). Select the "Legislation" link.

Key:

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

### Tracking new laws, vetoes

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*The legislative bill marked with an asterisk denotes the file submitted to the governor.
agreement with the stadium authority include additional annual rent payments that are linked to expected additional revenue from a new stadium. The additional rent would be based on an estimated tax refund to the teams that the authority would set annually.

The rent/refund formula would be based on anticipated increased player payrolls, as well as increased ticket and concession sales taxes. The base year to which new stadium payroll and sales tax revenue would be compared would be the teams’ 2003 season in the Metrodome.

That additional rent would be the state’s contribution to stadium financing and be used toward paying off stadium construction bonds.

The bill’s initial stadium tax-increment provision was revised to avoid state income and sales taxes from the stadium directly paying off the construction debt, which would require the bill to pass the House with a three-fifths majority (81 votes).

Amendments by Rep. Ann Lenczewski (DFL-Bloomington) and Rep. Dan Dorman (R-Albert Lea) to replace stadium-increment financing with a metropolitan area sales tax or continuation of a metropolitan-wide tax on gross revenues from retail liquor sales received the most discussion.

“There’s no precedent to use (state) tax proceeds to fold back into a project,” Lenczewski said. “We’ve never allowed this.”

Stang said the issue was the teams staying in Minnesota. “Without the new stadiums, they will not be here.”

Dorman said he agreed with backers of the new stadiums that the professional teams were a feature of the state’s quality of life. “Who should pay for this quality of life portion that I believe exists,” he asked. “Should it be general fund dollars? There’s very little, if any, economic gain to this.”

The Twins absence from cable television channels in parts of the state, including most of the Twin Cities metropolitan area, this season due to an ongoing dispute between its Victory Sports One network and cable companies was also a factor in the committee’s vote.

Abrams successfully amended the bill to tie the issuance of construction bonds to agreements that would provide access to at least 135 of the team’s 162-game season to 70 percent or more of the cable or satellite television subscribers in the state.

Should the bill pass the Legislature this session, the earliest date for a bond issuance would be during 2005.

Rep. Tom Rukavina (DFL-Virginia), who voted for the bill, said the Twins television problems were “a public relations nightmare hanging over our heads.” Since 1996, he said, the club has claimed its fan base included those not likely to see a game in person such as “nursing home residents and seniors watching on TV.”

The bill also includes an amendment by Rep. Joe Mullery (DFL-Mpls) that the stadium authority’s lease with the Twins include an agreement with Major League Baseball “that guarantees a major league baseball franchise will be a tenant of the stadium.”
Wetting a line

Date of the 2004 fishing opener ................................................................. May 15
Percent of Minnesotans who fish ................................................................. 36
Estimated number of fishing licenses sold per year, in millions .................. 1.5
Cost of a resident license (age 16 and older) .............................................. $17
Non-resident license ................................................................................ $34
State rank in fishing licenses per capita ................................................... 1
Billions generated annually in direct expenditures from sport fishing .......... $1.9
Estimated tax revenue, in millions, related to fishing in 2001 ...................... $101.2
Approximate number of jobs related to fishing in Minnesota ................... 47,000
Minnow dealers in the state ................................................................. 386
Minnow retailers ................................................................................ 920
Number of lakes that are 10 acres or larger .............................................. 11,482
Those that are fishing lakes .................................................................. 5,493
Millions of acres of fishing waters in Minnesota, excluding Lake Superior .... 3.8
Miles of fishable streams in the state, as approximate ......................... 15,000
Those that are trout streams ................................................................ 2,600
Hatcheries operated by the state ............................................................ 17
For cool and warm water species (walleye, muskie, catfish, etc.) .......... 12
For coldwater species (trout and salmon) .................................................. 5
Pounds, in millions, of commercial fish harvested each year in Minnesota .... 4.5
Approximate number of walleyes kept annually, in millions, by state anglers .. 3.5
Weight of those fish, in millions of pounds .............................................. 4
Average length of walleye caught in the state, in inches ......................... 14
Weight, in pounds and ounces, of state record walleye caught on
the Seagull River in Cook County in 1979 ........................................ 17-8
Fish species in Minnesota ...................................................................... 158
First year for the Governor’s Fishing Opener ......................................... 1948
Before this year, times Baudette has been the event site ..................... 0

Sources: 2004 Minnesota Fishing Regulations, Minnesota Department of Natural Resources; other
department publications; Explore Minnesota; governor’s office.