

A NONPARTISAN PUBLICATION

★ ★ ★

SESSION Weekly

MINNESOTA HOUSE OF REPRESENTATIVES • PUBLIC INFORMATION

MAY 7, 2004

VOLUME 21, NUMBER 14

In this issue:

STADIUM BILL ADVANCES

SEX TRAFFICKING, INSURANCE FRAUD, AND MORE

HF3189-HF3192

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.

To subscribe, contact:
Minnesota House of Representatives
Public Information Services
175 State Office Building
St. Paul, MN 55155-1298
(651) 296-2146 or
1-800-657-3550
TTY (651) 296-9896

Director

Barry LaGrave

Assistant Editor

Mike Cook

Art & Production Coordinator

Paul Battaglia

Writers

Miranda Bryant, Patty Janovec,
Tom Lonergan, Nicole Wood

Chief Photographer

Tom Olmscheid

Photographers

Andrew VonBank, Lisa Marie Sanders

Staff Assistants

Christy Novak, Aaron Hoffman

Session Weekly (ISSN 1049-8176) is published weekly during the legislative session by the Minnesota House of Representatives Public Information Services, 175 State Office Building, St. Paul, MN 55155-1298. Periodicals postage paid at St. Paul, MN, and at additional mailing offices. POSTMASTER: Send address changes to **Session Weekly**, Public Information Services, Minnesota House of Representatives, 175 State Office Building, St. Paul, MN 55155-1298.

Printed on recycled paper which is 50% recycled,
30% post-consumer content.



CONTENTS

HIGHLIGHTS

Children • 5
Crime • 5
Elections • 5
Employment • 5
Energy • 7

Environment • 7
Gambling • 8
Government • 8
Health • 9
Industry • 10

Insurance • 11
Law • 11
Safety • 11
Tourism • 14
Transportation • 14

FEATURES

AT ISSUE: CRIME — A provision in the House judiciary finance omnibus bill would expand the definition of prostitution to include sex trafficking. • 16

AT ISSUE: ENVIRONMENT — Officials from Minnesota, North Dakota, South Dakota, and one Canadian province are working together to prevent flooding in the Red River Basin. • 17

AT ISSUE: INSURANCE — An insurance fraud prevention agency would be created in the Department of Commerce, under a bill working its way through the House. • 18

AT ISSUE: TRANSPORTATION — Included in the House bonding bill is \$4 million for a futuristic transit system that consists of personal pods. • 19

DEPARTMENTS/RESOURCES

It's A Fact: Transit twins • 4

What's On The Web:

Legislative votes • 14

Resources: How a Bill Becomes a Law
in Minnesota • 20

Governor's Desk (CH 134-CH172) • 22

Bill Introductions (HF3189-HF3192) • 23

Minnesota Index: Wetting a line • 24

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.

HF3089, sponsored by Rep. Doug Stang (R-Cold Spring), is now before the House Ways and Means Committee, which began hearing the bill May 6. A companion bill (SF2536), sponsored by Sen. Steve Kelley (DFL-Hopkins), passed its first committee May 5.

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

Recent Stadium Financing

STADIUM (Year Opened)	TEAM	PUBLIC FUNDING
Petco Park (2004)	San Diego Padres	67.5%
Citizens Bank Park (2004)	Philadelphia Phillies	56.6%
Soldier Field (2003)	Chicago Bears	65.9%
Lincoln Financial Field (2003)*	Philadelphia Eagles	36.3%
Great American Ballpark (2003)	Cincinnati Reds	89.9%
Seahawks Stadium (2002)	Seattle Seahawks	65.1%
Gillette Stadium (2002)	New England Patriots	17.5%
Ford Field (2002)	Detroit Lions	23.9%
Reliant Stadium (2002)	Houston Texans	43%
PNC Park (2001)	Pittsburgh Pirates	82.5%
Miller Park (2001)*	Milwaukee Brewers	77.5%
Heinz Field (2001)	Pittsburgh Steelers	61.1%

*Does not include operating subsidy

Since 1990, 32 stadiums have been built across the United States for professional baseball and football teams, each funded by a combination of public/private sector financing. The chart is based on data the Metropolitan Sports Facilities Commission provided the House Taxes Committee in April.



Transit twins

Early forms of public transportation contributed to Twin Cities' growth

Transportation gurus have long debated whether improved transportation systems reduce traffic congestion and improve the quality of life, or if they simply encourage urban sprawl and intensified traffic jams.

While the question will remain the subject of examination, it's clear that the early forms of public transportation contributed to the growth of the Twin Cities.

This growth, as well as the early history of mass transit in the metropolitan area, is detailed in a 1958 report titled "Transit and the Twins," by Stephen A. Kieffer.

The idea of inter-urban public transit grew during the 1860s, according to the report. At the time, St. Paul had a population of 20,030. Scandinavian and German immigrants were well established, and newcomers from Ireland and Central Europe were finding their way to the Twin Cities.

The Legislature granted a charter authorizing organization and incorporation of the St. Paul Street Railway Company in 1872. Two miles of track were laid that same year and six horse-drawn cars, each capable of holding 14 passengers, were acquired.

"On July 15, the first car of the new line, carrying many of the city's most important citizens, moved grandly down the bluff...past cheering onlookers," Kieffer wrote.

Dubbed "cracker boxes on wheels," according to Kieffer, the cars were heated by small iron stoves. A thick blanket of hay on the floor kept passengers' feet warm. Riders neglecting to pay the 5-cent fare were chided by the conductor, who stamped on a gong.

Passengers were thrilled with the cars' speed. "Why, it was said they averaged six miles per hour, unheard of in that day!" Kieffer wrote.

While the horse-cars didn't move too quickly, Kieffer cited many examples of how the early success and popularity of mass transit did speed up the growth of the Twin Cities.

"In these early years, there is much evidence to indicate that the growth of St. Paul, in terms of settled land, was in great measure

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 BY JAMES A. BUSH

Driver John White handles a mule drawn streetcar in front of the car barns at Dupont Avenue and 28th Street, Minneapolis, in 1885.



PHOTO BY TOM OLMSCHIED

Vikings head coach Mike Tice speaks April 28 in favor of a proposed stadium for the NFL franchise.

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 Vandever (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

Continued on page 23

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 districts 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.

"Quite possibly 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.

★ ELECTIONS

District boundary adjustment

Residents in two Edina apartment buildings will no longer find their neighbors across the hall voting in a different House district, under a new law signed by Gov. Tim Pawlenty April 28.

According to Rep. Ron Erhardt (R-Edina), the House sponsor, when the census lines were drawn in 2002 they were drawn through the middle of two large apartment buildings. Effective April 30, 2004, the law adjusts the boundary between House districts 41A and 41B to follow a census block line.

Debra Mangan, Edina city clerk, told the House Governmental Operations and Veterans Affairs Policy Committee that building residents are mostly elderly and that problems became evident in the 2002 elections. She said voters felt disenfranchised when they went to the wrong place to vote after talking with neighbors about where their polling place was located.

Sen. Geoff Michel (R-Edina) is the Senate sponsor.

HF2482/SF2300*/CH170

★ EMPLOYMENT

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

**Signed
by
the
governor**
★ ★ ★

cost the state, said Rep. Tony Sertich (DFL-Chisholm), who sponsors HF2035/SF1946* with Sen. LeRoy Stumpf (DFL-Thief River Falls).

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 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 dislocated 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 dislocated 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.

★ ENERGY

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.

★ ENVIRONMENT

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



PHOTO COMPOSITE BY PAUL BATTAGLIA

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

Signed
by
the
governor
★ ★ ★

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

Signed
by
the
governor
★ ★ ★

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 cover-all game is played, in which case the limit increases from \$3,500 to \$3,800.

Rep. Carl Jacobson (R-Vadnais Heights) and Sen. Jim Vickerman (DFL-Tracy) sponsored

the law.

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 override 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 effect 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.

★ 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 3.

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

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 exemptions 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

NATIONAL CHAMPIONS



PHOTO BY TOM OLMSCHIED

Melissa Coulombe, left, holds the national championship trophy as the House honors the University of Minnesota women's hockey team during the May 3 floor session. The Gophers won the NCAA title with a 6-2 win over Harvard on March 28. It was the team's second national title in five years.

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 HF2537/SF2365* 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/SF2453*, 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. The additional fee would be directed to the department's petroleum quality inspection program.

The amended bill now returns to the Senate, where the original bill was approved 61-3 April 5.

★ INSURANCE

Solvency calculation

A bill that would change how the solvency of health plans is calculated was passed 130-0 by the House May 5.

HF2258 is sponsored by Rep. Tim Wilkin (R-Eagan), who said the Department of Commerce asked that the bill be considered.

"The actuaries there have requested that we put in place a way to regulate the solvency of health plans through a method called risk-based capital," Wilkin said.

"This is the same way property casualty companies are currently regulated, life insurance companies, and similar to the way banks are regulated," he added.

The bill is based on model legislation from the National Association of Insurance Commissioners, said Wilkin.

At the same time, the bill repeals the old method of regulating capital.

HF2258 also allows the Department of Commerce and the National Association of Security Dealers to share data when working on joint fraud investigations.

Wilkin said he was not aware of any opposition to the bill.

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.

★ LAW

Statute of limitations

Efforts of non-Minnesota residents to bring class action and other lawsuits seeking awards for damages would be limited, under a bill passed by the House 91-39 May 5.

Rep. Paul Kohls (R-Victoria) said his bill (HF2444) is an "anti-forum shopping" bill to prevent non-Minnesotans from using Minnesota courts when the statute of limitations has expired in their home state.

He explained that if a Kansas resident who was injured while installing plumbing in a home under construction in Kansas, for example, didn't file a lawsuit within the Kansas statute of limitations, there's nothing to prevent him from filing that lawsuit here.

The situation is not hypothetical, Kohls said. In a federal court case heard in Minnesota, he said, the judge declared the lawsuit as "flagrant forum shopping" while admitting there was nothing he could do to stop it.

Kohls said the bill is in keeping with the Uniform Conflict of Laws-Limitations Act adopted by other states and is necessary to "prevent our courts from being a potential dumping ground for whatever the next court craze may be." He cited class action lawsuits stemming from Fen-Phen weight loss drugs.

But other members questioned the need for this legislation. Rep. Steve Smith (R-Mound) said only five states have adopted the Uniform Conflict of Laws-Limitations Act as it was originally written. The last one to do so, he said, did so 13 years ago.

"This uniform law is one of the most restrictive uniform laws we could take up and consider," Smith said.

At most, Smith said, 12 cases are seen in Minnesota courts every year that would fall under the purview of the bill. "Twelve cases a year is nothing to get worked up over," he added.

An amendment successfully offered by Rep. Joe Atkins (DFL-Inver Grove Heights) makes the bill applicable to claims arising from

incidents occurring only on or after Aug. 1, 2004.

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

★ SAFETY

Driving privileges

A bill that would limit the ability of most teenagers to gain a driver's license following accidents or drunken driving incidents was passed 100-29 by the House May 3.

Sponsored by 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.

"I feel it 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

**Vetoed
by
the
governor

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 first-hand 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.

HF1861*/SF1645/CH168

TOURISM



Promoting Minnesota

**Signed
by
the
governor

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 taxes. By giving Explore Minnesota Tourism the flexibility to pursue public-private partnerships, the law would make the office more effective at generating marketing dollars.

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. The office could also receive revenue from advertising, although promotional expenses are excluded from being used for radio and

television appearances of an elected public official.

HF2044/SF2009*/CH171

TRANSPORTATION



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.

There was no floor debate on the issue, but the bill generated a great deal of discussion in committee. The measure was favored by garbage 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,

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

Signed
by
the
governor
★ ★ ★

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.

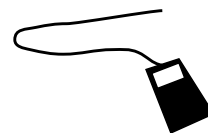
The HouseWeb site contains electronic versions of the journal back to 1994. Visit www.house.leg.state.mn.us/cc/journals/journl.htm to view the collection.

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.



Frequently called numbers

(Area code 651)

Information, House

175 State Office Building 296-2146

Toll free 1-800-657-3550

TTY, House 296-9896

Toll free 1-800-657-3550

Chief Clerk of the House

211 Capitol 296-2314

Index, House

211 Capitol 296-6646

Sergeant-at-Arms, House

45 State Office Building 296-4860

Committee Hotline, House 296-9283

Information, Senate

231 Capitol 296-0504

Toll free 1-888-234-1112

TTY, Senate 296-0250

Toll free 1-888-234-1112

Secretary of the Senate

231 Capitol 296-2344

Voice mail/order bills 296-2343

Index, Senate

110 Capitol 296-5560

Sergeant-at-Arms, Senate

Senate Chamber 296-7514/296-1119

Committee Hotline, Senate 296-8088

Legislative Reference Library

645 State Office Building 296-3398

Governor's Office

130 Capitol 296-3391

Toll free 1-800-657-3717

Attorney General's Office

102 Capitol 296-6196

Toll free 1-800-657-3787

Secretary of State's Office

180 State Office Building 296-2803

Capitol Security

B-5 Capitol 296-6741

Emergency 296-2100

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 prostitute. 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 Wenthe, a Minneapolis police officer. Working undercover, Wenthe 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," Wenthe 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 lure 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

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 pro-


motion 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 dis-

tribution and expenditure of seizure funds.

Officer Wenthe 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 Wenthe, "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." 



PHOTOILLUSTRATION BY PAUL BATTAGLIA

The definition of prostitution would be expanded to include sex trafficking, under a measure in the House omnibus judiciary finance bill.

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 "receiving, 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

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, floodwalls 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 bullets," 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 con-

sidering 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.



The Red River Basin stretches northward from Lake Traverse in South Dakota to Lake Winnipeg in Manitoba. Officials are considering a greenway along the entire length.

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. 



PHOTO BY ANDREW VONBANK

Bob Johnson, representing the Insurance Federation of Minnesota, testifies before the House Judiciary Policy and Finance Committee April 28 during a discussion of a bill that would create an insurance fraud prevention agency in the Department of Commerce.

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

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;
- 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. 🐼



PHOTO BY TOM OLMSCHIED

The Taxi 2000 Corporation in Fridley has offered numerous tours for legislators of its prototype personal rapid transit vehicle, which rides on a magnetic propulsion demonstration track.

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.”

How a Bill Becomes

Idea

1 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

2 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

3 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

7 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

8 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.



a Law in Minnesota

Introduction

4 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.

Conference

9 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.

Committee

5 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.

Floor

10 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.)

Floor

6 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.

Governor

11 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. ▼



Tracking new laws, vetoes

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

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

In the 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

CH	HF	SF	Description	Signed	Vetoed
134	921	906*	Sex offender treatment co-payments authorized.	2/17/2004	
135	973	1015*	Veterans Affairs Dept. authorized to access taxpayer ID information to notify veterans of health hazards.	2/26/2004	
136	1794*	1615	Airport federally funded projects minimum required local contribution decreased.	3/10/2004	
137	480*	837	Job reference information, school violence data, and employee personnel records disclosure regulated.	3/22/2004	
138	1743	2182*	Public utility performance-based regulation plan purpose modified.	3/19/2004	
139	1980	1799*	Watershed and soil and water conservation district officers conflicts of interest clarified.	3/19/2004	
140	1822	1814*	Metropolitan Council government electronic funds transfer use authorized.	3/19/2004	
141	1935	1626*	Storm and sanitary sewer financing provisions modifications.	3/26/2004	
142	307*	497	Noncommercial sign ordinance exemption provided during state general election years.	3/26/2004	
143	1064*	1197	State employee technical and housekeeping changes provided.	3/26/2004	
144	1702	1748*	Emergency medical services provisions modifications.	3/26/2004	
145	2491	2498*	Domestic abuse <i>ex parte</i> protection or temporary restraining orders effectiveness.	3/26/2004	
146	1803	1745*	Trust law provisions modified and guardianship and conservatorship law changes provided.	3/26/2004	
147	1855	1903*	Counties hazardous buildings and property removal authority.	4/2/2004	
148	2878*	2537	Dr. Norman E. Borlaug World Food Prize Day designated.	4/2/2004	
149	339	40*	Minors personal injury or property damage parental liability limit increase; graffiti civil.	4/2/2004	
150	2105*	2632	Iron Range Resources and Rehabilitation Commissioner's Office established.	4/2/2004	
151	2118	2063*	Local government units financial institution deposits collateralization requirements clarification.	4/2/2004	
152	2033	1958*	Towns electronic or wire transfer payments and credit card or electronic payments acceptance authority.	4/6/2004	
153	1805	1621*	Mortgage satisfaction certificates and assignments or releases.	4/6/2004	
154	2107	1653*	Real property survey and monument requirements modified.	4/8/2004	
155	2651*	2347	Interstate Compact for Adult Offender Supervision amended and interstate compact repeal delayed.	4/14/2004	
156	2455*	2499	Five-level correctional facility classification system authorized.	4/14/2004	
157	1836*	1693	Mineral tailing deposition into mine pits permitting clarified.	4/14/2004	
158	3005*	2840	County seat voting times modified.	4/14/2004	

CH	HF	SF	Description	Signed	Vetoed
159	1817	1614*	Service animal injuries criminal penalty and restitution requirement.	4/19/2004	
160	2688	2626*	Hastings veterans home property leasing authority.	4/22/2004	
161	1843	2903*	Towns annual audits subjection expansion.	4/22/2004	
162	1983*	1805	Uniform Commercial Code revisions enacted.	4/26/2004	
163	995*	1268	Notice and plan requirements modified for excavating around utility facilities.	4/26/2004	
164	1944*	1797	Domestic abuse orders for protection grounds expanded.	4/26/2004	
165	2906*	2871	Payroll processing efficiency increased for local governments.	4/26/2004	
166	2502	2609*	Mental health community representative included on a community transition team.	4/26/2004	
167	1978*	1910	Truck driver hours law technical corrections provided.	4/29/2004	
168	1861*	1645	Recreational purpose definition modified relating to liability on land used for recreational purposes.		4/29/2004
169	2365	2299*	Petroleum storage tank violations enforcement procedures expansion.	4/29/2004	
170	2482	2300*	House districts 41A and 41B boundary adjustment.	4/30/2004	
171	2044	2009*	Tourism functions transfer.	4/30/2004	
172	2521*	2435	Lawful gambling provisions modified.	4/30/2004	

BILL INTRODUCTIONS

MAY 3 - MAY 6, 2004

HOUSE FILES 3189 - 3192

Monday, May 3

HF3189—Eken (DFL) Governmental Operations & Veterans Affairs Policy

Fee-payer's bill of rights enacted through proposed constitutional amendment.

Wednesday, May 5

HF3190—Greiling (DFL) Education Finance

Office of Educational Accountability funding provided through the University of Minnesota, and money appropriated.

HF3191—Davnie (DFL) Education Policy

School lunch a la carte menus required to provide healthy options.

Thursday, May 6

HF3192—Lieder (DFL) Rules & Legislative Administration

War on terrorism; resolution memorializing the president and Congress to provide increased benefits to National Guard and other reserve armed forces members who are engaged in the global war on terrorism.

Continued from page 4

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." 

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

MINNESOTA INDEX

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.

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 after hours recorded message
giving committee meeting times and
agendas, call:
Committee Hotline
(651) 296-9283

The House of Representatives can be
reached on the World Wide Web at:
<http://www.house.mn>

Teletypewriter for the hearing impaired.
To ask questions or leave messages, call:
TTY Line (651) 296-9896 or
1-800-657-3550

Check your local listings to watch House
committee and floor sessions on TV.

Senate Information
(651) 296-0504
1-888-234-1112

This document can be made available in alternative
formats to individuals with disabilities by calling
(651) 296-2146 voice, (651) 296-9896 TTY, or
(800) 657-3550 toll free voice and TTY.