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SESSION Weekly

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INSIDE: ACCESSING THE POLLS, HOME FOR GOLDEN GOPHERS, THE GEOGRAPHICAL GAP, MORE

This Week's Bill Introductions HF2269-HF2380

Session Weekly

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On the cover: Louis Blazek of Roseville walks through a shaft of sunlight streaming in from a window on the second floor of the Capitol April 5. Spring is in the air as temperatures exceeded 70 degrees on Monday and Tuesday.

—Photo by: Tom Olmscheid

Miles apart on some issues

Can the geographic gap be bridged?

By RUTH DUNN

Not only is the current House nearly evenly split between Republicans and DFLers; it's also nearly balanced between rural, suburban and urban members.

When he first arrived at the House in 1991, Rep. Carlos Mariani (DFL-St. Paul) was given advice from a long-time member who told him it isn't just about party politics. There's also an urban and rural split that might be even greater. People will cross party lines for geographic reasons, he was told.

A tale of three Minnesotas

Every House district has just over 36,500 residents, but that's where the similarities end.

For example, Canada is just across the water from the Bear Island home of Rep. David Dill (DFL-Crane Lake). His rural district is the most sparsely populated with six people per square mile. It's also the largest geographically with 6,485 square miles.

"Hybrid" is how Rep. Karen Klinzing (R-Woodbury) describes her outer-ring suburban district, one of the fastest growing in the state. Rural meets urban in her district, which still has agriculture land along with spreading housing developments.

With 15,428 residents per square mile, the urban district of Rep. Karen Clark (DFL-Mpls) is the most densely populated in the state and one of the smallest, just two square miles. It may also be one of the most diverse with a blend of languages and cultures from all over the world.

Ring around the city

When State Demographer Tom Gillaspay looks at state population maps, he sees an expanding "donut," a growth collar that surrounds the core cities of Minneapolis and St. Paul.

The growth collar took off in the 1990s when the population of the outer suburbs grew by 36 percent compared to 4.6 percent in the core cities, 3.5 percent in the older first and second ring suburbs and 6.8 percent in the rest of the state.

Minnesota is now nearly one-third rural, one-third suburban and one-third core city, said Gillaspay. He predicts that balance will crumble after the next census in 2010 because the outer suburbs are expanding so rapidly. Older, inner ring suburbs are having a

second round of population growth that's more diverse than the first round in the 1950s and 1960s. The core cities of Minneapolis and St. Paul are, so far, retaining their populations. The rural areas, especially along the western and southern borders of the state, are losing population and thus legislators.

It's no longer a seven-county Twin Cities metropolitan area, said Gillaspay. It's a 13-county metro area that includes the Minnesota counties of Hennepin, Ramsey, Carver, Sherburne, Dakota, Wright, Anoka, Washington, Scott, Chisago and Isanti, along with two counties in western Wisconsin.

There's also significant growth along the Interstate 94 corridor toward North Dakota and in regional centers like Rochester.

Demographers consider anyone living in a city with a minimum 2,500 population to be urban. By that definition, 71 percent of Minnesotans are now urban dwellers compared to 34 percent in 1900, said Gillaspay.

Rep. Bud Heidgerken (R-Freeport), an unabashed rural supporter who will fight Republicans and DFLers to protect "Lake Wobegon,"

understands what the population numbers mean. "Even if all rural legislators voted together, the seven-county metro area would have the most votes. It's not a fair fight," he said.

Strength in numbers

Both rural and suburban legislators have formed bipartisan caucuses that meet on a regular basis. The intent is to leave their political party affiliations at the door and focus on shared concerns.

The bipartisan suburban caucus began meeting recently, partly because a rural caucus was meeting on a regular basis, according to Rep. Ron Erhardt (R-Edina) who co-chairs the caucus with Rep. Ron Latz (DFL-St. Louis Park). But also because Erhardt remembered when united suburban legislators had an impact on property

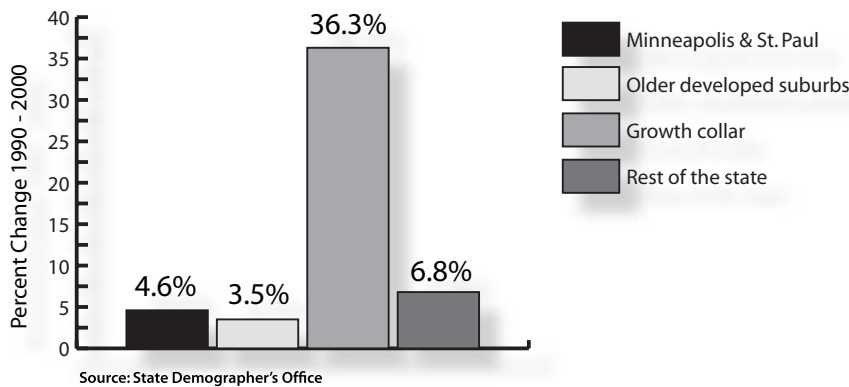


PHOTO ILLUSTRATION BY TOM OLMSCHIED

At one time, the majority of Minnesota's population was considered rural. Now, due to population shifts, there is an almost three-way divide between urban, suburban and rural. When vying for state dollars, the legislative split causes some to cross over party lines and think geographically.

**First Reading continued
on page 4**

The growth collar grew rapidly in the '90s while growth was modest elsewhere



First Reading continued from page 3

tax reform about five years ago, a critical issue at that time.

"We've got to have our own suburban caucus, not to beat up on rural Minnesota but to make sure we get our fair share of what's being parceled out," said Erhardt. "Our needs may be different, but we do have needs."

Transportation and K-12 education topped the list of topics for the group's first meeting.

Bipartisan support is vitally important for rural Minnesota and crucial for its future quality of life, said Rep. Paul Marquart (DFL-Dilworth), who co-chairs the bipartisan rural caucus with Rep. Dan Dorman (R-Albert Lea).

"Both parties are not always geared toward rural issues," Marquart said.

The group's first goal was to get to know each other. Rural legislators don't see each other as often as metro reps do because they are more geographically separated, he said.

Meeting topics included restoration of Local Government Aid and new funding for K-12 education. Rural legislators hope to get

together on some bills and develop a strategy to frame the debate.

"So many issues and differences are more metro/rural than Democrat/Republican," Marquart said.

Geographic differences

"Sometimes city folks just don't get it," said Rep. Larry Howes (R-Walker), who explained that urban legislators don't understand the full impact of the mandates they pass. He appreciates it when metro legislators take the time to ask him how legislation would affect rural areas.

However, Heidgerken said rural representatives could do a better job of helping metro legislators understand their parts of the state. "Our job is to educate; to paint a picture of rural Minnesota."

Many rural legislators gain insight into the metro area by living in St. Paul during sessions. Heidgerken would like metro legislators to live, for a time, in the country. He knows

Missouri legislators take a tour of the state together to gain a better understanding of the big picture and that could be a good thing for Minnesota, he said.

"People think a suburb is a suburb. But they're not the same," said Klinzing. "Even within our own caucus, there are divisions within (suburban) rings."

Clark knows many rural residents never venture off the freeways that cut through the core cities. She remembers a time when rural legislators were paired with urban families to spend an evening together and participants found out they were more alike than different.

Common ground

Education funding is the issue that can now unite rural, suburban and urban Minnesota, said Rep. Maria Ruud (DFL-Minnetonka). "There's a perception that suburbs have a lot of money. We've been blessed, but our schools are still hurting just like everyone else," she said.

Mariani sees common concerns between rural and urban Minnesota in meeting challenges like poverty and spurring economic development. First and second ring suburbs also have more in common with the core cities than they used to. Some Greater Minnesota regional centers like Rochester may now have more in common with Edina than with Albert Lea, he said.

"Many metro and suburban residents grew up on farms, or their parents did, or increasingly their grandparents did," said Rep. Doug Magnus (R-Slayton). "They still have a warm place in their hearts for rural Minnesota."

"We're all part of the same community," said Clark. "When one hurts, we all hurt. When one is given opportunity, it helps the whole fabric of the state." 🌿

Capitol capital

Gilbert places Minnesota flower in Corinthian design



To appreciate the State Capitol is to develop a tiny working knowledge of architectural history.

The decorative gold crowns atop the 42 marble columns on the second floor are Corinthian capitals.

From the Latin *caput*, a capital is the crowning feature of a column. The Corinthian style, developed in the Greek city of Corinth, is one of the three classic Greek architectural orders. Where Doric or Ionic styles might call for simple elements or plain scrolls, Corinthian tends to be more ornate. It was a fitting architectural accent in the early 20th century for a

state on the rise and ready to declare, "look how civilized we are in Minnesota."



PHOTO BY TOM OLMSCHEID

Corinthian capitals grace the tops of the marble columns on the second floor of the Capitol.

The Corinthian capital typically consists of two rows of Mediterranean acanthus leaves, out of which rise two stalks that end in spiral scrolls called "volutes."

Rather than select a classic Greek "fleur-de-lis" (flower ornament) such as a honeysuckle or palm leaf, Gilbert went with something distinctly Minnesotan: the pink and white showy lady's slipper that had been adopted by the 1902 Legislature as the state flower.

Gilbert pulled this trick out of his bag again for his design on the capitals at the entrance to the Supreme Court Building in Washington, D.C. There, the ornaments above the acanthus leaves are eagles.

(N. Wood)

★ AGRICULTURE

★ **Migrant worker housing**

Affordable, decent seasonal housing can be difficult to find for Minnesota's migrant agricultural workers.

HF1585, sponsored by Rep. Mark Olson (R-Big Lake), aims to alleviate some of the pressure by exempting a grouping of up to four manufactured homes from the state regulatory guidelines placed on manufactured home parks, as long as certain conditions are met.

The House Agriculture and Rural Development Committee approved the measure April 5. It now moves to the House floor.

The exemption is already in place, Olson said, but it's set to sunset this year and HF1585 would make it permanent.

Under the bill, the manufactured homes must be used by agricultural laborers in areas zoned agricultural to qualify for the exemption.

The homes would be required to meet state water and sanitation standards.

The bill also contains an indoor living space requirement of at least 80 square feet per inhabitant.

HF1585 is not to be confused with HF527, sponsored by Rep. Dan Severson (R-Sauk Rapids), which would exempt up to two manufactured homes from the trailer park designation, under certain conditions. That bill awaits action on the House floor. The primary difference between the two is that the Severson bill is directed toward permanent agricultural workers, said Ron Elwood, Legal Services Advocacy Project legislative advocate.

A companion to HF1585 (SF1509), sponsored by Sen. Gary W. Kubly (DFL-Granite Falls), awaits action in the Senate Jobs, Energy and Community Development Committee.

★ **Abseonding with anhydrous ammonia**

Minnesota farms are fertile ground for anhydrous ammonia thievery. The common fertilizer is an ingredient in one of the recipes for cooking the illegal drug methamphetamine.

HF2146, sponsored by Rep. Judy Soderstrom (R-Mora), would direct the Agriculture Department, in consultation with several state agencies, to conduct a study of potential additives to anhydrous ammonia that would inhibit its use in meth production.

The House Agriculture and Rural Development Committee approved the measure April 5. It now moves to the House Agriculture, Environment and Natural Resources Finance Committee.

★ **TARTAN TIME**

PHOTO BY SARAH STACKE

John Ivory of Aitken visits the State Capitol April 6 for the annual Tartan Day Celebration. Ivory and his wife, Ardis, whose maiden name is McIntyre, are members of The Minnesota Coalition of Scottish Clans. The day recognizes the contribution made by generations of Scots-Americans to the foundation and prosperity of modern America. The Scottish Declaration of Independence was signed on April 6, 1320.

New York has undertaken a study of a chemical additive ferrocene, Soderstrom said. Another additive on the market is a telltale bubble-gum pink stain that also stains the finished meth.

Bill Bond, executive director of the Minnesota Crop Production Retailers, said the study should consider the cost for retailers and producers to have to use additives not required in other states.

A companion bill (SF2126), sponsored by Sen. Becky Lourey (DFL-Kerrick), awaits action in the Senate Health and Family Security Committee.

★ **BUSINESS**★ **Implementing improvements**

Even though the recession is over, manufacturing companies have not made the come-

back they'd like, and some in the industry say that still puts a drag on the state's economy.

Small manufacturers are the "bedrock" of the state's economy, said Wayne Pletcher, president of Minnesota Technology Inc.

Rep. Connie Ruth (R-Owatonna) agrees with him, so she is sponsoring legislation that might help small manufacturers.

HF1831 would provide \$1 million to Minnesota Technology Inc. in each fiscal year of the 2006-07 biennium to establish the Small Business Growth Acceleration Program.

The goal of the new program would be to help manufacturing companies with 50 or fewer workers implement technology and business improvements. Minnesota Technology Inc. would report to the Legislature on the actual fiscal impact of money awarded to companies.

The bill was heard in the House Jobs and Economic Opportunity Policy and Finance Committee April 6 and held over for possible inclusion in the committee's omnibus bill.

"From my perspective, MTI has been very supportive," said Doug Belmore, president and chief executive officer of Jones Metal Products Inc., a metal fabricator in Mankato.

A companion bill (SF1886), sponsored by Sen. Julie A. Rosen (R-Fairmont), awaits action in the Senate Jobs, Energy and Community Development Committee.

★ **Underage liquor sales**

New penalties would be imposed on those caught selling liquor to minors, under a bill (HF687) sponsored by Rep. Connie Bernardy (DFL-Fridley).

The penalties for underage liquor sales at the same location within two years would be: \$500 for the first violation; \$750 for the second violation; \$750 and three-day license suspension for the third violation, and license revocation for the fourth violation. The licensee would be given an opportunity for a hearing before having the license suspended or revoked.

"Right now, it's just too easy for young people to get alcohol," Bernardy told the House Regulated Industries Committee's Liquor Subcommittee April 5 before the bill was tabled.

"If no one is checking these establishments, how do we know they're doing the right thing?" asked Ellie Church, youth program coordinator for Mothers Against Drunk Driving. "It's important for penalties for the establishments to be swift, certain and severe."

The bill would also require a licensing

authority to conduct at least two compliance checks each year on each retail establishment to ensure compliance. This provision drew opposition from groups that said it would cost hundreds of thousands of dollars to meet the compliance requirement.

Requiring two compliance checks a year is the equivalent of an unfunded mandate, said Jennifer O'Rourke, intergovernmental relations representative with the League of Minnesota Cities.

A companion bill (SF1444), sponsored by Sen. Ellen R. Anderson (DFL-St. Paul), is being considered for inclusion in a Senate omnibus liquor bill.

Regulating service contracts

Consumers could see more protection with service contracts, under a bill approved by the House Commerce and Financial Institutions Committee March 31.

HF1003, sponsored by Rep. Tim Wilkin (R-Eagan), now heads to the House Jobs and Economic Opportunity Policy and Finance Committee.

The bill would provide for the regulation of certain types of service contracts by the Department of Commerce and create the legal framework for selling the contracts in Minnesota. Exceptions under the bill would include warranties, maintenance agreements, some products sold by public utilities, service contracts sold to non-consumers, motor vehicle service contracts and service contracts on personal property sold for less than \$250.

Service contract providers would be required to meet financial solvency requirements or maintain net worth or shareholder's equity of at least \$100 million, according to the bill. Service contract revenues would be exempt from the insurance premium tax. Other provisions in the bill would require disclosures of service contracts and reimbursement insurance policies.

Bruce W. "Buzz" Anderson, president of the Minnesota Retailers Association, said there is a lot of ambiguity concerning service contracts in current state law, which Wilkin's bill would clean up. He said other states have enacted similar legislation.

Sen. Dan Sparks (DFL-Austin) is sponsoring a companion bill (SF1782) that awaits action in the Senate Commerce Committee.

★ CONSUMERS

Eliminating 'Power Hour'

The dangerous practice of binge drinking at midnight on a person's 21st birthday could be prohibited under a bill that seeks to end the so-called "Power Hour."

Rep. Morrie Lanning (R-Moorhead) is sponsoring HF1226, which would require people to wait until 8 a.m. on the day of their 21st birthday before being permitted to purchase or consume alcohol.

Under current law, a person can drink liquor at midnight on his or her 21st birthday.

Lanning told the House Regulated Industries Committee's Liquor Subcommittee that some people go to bars at midnight to celebrate reaching the legal drinking age and attempt to drink 21 shots of liquor before the bar closes. This practice can have tragic consequences.

Anne Buchanan said her son, Jason Reinhardt, died of alcohol poisoning after consuming 15 alcoholic drinks in the "Power Hour."

"We need to take charge of this situation and stop the 'Power Hour' celebration," Buchanan said.

Dana Farley, director of health promotion at the University of Minnesota, said the bill would help curb binge drinking by students

celebrating their 21st birthday. He said most students drink alcohol responsibly, but some believe they will stop drinking before they get sick and end up drinking to excess.

"Binge drinking is a national problem," Lanning said. "This is a policy change we need to make."

The bill was approved April 5 and referred to the full committee.

Sen. Rod Skoe (DFL-Clearbrook) is sponsoring the companion bill (SF1280). It awaits action by the full Senate.

Hearing aid consumer protection

Those using hearing aids could enjoy additional consumer protections, under a bill sponsored by Rep. Karen Clark (DFL-Mpls).

HF949 would extend the period that a purchaser could return a hearing aid to a dispenser from 30 days to 45 days. Consumers buy hearing aids from dispensers rather than directly from manufacturers.

The bill would make the notice of cancellation period effective upon mailing the hearing aids, not upon receipt by the dispenser. The cancellation fee would be changed from 10 percent of the purchase price to no more than \$250.

Some new hearing aids cost as much as \$6,000 each, according to the Minnesota Commission Serving Deaf and Hard of Hearing People. Under current law, this could



PHOTO BY ANDREW VONBANK

Anne Buchanan testifies April 5 before the House Regulated Industries Committee's Liquor Subcommittee in support of a bill that would specify 8 a.m. on the day of person's 21st birthday as attainment of age with respect to the use of alcohol. Buchanan's son, Jason Reinhardt, died after participating in the so-called "Power Hour."



HF1650, sponsored by Rep. Connie Ruth, transfers cosmetology regulation to the newly expanded Board of Barber and Cosmetologist Examiners. For more information, go to the Session Weekly EXTRA page at <http://www.house.mn/hinfo/swx.asp>.

result in a charge of \$1,200 for a pair of returned hearing aids.

The bill would also require old hearing aids that were given to a hearing aid dispenser in exchange for a discount be returned upon request if the new aids are returned. The audiogram administered by the dispenser to select the hearing aid would need to be provided to the consumer upon request.

The House Health Policy and Finance Committee approved the bill without opposition April 4 and referred it to the House Commerce and Financial Institutions Committee.

A companion bill (SF988), sponsored by Sen. Dallas C. Sams (DFL-Staples), awaits action on the Senate floor.

★ CRIME

Animal fights

When 50 or more people suddenly descend on garages in his neighborhood, Rep. Joe Mullery (DFL-Mpls) and his constituents know organized animal fights are taking place.

Fights are a public safety threat because dogs trained to fight are also a risk to humans and other animals, Mullery told the House Public Safety Policy and Finance Committee April 4.

HF1869, sponsored by Mullery, puts more teeth into law enforcement efforts to stop fights before they begin.

"Currently, if we're working on a criminal case of dog fighting, we have to catch them in the process of fighting before animals can be seized," said Keith Streff, director of investigations for the Animal Humane Society in Golden Valley.

The bill makes it a gross misdemeanor to own a trained fighting dog as shown by possession of training equipment, paraphernalia or drugs known to prepare dogs for fighting. The crime could also apply if a dog exhibits fresh wounds, scarring or other indications that he has been or will be used for fighting.

Rep. Scott Newman (R-Hutchinson) said the bill casts too broad a net and might catch someone like himself, who has a pet Labrador that sometimes gets in fights. The bill also shifts the burden of proof to the defendant, he said.

"Our constituents ought to be getting their entertainment in some other way," said Committee Chair Rep. Steve Smith (R-Mound), "These animals can't speak for themselves."

The committee will consider the bill for its omnibus bill.

A companion bill (SF2066), sponsored by Sen. Wesley J. Skoglund (DFL-Mpls), awaits action in the Senate Agriculture, Veterans and Gaming Committee.

From the counter to cooking

A bill that would change the way certain medications linked to methamphetamine cooking are sold over-the-counter, and would increase penalties for manufacturing, possessing and selling the drug itself was approved by the House Ways and Means Committee April 4.

HF572, sponsored by Rep. Jeff Johnson (R-Plymouth), now goes to the House floor.

Rep. Phil Krinkie (R-Shoreview) successfully amended the bill to remove a pharmacist-only sales restriction. As amended, the bill would allow for those medications containing pseudoephedrine and ephedrine to be sold at retail sites in limited quantities, if certain identification, age and recordkeeping requirements are met.

Though Johnson and others opposed the amendment, saying there is a significant difference in the controls between convenience store and trained pharmacy personnel, it was narrowly adopted.

An amendment, offered by Rep. Dan Dorman (R-Albert Lea), that would have removed a provision requiring a property's title to reflect whether it was the site of a clandestine methamphetamine lab failed.

He said that we don't do this with mold, flood damage or lead paint, and even if the property were to be cleaned up, the notice would leave a blight on the record forever and could affect property values.

The companion bill (SF423), sponsored by Sen. Julie A. Rosen (R-Fairmont), awaits action in the Senate Finance Committee. Though not a companion bill, a methamphetamine precursor drug regulation bill (SF51), sponsored by Sen. Linda Berglin (DFL-Mpls), passed the Senate 67-0 on March 3.

Trafficking for sex and labor

Sex and labor trafficking is a problem in Minnesota. So much so that the Department of Justice calls the state a "high intensity sex trafficking area."

Susanne Peterson is a recent law school graduate and a volunteer helping Rep. Kathy Tingelstad (R-Andover) research her bill, HF1760, which was approved by the House Governmental Operations and Veterans Affairs Committee April 4.

She testified March 29 in the House Civil Law and Elections Committee that the state received its wakeup call in 1999 when the largest federal prostitution bust took place with 50 victims, and it happened in Minnesota.

Last year, the House passed Tingelstad's bill, which expands the definition of prostitution to include sex trafficking and establishes stiffer penalties. However, there was no Senate approval. She is bringing the issue forward this year with an amendment targeting those

trafficking people for labor purposes.

Peterson said there are at least two labor trafficking cases being investigated by the FBI, both coming out of Rochester. "We are receiving tons of information from social services, across the state, about different issues having to do with sex and labor trafficking," she said.

The measure calls for a trafficking study to include arrest, prosecution and conviction data, trafficking routes and patterns and social factors that contribute to trafficking. It also directs the public safety commissioner to develop a plan to address and prevent trafficking in Minnesota. Trafficking would be considered a felony with a maximum sentence of 15 years and a \$30,000 fine.

The measure next goes to the House Public Safety Policy and Finance Committee.

A companion bill (SF1689), sponsored by Sen. Sandra L. Pappas (DFL-St. Paul), awaits action in the Senate Finance Committee.

Video game purchase or rental

Children under age 17 would be committing a crime if they buy or rent violent or explicitly sexual video games, under HF1298.

"Most importantly, I hope this catches the attention of a few painfully oblivious parents to take note of what their kids are looking at because some of this stuff is unbelievably harmful and sickening, in my opinion," Rep. Jeff Johnson (R-Plymouth), the bill's sponsor, told the House Public Safety Policy and Finance Committee April 4.

The bill refers to video games rated AO (Adults Only) or M (Mature). The crime would be petty misdemeanor, punishable by a fine of no more than \$25. The bill would also require retail businesses that sell or rent restricted video games to post a clearly visible sign that alerts customers to the crime and its penalty.

"If it's wrong to buy it, it's bad for retail establishments to sell it," said Rep. Keith Ellison (DFL-Mpls) who successfully offered an amendment that applies a petty misdemeanor fine to a business that knowingly sells a restricted game to a child under age 17. Ellison compared the situation to businesses being penalized for selling cigarettes to minors.

Associations representing video game retail businesses opposed the bill saying it violates the First Amendment of the U.S. Constitution. "The best control of entertainment is parental control," Sean Bersell, vice president of public affairs for the Video Software Dealers Association, said in a written statement.

The committee moved the bill without recommendation to the House floor.

A companion bill (SF785), sponsored by Sen. Sandra L. Pappas (DFL-St. Paul) awaits action by the full Senate.

For more information on a bill (HF2034), sponsored by Rep. Tony Cornish, that would provide a grant to a Blue Earth County center which provides counseling to start-up businesses, go to the Session Weekly EXTRA page at <http://www.house.mn/hinfo/swx.asp>.

DEVELOPMENT

Watch the inventors

Jerry Ford, a grain farmer from St. Charles, was talking with his son, Zack, who works at a nursing home. Zack told him that too many falls and injuries occur when the clients in wheelchairs forget to apply the chair's manual brakes.

So, the elder Ford went home and tinkered around with some old wheelchairs and some other parts, and the result was the Jerry Lock Brake System, which automatically applies the brake whenever the occupant leaves the chair. The brakes remain on while the patient is not in the chair, then release when the patient is in the chair.

The system also allows the attendant to apply the brake and maintain better control while pushing the chair down inclines.

Ford called a patent attorney to find out how much his invention was worth, and he was referred to the Minnesota Inventors Congress, which put him in touch with potential investors.

Had it not been for the nonprofit Inventors Congress, which guides inventors through the

process of marketing and getting patents, "I would not have had the confidence and time or money to put this through," Ford said.

During his March 31 testimony before the House Jobs and Economic Opportunity Policy and Finance Committee, Ford demonstrated his invention, using three prototypes and spoke of how he has hired three people to work with him, and hopes to be in mass production by May.

He spoke in favor of HF1651, sponsored by Rep. Marty Seifert (R-Marshall), which would provide \$50,000 to the Inventors Congress in each fiscal year of the biennium. The bill was held over for possible inclusion in the committee's omnibus bill.

A companion bill (SF1627), sponsored by Sen. Dennis R. Frederickson (R-New Ulm), awaits action in the Senate Finance Committee.

EDUCATION

Funding for gifted programs

School districts would have the option of receiving funds to identify and provide locally developed programs for students who are considered gifted and talented, under HF1312, sponsored by Rep. Fran Bradley (R-Rochester).

The House Education Policy and Reform Committee approved the bill April 1 and referred it to the House Education Finance Committee where the amount of funding

per child will be determined, said Bradley. The funding would become part of the general education revenue paid by the state. The bill would also provide funding for staff development.

More than 35 states provide funding for gifted and talented education, according to Cindy Fuerstneau, a gifted and talented specialist with the Rochester Public Schools. "They see these students as future leaders, Nobel Prize winners and also at-risk," she said. Gifted students with an IQ of 130 or higher are at the same point range difference from normal (IQ of 100) as are those students with an IQ of 70 or below, who do receive funding, she explained.

Rep. Mindy Greiling (DFL-Roseville) said bills similar to this have come up every year, but never get enacted. "I hope this will be the year we can actually do it because these students deserve to have their needs met like every other student."

A companion bill (SF1491), sponsored by Sen. Sheila M. Kiscaden (IP-Rochester), has been laid over by the Senate Education Committee.

For information on a bill (HF2078), sponsored by Rep. Mike Charron, that would increase the funding formula for metropolitan area school districts and those in regional centers, go to the Session Weekly EXTRA page at <http://www.house.mn/hinfo/swx.asp>.

Keep personal information personal

Rep. Mary Liz Holberg (R-Lakeville) thinks parents should be given the opportunity to decide just how much personal information schools can gather from their student.

According to HF1551, sponsored by Holberg, a school district must obtain prior written informed consent from a parent or guardian before administering a survey, test or evaluation that asks for certain information about the student or the student's family.

The bill is aimed primarily at participation in the Minnesota Student Survey, which is given to students in grades six, nine and 12. It provides a look at youth by asking questions about their behavior, including use of alcohol, tobacco and other drugs, violence and sexual activity.

However, Holberg's request for prior consent would "go far beyond the student survey." It would apply to any test, analysis or evaluation that solicits information about such areas as political affiliations or beliefs, religious practices, sexual behavior or attitudes, income or illegal behaviors.

Parents now have the option of opting their child out of the test, which is completed



PHOTO BY TOM OLMSCHEID

Speaking March 31 before the House Jobs and Economic Opportunity Policy and Finance Committee in support of a bill that would provide grants to the Minnesota Inventors Congress, Jerry Ford, right, of Jerry Ford Co. in St. Charles, demonstrates the wheelchair braking system he invented. Ron Soderberg, left, the committee's fiscal analyst watches the demonstration.

anonymously, with no way of tracing the results back to a specific child. Survey proponents say that the information gathered can be used by educators, parents, communities and youth to identify the strengths of young people and to respond to their needs and concerns.

"We should be asking our kids what's going on with them," said Rep. Keith Ellison (DFL-Mpls). "For as much as we want to believe that we know what is going on with our kids, we don't know, as parents, everything ... and the schools do need to know about some of the ugly things are kids are facing."

The House Civil Law and Elections Committee approved the bill April 5 and sent it to the House floor. A companion bill (SF2111), sponsored by Sen. David Haan (R-Eden Prairie), awaits action by the Senate Education Committee.

Strike-proofing student participation

A teachers' strike would not affect students being able to continue their involvement in high school activities, under HF2132.

The bill would allow students in striking districts to continue to be fully eligible for all activities sponsored by the Minnesota State High School League if they transfer to another district without the waiting period that is currently required. Further, students would also be able to return to their home district within five days of a strike's conclusion and resume activities without a waiting period.

The bill's sponsor is Rep. Paul Gazelka (R-Brainerd), whose district includes the Crosby-Ironton School District where a teachers' strike ended April 6. He was motivated to sponsor the bill after hearing stories from constituents about high school athletes whose playing time came to a halt because of the strike.

"This is ripping their lives apart and if we can find ways to help them make transitions, I think we should do so," Gazelka told the House Education Policy and Reform Committee April 1. The committee approved the bill and sent it to the House floor.

Rep. Ron Latz (DFL-St. Louis Park) said the legislation could be unfair to students in neighboring school districts who might be displaced from their teams by incoming players from striking districts. Rep. Denise Dittrich (DFL-Champlin) said the bill would "transfer trauma" from one group of students to another.

A companion bill (SF1959), sponsored by Sen. Paul E. Koering (R-Fort Ripley), awaits action in the Senate Education Committee.

Education access grants

Low-income students in Minneapolis and St. Paul would be able to take their per pupil

state aid with them to any private school they want to attend, under HF697, sponsored by Rep. Mark Buesgens (R-Jordan).

After many hours of discussion and testimony, the House Education Policy and Reform Committee tabled the bill April 4.

The bill would provide education access grants (also referred to as vouchers) to families whose incomes are less than or equal to 250 percent of the federal poverty guidelines. Once the education commissioner approves a grant application, families would receive \$4,601 in state aid paid to them for the restricted use of tuition at the nonpublic school of their choice.

Superintendents Thandiwe Peebles of the Minneapolis Public Schools and Patricia Harvey of the St. Paul Public Schools said the best way to help low income students is to adequately fund the public schools.

Peggy Smith, representing the Minnesota PTA, asked why Minneapolis and St. Paul were singled out. There's poverty all over the state, she said.

"If you vote against it I believe you're standing in the way of future success of low income students who need to go to a school which works for them. It's not about public versus private, it's about doing what's right for children," said Minneapolis resident Tiffany Green, representing the Black Alliance for Educational Options.

Rep. Denise Dittrich (DFL-Champlin) successfully offered an amendment that would have required nonpublic schools that receive students through the education access grant program to face the same Adequate Yearly Progress requirements that public schools do.

A companion bill (SF736), sponsored by Sen. David Hann (R-Eden Prairie), failed one day later in the Senate Education Committee.

ELECTIONS

Clamp down on campaigning

School districts would be required to adopt and implement a policy that prohibits school employees from using district funds and resources to pass, elect or defeat a political candidate or other ballot question, such as a referendum, under HF1948.

Rep. Mary Liz Holberg (R-Lakeville), the bill's sponsor, told the House Education Policy and Reform Committee April 1 that the bill addresses the problem of campaigning in schools.

Resources would include employee time, materials, equipment and facility technology.

The policy would not apply when an employee disseminates factual information about

a political question as required by their job responsibilities.

The Lakeville School District developed such a policy 1997 after volatile campaigns caused a negative atmosphere in the schools and disengaged the voters. "Once the policy was in place, the whole climate and tone changed," said Michelle Volk, a member of the district's board of education.

"The policy provides an orderly and sensible guide to avoid disruption," said Thomas Coughlin, the district's director of administrative services.

Rep. Lyndon Carlson (DFL-Crystal) questioned the need for a statewide policy, especially when the Legislature is often accused of providing too many mandates to districts. "Why can't local school districts decide to do this on their own?"

"This restricts a superintendent's ability to communicate with the community a little too much," said Charlie Kyte, executive director of the Minnesota Association of School Administrators.

The bill was referred to the House Civil Law and Elections Committee, which approved the measure April 5. It now awaits action on the House floor.

There is no Senate companion.



A bill (HF1655), sponsored by Rep. Paul Kohls, would provide more transparency to campaign contributions made by American Indian tribes. For more information, go to the Session Weekly EXTRA page at <http://www.house.mn/hinfo/swx.asp>.

EMPLOYMENT

More money

A bill proposing to increase the state's minimum wage is headed to the House floor.

HF48/SF3*, sponsored by Rep. Tom Rukavina (DFL-Virginia) and Sen. Ellen R. Anderson (DFL-St. Paul), was approved by the House Commerce and Financial Institutions Committee April 6. However, the committee substituted the language from the House file into the previously passed Senate bill.

"I think all of us here believe in rewarding work," Rukavina said.

The bill would require employers with annual gross sales of at least \$500,000 to increase the minimum wage from \$5.15 an hour to \$5.90 per hour beginning July 1, 2005, and to \$6.65 an hour one year later.

Employers with annual gross sales less than \$500,000 currently pay \$4.90 an hour. The bill called for the rate to be increased to \$5.65 an

hour and then to \$6.40 an hour, respectively, but a successful amendment by Rep. Larry Howes (R-Walker) changed it to \$5.15 an hour starting July 1, 2005, with no additional raise requirements.

Under the bill, an employer would be able to pay an employee under 20 years of age \$4.25 an hour for the first 90 consecutive days of employment. Howes' amendment would change it to \$4.95 an hour.

According to the U.S. Department of Labor, the federal minimum wage for covered, nonexempt employees is \$5.15 per hour.

"We're convinced the workers of Minnesota need a raise," said Tarryl Clark, executive director for the Minnesota Community Action Association. "All people should be able to earn enough to support their basic needs. That is not the case with the minimum wage."

Brian Rusche, executive director for the Joint Religious Legislative Coalition, said raising the minimum wage is a moral issue.

"We believe in the dignity of every worker," he said. "Our economy exists to serve human beings, not the other way around."

Peggy Rasmussen, owner of the Countryside Café in Medina, said increasing employee wages "would be devastating" for small restaurants operating on tight margins.

"The state's minimum wage should be tied to the federal wage and we are opposed to efforts to exceed it," the National Federation of Independent Business said in written testimony.

They need help, too

Rep. Pat Garofalo (R-Farmington) said that 14 percent of working age adults in Minnesota have some disability. He is sponsoring HF1034, which provides extra money for the state's extended employment services. The bill was heard March 31 by the House Jobs and Economic Opportunity Policy and Finance Committee and held over for possible inclusion in the committee's omnibus bill.

"It's a very unique program, targeted toward specific individuals," Garofalo said. The program provided work for more than 6,500 people in 2004, he said.

The program is administered by the state's Department of Employment and Economic Development and helps people with severe disabilities or a "severe impairment" find or keep their jobs. The program is scheduled to receive \$11.7 million in each year of the current biennium, and, under the bill, that would increase to \$14.9 million in each year of the 2006-07 biennium.

The money would provide case management and ongoing support services, said Barbara Arnold, president of Accessibility

Incorporated, a job development and placement agency.

A companion bill (SF1133), sponsored by Sen. D. Scott Dibble (DFL-Mpls), is under consideration for inclusion in a Senate omnibus bill.



For information on a bill (HF1830), sponsored by Rep. Joe Mullery, that would expand job opportunities for minorities, particularly members of the black community, go to the Session Weekly EXTRA page at <http://www.house.mn/hinfo/swx.asp>.



Compensation by electronic transfer to an employee's payroll account could be defined as wages, under a bill (HF2141) sponsored by Rep. Tim Wilkin. For more information, go to the Session Weekly EXTRA page at <http://www.house.mn/hinfo/swx.asp>.

ENERGY

Full of energy

A bill covering electric transmission and wind energy tariffs was approved by the House Regulated Industries Committee April 4. It now heads to the House Jobs and Economic Opportunity Policy and Finance Committee.

Sponsored by Rep. Torrey Westrom (R-Elbow Lake), HF1344 would specify conditions under which the Public Utilities Commission could approve tariffs that would allow utilities to automatically recover certain transmission costs. It would also direct the commission to take regional impacts on the electricity grid into account when evaluating need under the certificate of need process.

One of the more contentious aspects of the bill had been the sale of private land that would be used for utilities. Farmers said that they did not want transmission line towers on their land because they are difficult to farm around.

A study of alternative ways to compensate landowners on whose land the high-voltage transmission lines would be constructed would be required by the bill.

The Legislative Electric Energy Task Force would need to convene a group of stakeholders representing utilities, consumer advocates and affected state agencies to determine if current state processes could be modified to increase the efficiency and effectiveness of transmission lines.

Public utilities, municipal power agencies, and generation and transmission cooperatives would be required to establish a community-

based energy development tariff, under the bill. The tariff would be used to promote wind projects throughout the state.

The bill would also provide for a statewide study to determine the impact on rates and reliability of increasing wind capacity in Minnesota to 20 percent by the year 2020.

A companion bill (SF1368), sponsored by Sen. Ellen R. Anderson (DFL-St. Paul), was laid over by the Senate Jobs, Energy and Community Development Committee.

ENVIRONMENT

Pieces of environmental policy

The House Environment and Natural Resources Committee sent an omnibus environmental policy bill to the floor April 5.

HF460, sponsored by Rep. Tom Hackbarth (R-Cedar), contains provisions that are part of the following bills:

- HF42, sponsored by Rep. Larry Howes (R-Walker), would give peace officers the option of using silencers to muffle firearms discharged for wildlife control purposes;
- HF417, sponsored by Hackbarth, would allow the Department of Natural Resources to give first preference in hunting and fishing license lotteries to qualified members of the armed forces, including the National Guard, or veterans;
- HF683, sponsored by Hackbarth, would restructure the way in which the department acquires scientific and natural areas with regard to county and township board notification and approval;
- HF1327, sponsored by Rep. Sheldon Johnson (DFL-St. Paul), would give St. Paul a backup water supply plan in the event of an emergency, such as a terrorist threat, drought or contamination. The city primarily pulls from the Mississippi River. Using the backup wells would require a consumptive use of groundwater permit, and the bill would allow for that permit change;
- HF1334, sponsored by Rep. David Dill (DFL-Crane Lake), would make a technical change to the description of the hearth furnace used in an iron nugget production pilot facility in Hoyt Lakes and extend the permit application timeframe to June 30, 2005;
- HF1547, sponsored by Hackbarth, includes off-highway vehicle enforcement and education components, and changes to certain trail designations and uses on public lands;
- HF1681, sponsored by Rep. Maxine Penas (R-Badger), would require that under a

Natural Resources Department forest classification process, all state forest land north of U.S. Highway 2 be classified as managed for the purposes of off-highway vehicle use. Legislation in 2003 required the department to take an inventory of all state forests and by 2007 change their designation from managed, meaning trails are open unless posted closed, to limited, meaning trails are closed unless posted open;

- HF1839, sponsored by Rep. Connie Ruth (R-Owatonna), would allow for annual water use permits to be issued for aquifer storage and recovery systems that return all once-through water to the source aquifer. State law restricts certain one-time industrial water uses. This would benefit Bushel Boy Farms in Owatonna, which is considering heating and cooling tomato greenhouses with a once-through system. The company hopes to save 35 percent to 45 percent in energy costs with this system; and
- HF2159, sponsored by Hackbarth, would establish an Environmental Innovations Advisory Council, in place of advisory councils that have lapsed, to advise the Office of Environmental Assistance on waste and pollution prevention. The bill also would eliminate an annual reporting requirement placed on the office regarding waste management fees.

Though there is no Senate companion to the bill in its omnibus environmental form, a Senate companion to HF460 as introduced (SF1047), sponsored by Sen. John Marty (DFL-Roseville), awaits action on the Senate floor.



District watershed managers could see their pay increased through a bill (HF1309) sponsored by Rep. Morrie Lanning. For more information, go to the Session Weekly EXTRA page at <http://www.house.mn/hinfo/swx.asp>.

★ GOVERNMENT

Administrative hearings changes



The governor signed into law, March 31, a "housekeeping" bill for the Office of Administrative Hearings.

Effective Aug. 1, 2005, the law makes several changes requested by administrative law judges, including: requiring the Revisor of Statutes to distribute three copies of the Minnesota Rules to the office, allowing a judge to set procedures for all hearings conducted and requires state licensing agencies to report back to a law judge

within 90 days of the record of a proceeding being closed.

Bruce Johnson, assistant chief administrative law judge, told a House committee that laws don't account for judges setting procedures for hearings in cases referred to the office, including those related to the Help America Vote Act, contested case proceedings related to municipal boundary adjustments and the Fair Campaign Practices and Campaign Finance Act.

The law's sponsors are Rep. Marty Seifert (R-Marshall) and Sen. David H. Senjem (R-Rochester).

HF1036*/SF1158/CH16



For information on a bill (HF2243), sponsored by Rep. Marty Seifert, that would lay out the scope of a new Office of Enterprise Technology, go to the Session Weekly EXTRA page at <http://www.house.mn/hinfo/swx.asp>.

Commission reconfiguration

The Legislative Commission on Minnesota Resources would undergo an overhaul, under a bill approved by the House Governmental Operations and Veterans Affairs Committee April 5.

Under HF1467, sponsored by Rep. Tom Hackbarth (R-Cedar), the commission would be replaced with the Minnesota Conservation Heritage Foundation. The foundation would consist of an 11-member citizen board appointed by the governor to six-year terms and would work under a 10-year strategic plan. The Environment and Natural Resources Trust Fund that currently funds the LCMR would also support the foundation.

"I'd like to see the money get on the ground quicker," said Hackbarth, who believes that the choosing of projects through the LCMR process takes too long and is shortsighted.

"Going from the current 20-member legislative group to a totally citizen group under the governor is too far too fast," said Rep. Kathy Tingelstad (R-Andover). She successfully offered an amendment that would create a blend of legislators and citizens and change the name to the Minnesota Conservation Heritage Council.

"We're not getting rid of politics, and that's really the problem" with the bill, said Rep. Mark Olson (R-Big Lake). There are way too many requests for such a small amount of money the LCMR receives, and "pork barrel" politics gets in the way of choosing which projects are selected, he said.

Rep. Phyllis Kahn (DFL-Mpls) challenged committee members to cite those that would

be considered "pork barrel" projects. "One of the issues the LCMR does incredibly well ... is it builds the intellectual infrastructure of the state," she added.

The bill next goes to the House Agriculture, Environment and Natural Resources Finance Committee.

A companion bill (SF1809), sponsored by Sen. Satveer Chaudhary (DFL-Fridley), awaits action by the Senate Environment and Natural Resources Committee.



For information on a bill (HF2133), sponsored by Rep. Joyce Peppin, that would allow for the leasing of a state-owned building for the purpose of a day care facility, go to the Session Weekly EXTRA page at <http://www.house.mn/hinfo/swx.asp>.

★ HEALTH

Rural pharmacy preservation

Rural areas could benefit from a program that would encourage pharmacies to remain in Greater Minnesota.

Rep. Brad Finstad (R-New Ulm) is sponsoring HF1642, which would establish the rural pharmacy planning and transition grant program. It would add pharmacists to those eligible for funds under the health professional education loan forgiveness program.

Andrew P. Traynor, a representative of the Minnesota Pharmacist Association, told the House Health Policy and Finance Committee March 31 that 126 Minnesota communities only have one pharmacist. Furthermore, 30 pharmacists go out of business in the state every year, and 10 to 12 have no replacement.

Traynor said the bill would encourage pharmacists to continue their businesses in rural areas.

The health commissioner would administer the grant program, according to the bill. Excess licensing revenues would be credited to a grant account to help fund the program.

The bill also calls for an appropriation of \$200,000 in both fiscal years 2006 and 2007 from the health occupations licensing account for the grant program.

To be eligible for the grants, applicants would need to develop a strategic plan that would have to include a needs assessment, a feasibility assessment and an implementation plan. Grants could be used to implement transition projects, develop practices that integrate pharmacy and health care facilities, establish a pharmacy provider cooperative and offer initiatives that maintain local access to prescription medications.

A companion bill (SF1567), sponsored by Sen. Gary W. Kubly (DFL-Granite Falls), was approved by one committee and awaits action in the Senate Finance Committee.

Maple Grove hospital proposed

A bill that would allow a hospital to be built in Maple Grove has three parties competing for the project.

Rep. Kurt Zellers (R-Maple Grove) is sponsoring HF1915, which would add an exception to the hospital construction or modification moratorium. The exception would be for an existing hospital to relocate or redistribute beds from its current site to a new Maple Grove facility.

Since 1984, Minnesota law has prohibited the construction or expansion of hospitals without legislative approval.

In testimony before the House Health Policy and Finance Committee March 31, Fairview Health Services, North Memorial Health Services and Tri-Care Partnership each said they wanted to build the hospital.

The Department of Health reviewed proposals by the three hospitals and agreed that it is in the public interest to build a hospital in Maple Grove.

The committee amended the bill April 4 to require the existing hospital to have a current site in the city of Robbinsdale and build the new facility within 11 miles of that location. This amendment would give the project to North Memorial Health Services.

The committee approved the amended bill and referred it to the House floor. Rep. Thomas Huntley (DFL-Duluth) opposed the bill, saying more time is needed to objectively consider which hospital should build the new facility.

A companion bill (SF1840), sponsored by Sen. Warren Limmer (R-Maple Grove), awaits action by the Senate Finance Committee.

HIGHER EDUCATION

Funding enrollment adjustments

Both the University of Minnesota and the Minnesota State Colleges and Universities system (MnSCU) receive part of their funding based on projected enrollment numbers.

"This biennium the enrollment number was off by a rather large number, causing the state to be \$130 million short for MnSCU's base and \$75 million short for the University of Minnesota's base," said Rep. Bud Nornes (R-Fergus Falls). "Traditionally that difference has been less dramatic. The state needs to know what it is going to be paying out over a two-year

period as we do our budget," he said.

Nornes said that by the time enrollment adjustment numbers are known, some of the students that the state would owe money for have already graduated. "It doesn't make a lot of sense to pay for students who are no longer students. By the same token, if we overpay the system, that money cancels back to the General Fund and it's lost from higher education."

Judy Borgen, MnSCU associate vice chancellor for budget, said that for the last three biennia, MnSCU has returned money to the state "because we misestimated our enrollment," although the system has since changed its internal formula.

No University of Minnesota officials testified.

Nornes is sponsoring HF1441 that would eliminate adjustments for enrollment changes in the calculation of the instructional services base. The House Higher Education Finance Committee, which Nornes chairs, held the bill over for possible inclusion in its omnibus bill. It has no Senate companion.

According to Nornes, the Higher Education Services Office has proposed a task force to look at the issue, but he believes it should be the Legislature that makes the decision.

Expanded Rochester opportunities

Rochester now has a three-in-one higher education partnership — the University Center Rochester — between the University of Minnesota, Winona State University and Rochester Community and Technical College, but business leaders say more is needed.

"Rochester needs greater identity and visibility for higher education," said Al DeBoer, chair of the Rochester Area University Center Higher Education Task Force. "A magnet, if you will, to attract talent and to encourage incumbent workers to advance their education."

Rep. Fran Bradley (R-Rochester) is sponsoring HF2013 that would create the Rochester University Development Committee to research and make recommendations on the creation of a postsecondary educational institution in Rochester. A report would be due to the Legislature by Jan. 15, 2006.

The House Higher Education Finance Committee laid the bill over April 4 for possible inclusion in its omnibus bill.

Among the 11-member committee's duties would be to "develop a proposal for establishment and implementation of the university." Included in its report must be the university's focus, the nature of programs to be offered, funding sources, site and facility needs and governance.

Bradley said a potential new institution would be expected to focus on upper division

and graduate work. "This is not a request for a new four-year university," DeBoer said. "Rochester is asking for an entity with innovative and strategic baccalaureate and graduate programs that serve our local economy and our state."

The bill includes \$200,000 in fiscal year 2006 for the planning activities and \$3 million for implementation activities. The appropriation would be available until June 30, 2009, and any part used for an endowment does not cancel and is available until spent.

"We need to find a way to help this important community broaden its higher education facilities to meet the demands of the area," said Rep. Joe Opatz (DFL-St. Cloud).

A Senate companion bill (SF2130), sponsored by Sen. David H. Senjem (R-Rochester), awaits action in the Senate Finance Committee.

HUMAN SERVICES

Serving offenders' needs

Incarcerated offenders could see their prescription drugs purchased through a pool, under a bill sponsored by Rep. Fran Bradley (R-Rochester).

HF1266 would allow the corrections commissioner to enter into a purchasing pool for prescription drugs for people confined in state correctional institutions. Local governments could participate in the pool for people confined in local correctional facilities.

The House Health Policy and Finance Committee approved the bill April 4 and referred it to the House Public Safety Policy and Finance Committee. A companion bill (SF1000), sponsored by Sen. Linda Berglin (DFL-Mpls), has been approved by two committees and awaits action in the Senate Finance Committee.

Bradley's bill would require the health commissioner to develop a discharge plan in collaboration with the corrections commissioner for offenders who have a diagnosis of mental illness and would otherwise be eligible for case management services.

Another provision would make an inmate eligible for Medical Assistance if the person were on a conditional work release program and housed in a halfway house, community correctional center or under house arrest and monitored by electronic surveillance.

The bill was amended to remove a section that would authorize an appropriation for supportive housing projects.



Rep. Mary Ellen Otremba is sponsoring HF910, which would limit traumatic brain injury caseload growth to 500 per year during the 2006-2007 biennium. For more information, go to the Session Weekly EXTRA page at <http://www.house.mn/hinfo/swx.asp>.

Nursing home rate increases

Rate increases are being proposed for nursing facilities in several counties throughout the state.

The House Health Policy and Finance Committee heard three bills April 6 to increase the rates. All were held over for possible inclusion in the committee's omnibus bill.

Rep. Bud Heidgerken (R-Freeport) is sponsoring HF2020, which would provide reimbursement rate increases for facilities in Stearns, Sherburne and Benton counties. The bill would impact 13 nursing homes that would have their operating rates equivalent to the median of the geographic group III facilities. Group III includes counties such as Anoka, Carver and Hennepin.

A companion bill (SF1954), sponsored by Senate Majority Leader Dean E. Johnson (DFL-Willmar), awaits action in the Senate Finance Committee.

HF1885, sponsored by Rep. Paul Marquart (DFL-Dilworth), would provide a \$7.92 increase in the operating rate for Barnesville Good Samaritan in Clay County that's licensed for 55 beds.

Sen. Keith Langseth (DFL-Glyndon) is sponsoring a companion bill (SF1820), which awaits action by the Senate Finance Committee.

Rep. Lyle Koenen (DFL-Clara City) is sponsoring HF1335, which would allow a rate increase of \$3.80 per resident day for the Ren Villa Nursing Home in Renville County. The facility has 58 licensed beds.

A companion bill (SF1273), sponsored by Sen. Gary W. Kubly (DFL-Granite Falls), has been laid over by the Senate Finance Committee.



Moratorium exceptions for the number of beds are being requested for two nursing homes, while an intermediate care facility wants to downsize. For more information, go to the Session Weekly EXTRA page at <http://www.house.mn/hinfo/swx.asp>.

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INSURANCE



Medicare drug coverage conforms

Signed
by
the
governor

Minnesota law now conforms to recent changes in federal law concerning Medicare prescription drug coverage, also known as Medicare Part D.

Gov. Tim Pawlenty signed the law March 31, which makes technical changes in state law involving Medicare supplemental insurance and creates a procedure for licensing and solvency regulation of stand-alone prescription drug plans that could provide prescription drug coverage under Medicare Part D.

All 50 states have passed or are trying to pass legislation or amend regulations to conform to the federal Medicare Modernization Act of 2003.

The law, which has various effective dates, will bring Minnesota into federal compliance regarding the sale of policies with prescription drug coverage by Medigap carriers after Jan. 1, 2006. The coverage will be available only through private sector drug plans or as part of a Medicare Advantage plan.

Rep. Paul Gazelka (R-Brainerd) and Sen. Brian LeClair (R-Woodbury) sponsored the legislation.

HF925*/SF880/CH17

LAW



A bill (HF2019), sponsored by Rep. Fran Bradley, would allow the Department of Human Services, for the purposes of Medical Assistance recovery, have an interest in trusts and annuities at the time of a recipient's death. For more information, go to the Session Weekly EXTRA page at <http://www.house.mn/hinfo/swx.asp>.

LOCAL GOVERNMENT



Recording and registering fees

County recorders have to protect 150 years of records concerning property ownership and sales, and the fees they charge have not increased since 1991, said Martin County Recorder Kay Wucke.

She noted that inflation has increased more than 40 percent since that time, and that it's time county recorders get some help. She testified March 31 in favor of a bill that would make fees more uniform statewide.

HF358, sponsored by Rep. Connie Ruth (R-Owatonna), was approved by the House Jobs

and Economic Opportunity Policy and Finance Committee and sent to the House floor.

The bill sets a fee of \$40 for indexing and recording any deed or other document. Right now, that cost is \$1 per page, with a minimum charge of \$15 for any deed. It increases the maximum fee from \$5 to \$10 for every entry of an abstract of title, from \$50 to \$100 for an abstract certificate and from \$2 to \$5 for each name search identification. The fees would be standard in all Minnesota counties. "We're trying to standardize the rates and we feel it's really fair," Ruth said.

Besides inflation, labor costs and technology costs are putting recorders under the gun, said Wabasha County Recorder Jeffrey Aitken.

A companion bill (SF267), sponsored by Sen. Steve Murphy (DFL-Red Wing), awaits action in the Senate Finance Committee.

Fly the flag

Lynn Hauger, a veteran, wanted to fly an American flag on the outside of his home, which is part of a homeowners' association. However, the association president was against it. After some negotiation Hauger was allowed to attach a bracket for the flag on the outside of the home.

Through that process, he learned that there are many homeowner associations across the nation that do not allow flags to be flown.

Rep. Joe Mullery (DFL-Mpls) now sponsors HF1473, which would prohibit "any deed restriction, subdivision regulation, restrictive covenant, local ordinance, contract, rental agreement, or homeowners association document" that restricts the flying of the American flag.

"It is an appalling situation and goes against the First Amendment," Hauger told the House Civil Law and Elections Committee, which approved the measure April 1 and referred it to the House floor.

Mullery said the bill is narrowly crafted to apply only to the American flag, because it is a unique symbol, representing the United States.

A companion bill (SF1231), sponsored by Sen. Don Betzold (DFL-Fridley), awaits action on the Senate Floor.

METRO AFFAIRS



Aircraft noise mitigation

A new runway is scheduled to open later this year at the Minneapolis-St. Paul International Airport. Much of the airline traffic is expected to affect the eastern parts of Bloomington and Richfield.

However, before any planes rumble down the surface, Rep. Dan Larson (DFL-Bloomington) wants the Metropolitan Airports Commission to honor the intent of a 1996 agreement with nearby property owners. But the majority of the House Local Government Committee doesn't agree, because the bill failed to receive committee approval April 1.

HF1280, which has no Senate companion, would prohibit further construction of the north-south runway until the agreement for noise mitigation for buildings within a designated area is fulfilled.

Larson said fulfillment would occur when the commission approves full noise mitigation for all buildings within the 60 DNL exposure contour. A DNL, according to Larson, "is the averaging of the decibel level of noise impact and level of noise that folks receive from an airplane."

"Now the runway is nearly complete and the impact is about to be felt, but the noise mitigation package has gone up like a poof of smoke in the air," Larson said. And although no contractual deal is in state statute, Larson said the intention of the legislation was to perform noise mitigation to 60 DNL.

MAC Executive Director Jeff Hamiel says the commission has fulfilled its part of the deal. He noted that under federal law, full mitigation, such as better acoustical windows and adding insulation, is only required to 65 DNL. He said that nearly 7,700 homes have received mitigation materials with no homeowner contribution, and officials are looking at potential costs of further expansion, estimated to be in the \$330 million range.

Larson said homeowners in the 60-64 DNL range are now essentially being offered an air conditioning package that has a 50 percent homeowner co-pay, which Hamiel said is more than federal law requires.

MILITARY

Pay differential clarifications

By a 131-0 vote April 4, the House passed a bill that would clarify the terms and conditions of pay differentials for state employees ordered to active duty in the National Guard or reserves and who incur an earnings decrease as a result.

Sponsored by Rep. Rob Eastlund (R-Isanti), HF2126 now goes to the Senate, where Sen. Steve Murphy (DFL-Red Wing), is the sponsor.

Two women testified in a House committee they each had to fight for their deployed military husband's pay differential.

Both husbands work for the Department of Corrections in St. Cloud. The wives testified

they have to file numerous papers each pay period during the month to get the pay differential they are already guaranteed in state law.

Under the bill, differential should be calculated by taking "the person's monthly total gross earnings as an active state employee, excluding any overtime pay received but including all other earnings, averaged over the last three full months of the person's active state employment prior to reporting to active military service."

Also, the "agency head must periodically inform in writing all agency personnel who are or may be members of the reserve component ... of the benefits provided." Both wives testified they were not initially informed of the benefit.

RECREATION

The Great Minnesota Sleepover

**Signed
by
the
governor
★ ★ ★**

Camping on the state fairgrounds will be preserved, under a new law signed by Gov. Tim Pawlenty March 31.

Effective Aug. 1, 2005, the new law cements a compromise between the Department of Health and fair officials regarding space between campsites and public safety vehicle access.

Under the new law, the fair must operate a camping area on the fairgrounds. Camping will be allowed under the following conditions:

- RVs and tents must be separated from each other and from other structures by at least 7 feet,
- a minimum area of 300 square feet per site must be provided and the total number of sites must not exceed one site for every 300 square feet of usable land, and
- each site must face a driveway at least 16 feet in width with unobstructed access to a public roadway.

Furthermore, the new law clarifies that livestock and Midway exhibitors, who need to stay close to the operation, will be able to catch a few winks in their cars. During the state fair, a person may sleep in a vehicle in a designated fairground parking lot if they have a valid exhibitor parking permit.

Rep. Marty Seifert (R-Marshall) and Sen. Paul E. Koering (R-Fort Ripley) sponsored the legislation.

HF1104/SF1031*/CH15

SAFETY

Put that cell phone down

If you just got your driver's license and you want to call your friends on your cellular phone to tell them the good news, it could be a very expensive call.

HF1402, sponsored by Rep. Peter Nelson (R-Lindstrom), would make it a petty misdemeanor for those with a learner's permit or a provisional driver's license (issued to those under age 18) to talk on any type of cellular or wireless phone while driving, except in the case of an emergency. The bill was approved April 5 by the House Transportation Committee and referred to the House Public Safety Policy and Finance Committee.

The minimum fine for a first offense would be \$150, \$300 for the second offense, then another \$300 for the third offense, plus a one-year license suspension.

Nelson said drivers between the ages of 16 and 19 are four times as likely to be in an accident, and that 16-year-olds are three times more likely than 17-, 18- and 19-year-olds to be in an accident. In a simulator test, adult drivers missed only 3 percent of distractions and teens missed 54 percent of the distractions. Teenagers are responsible for 14 percent of accidents, yet they make up only 7 percent of the population.

A companion bill (SF1191), sponsored by Sen. Sean R. Nienow (R-Cambridge), awaits action in the Senate Transportation Committee.

TAXES



For information on a bill (HF760) that would decrease corporation payroll and property taxes, go to the Session Weekly EXTRA page at <http://www.house.mn/hinfo/swx.asp>.

TRANSPORTATION

Aeronautics bill takes off

The House passed a bill 132-0 April 4 that would make changes to the state's aeronautics law.

Most notably, HF915, sponsored by Rep. Michael Beard (R-Shakopee), would regulate the repayment of state money used to buy airport land.

Other provisions include:

- If land bought by a city with state money ceases to be used for aviation, the city using the land must pay the state back;

- Classic or antique aircraft would no longer have to display special symbols;
- Recreational aircraft could use registration certificates for identification instead of decals;
- Civil air patrol aircraft would no longer have to display tax-exempt number plates; and
- Registered aircraft would no longer have to display number plates.

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

Hybrids get to go

If you have a hybrid vehicle, you would be able to drive in high-occupancy vehicle lanes without paying a fee, under a bill sponsored by Rep. Laura Brod (R-New Prague).

HF1243 was recommended to pass April 1 by the House Transportation Committee and referred to the House Transportation Finance Committee.

It would allow hybrid vehicles, which have a propulsion system that can operate on electricity and with gasoline, to use the lanes without a fee, unless federal law or regulation prohibits it. Drivers would not have to be car-pooling to use the lanes as they do now. Solo drivers will be permitted to use the lanes for a fee beginning in May.

Betsy Parker, director of the Office of Government Affairs for the Transportation Department, said Congress could authorize the use of hybrid vehicles in HOV lanes before the legislation would expire July 31, 2007. She said it's unlikely lanes would be crowded with the cars, because there aren't that many on the road now. She also said anything that would encourage the use of hybrid vehicles would be good for the air quality.

A companion bill (SF1536), sponsored by Sen. Ann H. Rest (DFL-New Hope), awaits action by the full Senate.

Altering airport commission

Changes to the 15-member Metropolitan Airports Commission, which owns and operates Minneapolis-St. Paul International Airport and six reliever airports in the Twin Cities metropolitan area, would be made under a bill approved by the House Governmental Operations and Veterans Affairs Committee April 4.

HF2086, sponsored by Rep. Michael Beard (R-Shakopee), would designate a committee to oversee the nominating process of commission members. A list of nominees would then be given to the governor to choose from, subject to the advice and consent of the Senate.

Beard said the Office of the Legislative

RIDING HIGH



PHOTO BY ANDREW VONBANK

Nicholas Wagner, 7, shows support for his dad, Dan Wagner of St. Paul, a Metro Transit bus driver, during an April 6 rally for transportation funding on the Capitol Mall.

Auditor bases the proposed changes on a January 2003 audit of the finances, operations and budget of the commission. He said the report indicates the commission is excellently run, "however some areas did come up for suggestions of improvement," such as governance.

The governor currently appoints 12 members and the commission chair, with the mayors of Minneapolis and St. Paul each authorized to appoint one member. An oral amendment by Rep. Neil W. Peterson (R-Bloomington) added an additional member to the board to be appointed by Bloomington's mayor or a designee.

Other changes include residency requirements and meeting locale.

Amendments from Rep. Dan Larson (DFL-Bloomington) in the House Transportation Committee April 1 would require the commissioner to have lived in the district for at least six months and the state for at least one year. Currently, they must live in the district only at the time of appointment.

The bill goes next to the House Transportation Finance Committee.

A companion bill (SF1940), sponsored by Sen. Ann H. Rest (DFL-New Hope), awaits action in the Senate State and Local Government Operations Committee.

Driving on the shoulder

A bill that would allow Metro Mobility buses to use the shoulder of freeways while transporting passengers was passed 132-0 by the House April 4.

HF577/SF633*, sponsored by Rep. Mary Liz Holberg (R-Lakeville) now returns to the Senate, where Sen. Steve Murphy (DFL-Red Wing) is the sponsor.

As amended, the bill would allow Metro Mobility buses and special transportation buses operated by the Metropolitan Council to use the shoulders of freeways in the Twin Cities metropolitan area. This privilege would also extend to other providers who get money from the Metropolitan Council.

The Senate bill allowed passing on the shoulder only for entities receiving money from the Metropolitan Council. It made no mention of buses operated by the Metropolitan Council.

Transit company tax breaks

Rep. Mark Olson (R-Big Lake) has introduced HF1818, a bill that would provide tax incentives to transit companies that do not receive state or local government operating subsidies. The bill was approved April 5 by the House Transportation Committee and referred to the House Transportation Finance Committee.

"My hope is that we could have continuous service all around the metropolitan area," he said.

The bill applies to motor carriers in an urban area with a population of 50,000 or greater that receive no operating subsidy from the government. It would exempt those carriers from a license tax until July 1, 2025; from a corporate income tax until Jan. 1, 2026, from the state gasoline tax until July 1, 2025, and from a special fuel tax until July 1, 2025. The bill would also allow those buses to travel on shoulders outside the Twin Cities metropolitan area.

Olson does not know how many companies could qualify for this exemption, so he's not sure how much it would cost the state. However, he's betting that if there were enough that would take advantage of the incentives, they would expand their system. "We need to find the people. I believe they're out there," he said.

Rep. Mary Liz Holberg (R-Lakeville), the committee chair, agreed. "I think you've got a good idea right here," she said.

Rep. Paul Gazelka (R-Brainerd) said, "What if it worked? To not pursue some ideas would be a mistake."

A companion bill (SF1976), sponsored by Sen. Betsy L. Wergin (R-Princeton), awaits action in the Senate Transportation Committee.

Projects set Long-awaited bonding bill now awaits governor's signature

By Mike Cook

Some may say it's a year late, a few dollars short and done outside normal protocol, but a capital investment bill is a governor's signature away from becoming law.

HF3*/SF1, sponsored by Rep. Dan Dorman (R-Albert Lea) and Sen. Keith Langseth (DFL-Glyndon), was approved 115-16 by the House April 6 and 61-3 by the Senate about an hour later.

Of the nearly \$945 million bill, \$885.9 million is general obligation bonds, about an equal split between the original \$780.3 million House proposal and \$975.6 million Senate plan.

"I think it's a good compromise of what the House thought was important, what the Senate thought was important and what the governor thought was important," Dorman said.

"This is a great day for Minnesota. This is a good bill," said House Minority Leader Matt Entenza (DFL-St. Paul). "This meets critical jobs needs for our state."

Much of the House discussion was not about the bill itself, but rather a suspension of rules to get the bill heard.

Ninety votes are needed to suspend the rules, and the motion prevailed on a 95-36 vote, with more than half of the Republicans and Rep. Irv Anderson (DFL-Int'l Falls) voting no.

"The joint rules indicate to us that the conference committee report can only contain material that was in the Senate or House bill being confereed or has passed the House or Senate," said Rep. Dennis Ozment (R-Rosemount). "This bill has some problem provisions within it, so I'd like to suspend the rules so we can take this bill up."

At the heart of the matter was a provision, in neither the House nor Senate bonding bill, which would permit the Minnesota Amateur Sports Commission to lease up to 20 percent of land purchased in Blaine for up to 30 years. The dollars used for the purchase came from a 1998 General Fund appropriation of \$4.8 million that was designated for athletic fields and the development of a children's golf course.

Dorman said a commission representative

told him an attorney general's opinion indicated the language should be in the bonding bill, but he later found out there was no such opinion and that someone in the attorney general's office only helped to craft the language that was inserted at the final capital investment conference committee meeting.

Rep. Phil Krinkie (R-Shoreview) suggested the bill be returned to the conference committee for public input. "We should not suspend the rules just because we think it's convenient and just because the action suits our needs."

"We're setting a precedent here," warned Rep. Ron Abrams (R-Minnetonka).

Rep. Mark Olson (R-Big Lake) said the provision might be the start of a site for a new Minnesota Vikings stadium. "Imagine the black eye we'd get by approving a stadium with this kind of process."

However, Rep. Andrew "Andy" Westerberg (R-Blaine), an ex-officio commission board member, said the site is not large enough for a stadium and that the money would be used to help fund commission activities, which have

been hampered by budget cuts. "There isn't enough money there for them to operate and continue to do well," he said.

Other highlights of the bill:

Higher Education

The Minnesota State Colleges and Universities (MnSCU) system will receive nearly \$213.6 million. Of the total, \$41.5 million is for asset preservation, \$6.67 million is for systemwide science renovations, \$3.08 million is for systemwide workforce classrooms, almost \$1.63 million for demolition, \$1.17 million for program consolidation, \$1.02 million for technology upgrades and the remainder will be split among 25 projects at schools, including science facility upgrades at Minnesota State University Moorhead and Winona State University.

Of the \$108.38 million for the University of Minnesota, \$40 million is for asset preservation; three projects on the Minneapolis campus: \$17.4 million for the Kolthoff Hall renovation, \$14.5 million to renovate the Education Sciences building and \$11.6 million to renovate and equip classrooms in the Academic Health Center; \$10.1 million for design and renovation of the Life Sciences building on the Duluth campus; \$8.7 million for a recreational sports center addition in Duluth; \$5.8 million for a biomass heat



PHOTO BY TOM OLMSCHIED

The Capital Investment Conference Committee reached agreement April 5 on a \$945 million bonding bill that includes money for projects throughout the state. The House and Senate passed the bill April 6, and the governor has scheduled an April 11 news conference to sign the bill.



PHOTOS BY TOM OLMSCHEID

Included in the capital investment bill awaiting the governor's signature is \$3.5 million for the Minnesota Correctional Facility in Stillwater to, in part, design a new 150-bed segregation unit, \$2.56 million for design and a partial renovation of Trafton Hall at Minnesota State University, Mankato and \$27 million for the state share of flood hazard mitigation grants for publicly owned capital improvements to prevent or alleviate flood damage.

generating facility and a football stadium to be shared with the school district on the Morris campus; and \$283,000 for the North Central Outreach Center in Grand Rapids for the farm machinery repair, maintenance and carpentry shops.

Education

The Red Lake School District, under the bill, would receive \$18 million to "design, construct, renovate, furnish, and equip a new middle school and the existing high school."

The Minnesota state academies for the deaf and blind would receive almost \$4.26 million for asset preservation, \$1.08 million would be used to finalize land acquisition for the Crosswinds Arts and Science Middle School in Woodbury, \$1.08 million would be for asset preservation and a building demolition at the Perpich Center for the Arts in Golden Valley, \$1 million for library accessibility and improvement grants and \$500,000 would be for grants to rehabilitate early childhood learning and child protection facilities.

Department of Human Services

The \$26.07 million is allocated seven ways, including: \$8.6 million for a forensic nursing facility in St. Peter; \$4 million to demolish the Ah-Gwah-Ching treatment center campus in Walker and redevelop the site; nearly \$3.26 million for new facilities at the St. Peter Regional Treatment Center for persons committed as sexual psychopathic personalities, sexually dangerous or mentally ill and dangerous; and \$1 million for a Willmar Regional Treatment Center renovation for, in part, methamphetamine treatment.

Arguably the greatest change at the end of the process was in reference to the forensic nursing facility. "In the House bill, it was dedicated to go to the Ah-Gwah-Ching site in Walker, the Senate and the governor had an open process," Dorman said. "As we went through the process it looked more and more like that facility should be located in St. Peter."

Agriculture, Environment and Natural Resources

Flood hazard mitigation grants of \$27 million for two-dozen projects comprise the greatest portion of the \$72.15 million in this category. It also includes \$10 million to acquire land for wildlife management, \$7.91 million for state trail development and acquisition (13 projects), \$2.5 million to acquire private lands from willing sellers for state park acquisition, \$2 million each for increased reforestation and improved public water access on lakes and rivers, \$1.7 million for fish hatchery improvements and \$885,000 for grants for three trail connections.

The bill also allocates \$23 million to acquire conservation easements from landowners. Slightly more than \$4.36 million is designated to acquire or restore wetlands impacted by public road projects.

The bill includes \$10 million for the construction of remedial systems and to acquire land at landfills around the state in accordance with the Pollution Control Agency's Closed Landfill Program, which ensures the proper closure and post-closure care. Additionally, \$2 million in solid waste capital assistance grants are earmarked for Red Wing and Olmsted County.

To construct a level 3 plant pathogen research facility at the University of Minnesota, the bill provides \$3.3 million. The money is not available until \$1.6 million in nonstate sources has been contributed to the project. Supporters said the facility is needed to conduct research on such things as soybean rust, which could affect state soybean farmers.

Transportation

The bill is heavy on future transportation needs, including \$37.5 million for the Northstar commuter rail from Minneapolis to Big Lake, \$10 million for a Cedar Avenue bus rapid transit project between Lakeville and the Mall of America, \$5.25 million for preliminary engineering for the Central Corridor transitway between Minneapolis and St.

Paul, and \$500,000 each for planning the Red Rock Corridor between Hastings and St. Paul and the Rush Line Corridor between Hinckley and St. Paul.

"I find special delight in the funding of transportation projects in five corridors. It's a significant way to start looking at other options," said Rep. Alice Hausman (DFL-St. Paul).

The bill also allocates \$40 million for local bridge replacement and \$10 million for local road improvement grants.

Minnesota Zoo

Of the \$22.64 million the Apple Valley facility would receive, \$2 million would be for asset preservation and the rest would go toward a new Gateway to the North exhibit, consistent with the zoo's master plan.

Additionally, the zoo is relieved from paying nearly \$1.88 million in debt service on the bonds issued for the construction of Discovery Bay.

However, the Lake Superior Zoo will not receive \$400,000 for exhibit construction and facility improvements. The funding was in the initial House and Senate bills, but was removed by a conference committee.

Other issues

- \$84.4 million for an expansion of the Faribault prison;
- \$29.9 million for grants and loans to municipalities through the wastewater infrastructure funding program;
- \$22 million for a Minneapolis planetarium;
- \$21.7 million for a University of Minnesota/Mayo Clinic biotech research facility;
- \$18.5 million for bioscience development;
- \$12 million for permanent supportive housing loans; and
- \$1 million for redesign of the Shubert Theater in Minneapolis.

A copy of the spreadsheet is available at: <http://www.house.leg.state.mn.us/fiscal/files/bond05.pdf>. 

Football facility funding

Plan would move Gopher gridiron team back to campus

By Mike Cook

On college campuses across the country, a fall Saturday afternoon is oftentimes marked with a marching band strolling past tailgating alumni decked out in school colors then past fraternity and sorority houses, shadowed by trees whose leaves are changing colors. Playing the school song, the band then heads into an open-air stadium where the school's football team is to play an archrival.

But at the University of Minnesota, that scene is replaced by a pep rally on the Metrodome plaza before everyone heads into the climate-controlled facility covered by a Teflon roof.

The university wants to return to the days before the Gophers moved from Memorial Stadium to the Metrodome in 1982. To do that, it is seeking state funds to help pay for a new stadium on the Minneapolis campus.

Sponsored by Rep. Ron Abrams (R-Minnetonka), HF263 calls for the state to provide 40 percent of the necessary dollars for the \$235 million facility, but only after the university has raised at least 60 percent (\$141 million) from nonstate sources.

"This is a first step towards solving some of the issues that are outstanding," Abrams told the House Higher Education Finance Committee April 4. Approved by the committee, the bill next goes to the House Taxes Committee.

Under the bill, the state would annually transfer \$7 million to the university starting in the 2008-09 biennium. "That reflects the principal and interest payments for 25 years on that \$94 million of debt that would be issued by the University of Minnesota," said Richard Pfitzenreuter, the university's chief financial officer. The state's total share is limited to \$7 million per year and \$94 million overall.

"I commend the university for bringing forth a proposal that I think is reasonable," said Rep. Dean Urdahl (R-Grove City). "I think it'd be interesting if the Twins and Vikings were able to put something together along a similar nature."

The university has already received some contributions, including \$35 million from TCF Bank, which includes naming rights to the 50,000-seat, open-air facility to be constructed on the parking lots east of Mariucci and

Williams arenas. The goal is to open in 2008.

In addition to sponsorship and fundraising, the university plans to allocate \$16 million in game-day parking revenue and \$50 million from students toward stadium construction. Pfitzenreuter said students would be charged a \$50 fee each semester, and negotiations are ongoing with student leaders for some kind of benefit, such as discounted tickets or preferred seating areas.

"This is not meant to be a complete solution to stadium issues facing the state," Abrams said. One potential issue this addresses, he said, is what happens if the Twins and Vikings get new stadiums and the Gophers remain the lone Metrodome tenant. It is estimated to cost a minimum of \$7 million per year to keep the Metrodome operating.

"I think it's better to pay us to build a new stadium," Pfitzenreuter said.

Gopher football coach Glen Mason said that in recent years the university has had to reschedule some home games to accommodate a baseball playoff game. "The Big 10 schedule just recently came out and (between 2006 and 2008) we'll only play two home games in the month of October. That is a big, big competitive disadvantage. Quite frankly, we can't even argue about it."

Additionally, the dome is not a recruiting asset. For example, he said that last year, recruits were unable to see the dome in a football setup because another event was booked at the stadium during their visit.

Just a handful of other college football teams share a stadium with a professional team, including: University of Pittsburgh and Arizona State, San Diego State, Temple and Tulane universities.

Rep. Ron Latz (DFL-St. Louis Park) remembers attending games at Memorial Stadium as a child. "It's a wonderful experience and I hope that someday every student at the University of Minnesota can enjoy a similar experience."

Supporters note that the facility would be used for more than just six football games per year, because it will provide new quarters and a practice facility for the marching band, and recreational sports, soccer and commencement activities could occur there.

Included in the bill is a sales tax exemption for construction materials, which Abrams estimates to be about a \$10 million cost to the state.

A companion bill (SF237), sponsored by Sen. Geoff Michel (R-Edina), awaits action by the Senate Finance Committee.



PHOTO BY TOM OLMSCHIED

Coach Glen Mason tells the House Higher Education Finance Committee April 4 why a new University of Minnesota football stadium is needed. Watching is Richard Pfitzenreuter, left, the university's chief financial officer, and Rep. Ron Abrams, right, the bill's sponsor.

Helping America vote

Accessibility is major component to proposed changes

By **LEE ANN SCHUTZ**

Those going to the polls, those with their names on the ballots and those charged with monitoring the voting procedure, could see major changes in the election process by the time Election Day 2006 rolls around.

HF1785, the omnibus election bill, sponsored by Rep. Tom Emmer (R-Delano), was approved April 4 by the House Civil Law and Elections Committee and is now on its way to the House floor.

If signed into law, the biggest change for voters will be that those who are disabled in any way will, for the first time, be able to vote independently and in private.

Throughout the past two months, Secretary of State Mary Kiffmeyer and her staff have been frequent visitors to the committee speaking in favor of bills that would help the state comply with the federal Help America Vote Act (HAVA). This provision was passed by Congress in 2002 and requires state and local governments to reform election processes and systems to ensure equal treatment of, and accessibility for, all voters.

As of April 6, 80 bills had been introduced this session relating to elections. While some are still making their way through the process on their own, at least 13 have been rolled in to the omnibus bill. Some of the more notable provisions are listed below.

Election procedures

- Currently there are as many as 80 to 90 election days in the state. Under this bill, elections would be allowed only on five specific dates during the year.
- Any voter would be able to apply to a county auditor or municipal clerk for status as an ongoing absentee voter. Current law allows persons with permanent illness or disability to have a standing absentee voter application.
- Eight alternative members to the Electoral College would be nominated, and if an elector does not vote for the appropriate candidate that he or she is designated to

vote for, or abstains, the vote would be invalidated an alternate elector would be chosen.

- For the purposes of establishing uniform polling place hours, the Twin Cities metropolitan area would mean the counties of Ramsey, Hennepin, Anoka, Washington, Dakota, Scott, Carver, Wright, Sherburne, Isanti and Chisago.
- Specific judging procedures would be laid out for distribution, receiving and counting absentee ballots for the military.
- No municipality annexation would "become effective between the opening of filing for a previously scheduled municipal election of the municipality which is annexing the unincorporated land and the issuance of certificates of election to the candidates elected at that election."
- No primary election would be required in cases where there are uncontested local races.


Polling place provisions

- Through HAVA, the state is scheduled to receive more than \$36 million in federal grants to help place assisted voting machines in each polling place, making it possible for all voters to cast their ballots independently and in private. Each polling place will also be equipped with optical scanning voting systems.
- Some polling places may need to be adapted to meet a requirement calling for, to the extent possible, a space of at least 750 square feet, with an additional 60 square feet for each 150 voters in excess of 400 voted in the most recent similar election.
- Signage at polling places would be consistent with the displaying of the American flag and a "Vote Here" sign conspicuously placed near the flag.
- News media would once again have access to polling places without prior written authorization for up to 60 minutes for observation purposes.

If signed into law, the biggest change for voters will be that those who are disabled in any way will, for the first time, be able to vote independently and in private.

Candidates

- Candidates now break the law when they hand out candy at a parade because it could be considered a "bribe." Under this bill, that act would be legal.
- Reporting procedures for campaign expenditures would be expanded.
- The value of a "memento" or food and beverage that a candidate would be eligible to receive would be raised from \$5 to \$15.
- Rules and penalties would be expanded regarding public officials who represent clients for a fee before any body that has rulemaking authority.
- Technical language relating to the definitions of major and minor party status would be clarified.

A companion bill (SF1692), sponsored by Sen. Dave Kleis (R-St. Cloud), awaits action in the Senate Elections Committee. 

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

Monday, April 4

HF2269—Peppin (R)

Taxes

K-12 education income tax credit extended to tuition and tax credit income phase-out modified.

HF2270—Slawik (DFL)

Jobs & Economic Opportunity Policy & Finance

Lifetrack Resources funding provided for immigrant/refugee collaborative workplace programs and money appropriated.

HF2271—Slawik (DFL)

Public Safety Policy & Finance

Assault weapon and large-capacity ammunition magazine manufacture, sale, and possession crimes established; terms defined and language clarified.

HF2272—Juhnke (DFL)

Education Finance

Independent School District No. 2396, A.C.G.C., fund transfer authorized.

HF2273—Magnus (R)

Taxes

Nobles County; tax increment financing district property defined as not eligible for a property tax exemption under the JOBZ program.

HF2274—Paulsen (R)

Education Finance

School district education referendum allowance increased.

HF2275—Sykora (R)

Education Policy & Reform

Teaching probationary period work year definition provided and early childhood family education teachers defined as public employees.

HF2276—Abrams (R)

Taxes

Employer refund provided for employee transit passes.

HF2277—Eken (DFL)

Health Policy & Finance

Statewide elderly waiver services covered under the prepaid Medical Assistance program implementation extended.

HF2278—Wagenius (DFL)

Taxes

Property tax valuation exclusion provided for new or refurbished individual sewage treatment systems.

HF2279—Kohls (R)

Education Policy & Reform

Cologne; wetland replacement requirements exemption provided.

HF2280—Wagenius (DFL)

Regulated Industries

Public Utilities Commission required to establish fund for reimbursing state and other entities for health costs relating to coal-fired power plants and money appropriated.

HF2281—Wagenius (DFL)

Regulated Industries

Greenhouse gas emissions reduction plan required relating to electric generation facilities and other sources.

HF2282—Abeler (R)

Health Policy & Finance

Children's case management therapeutic services and support expanded.

HF2283—Thao (DFL)

Governmental Operations & Veterans Affairs

Minority veterans outreach program established and money appropriated.

HF2284—Nornes (R)

Taxes

Class 1b homestead property market value amount subject to a reduced class rate increased.

HF2285—Dorman (R)

Taxes

Local sales taxes authorized under specified criteria, Mankato sales tax extension authorized and Waite Park sales tax authorized as approved by the voters.

HF2286—Nelson, P. (R)

Public Safety Policy & Finance

Assaulting a correctional employee mandatory minimum sentences imposed.

HF2287—Dean (R)

Civil Law & Elections

Election terminology clarified and corporate spending restrictions in political campaigns modified.

HF2288—Lanning (R)

Taxes

Agricultural property tax program property tax deferrals disallowed for certain property and cities authorized to establish programs for reclassification of vacant commercial and industrial properties in non-metropolitan counties.

HF2289—Mullery (DFL)

Governmental Operations & Veterans Affairs

Minority veterans outreach program established and money appropriated.

HF2290—Carlson (DFL)

Health Policy & Finance

MinnesotaCare limited benefits coverage modified to include vision and dental services.

HF2291—Davids (R)

Agriculture & Rural Development

Town roads significant to livestock operations construction, reconstruction and maintenance provided.

HF2292—Blaine (R)

Regulated Industries

Energy conservation investment expenses exemption authorized for qualifying businesses.

HF2293—Nelson, P. (R)

Public Safety Policy & Finance

Mentally ill committed persons exempted from criminal liability.

HF2294—Westerberg (R)

Taxes

Anoka County; football stadium financing provided, stadium authority established and county authorized to levy and collect certain taxes.

HF2295—Westerberg (R)

Taxes

Anoka County football stadium; financing provided, stadium authority established, county authorized to levy and collect certain taxes, bonds issued and money appropriated.

HF2296—Jaros (DFL)

Health Policy & Finance

Human services background studies provision modified.

HF2297—Kohls (R)

Agriculture, Environment & Natural Resources Finance

State Board of Investment venture capital investments using the environmental and natural resources trust fund authorized and data relating to investments classified.

HF2298—Emmer (R)

Public Safety Policy & Finance

Local correctional agency authorized to create a schedule of local confinement fees to defray costs and claim and lien established in favor of the local agency against an offender's future windfall.

HF2299—Jaros (DFL)

State Government Finance

Minnesota Assistance Council for Veterans grants provided to provide housing and support services to veterans and their families and money appropriated.

HF2300—Powell (R)

Civil Law & Elections

Receiving motor fuel without paying service charge and civil penalty increased and civil liability clarified to not bar criminal liability.

HF2301—Solberg (DFL)

Taxes

Itasca County; towns maximum cemetery levies increased.

HF2302—Moe (DFL)

Environment & Natural Resources

Shooting range protection act adopted establishing standards and regulating actions.

HF2303—Moe (DFL)

Environment & Natural Resources

Angling fee for resident seniors established.

HF2304—Samuelson (R)

Environment & Natural Resources

New Brighton; Long Lake water safety district established.

HF2305—Eken (DFL)

Health Policy & Finance

Long-term care provider inflation adjustments provided and income tax provisions modified.

HF2306—Eken (DFL)

Health Policy & Finance

Nursing home license surcharge reduced.

HF2307—Lieder (DFL)

Transportation Finance

Motor fuel tax rates increased, annual indexing provided, motor vehicle sales tax revenue allocated, state trunk highway bonds issued and money appropriated.

HF2308—Dittrich (DFL)

Transportation

Vehicle taillights required to emit only red light.

HF2309—Lesch (DFL)

Taxes

Gross receipts tax provided on retail sales in excess of \$20 million at an individual location and thresholds established for compensation and percentage of full-time employees that cause the establishment to be subject to the tax.

HF2310—Hortman (DFL)

Education Finance

Education referendum equalization aid increased.

HF2311—Hortman (DFL)
Governmental Operations & Veterans Affairs

Public employees police and fire retirement plan annuity provided for a former St. Paul firefighter to correct an error in coverage.

HF2312—Walker (DFL)
Health Policy & Finance

Naturopathic doctors licensing provided and criminal penalties imposed.

HF2313—Walker (DFL)
Jobs & Economic Opportunity Policy & Finance

Assistance provided to stabilize housing for children to enhance school attendance and performance and money appropriated.

HF2314—Latz (DFL)
Public Safety Policy & Finance

Law enforcement agencies that record bookings of individuals accused of crimes required to maintain the recording for at least 30 days.

HF2315—Ozment (R)
Taxes

Rosemount; tax increment spending authorized.

HF2316—Abeler (R)
Commerce & Financial Institutions
Insurance fraud investigations required to consult with health-related boards, excessive claims regulated, no-fault auto injuries practice standards provided and no-fault insurance medical cost study required.

HF2317—Abeler (R)
Health Policy & Finance
Blood-lead level needed to trigger a lead risk assessment lowered.

HF2318—Dempsey (R)
Local Government
County board meetings authorized at locations other than the county seat.

HF2319—Dorman (R)
Jobs & Economic Opportunity Policy & Finance

Employer grants provided for paying prevailing wages in job opportunity building zones.

HF2320—Dorman (R)
Taxes
Agricultural homestead property tax bracket modified.

HF2321—Bernardy (DFL)
Taxes
Commuter rail system diesel fuel sales tax exemption provided.

HF2322—Zellers (R)
Public Safety Policy & Finance
Life imprisonment without possibility of release imposed for murder in the first degree.

HF2323—Bernardy (DFL)
Taxes
Commuter rail service construction materials and equipment sales tax exemption provided.

HF2324—Wilkin (R)
Health Policy & Finance
County chemical dependency allocation modified.

Wednesday, April 6

HF2325—Howes (R)
Commerce & Financial Institutions
School districts authorized to provide employees with electronic earning statements.

HF2326—Simon (DFL)
Civil Law & Elections
Landlords who apportion bills or charge fees for utility service defined as not exempt from regulation as a utility.

HF2327—Hortman (DFL)
Civil Law & Elections
Apportionment and reselling of utility service and fees relating to utility service prohibited.

HF2328—Mullery (DFL)
Governmental Operations & Veterans Affairs
State Building Code references to the International Mechanical Code deleted and updated with references to the 1991 Uniform Mechanical Code with Minnesota amendments.

HF2329—Sieben (DFL)
Education Finance
Alternative facilities bonding and levying program deferred capital expenditures and maintenance projects clarified.

HF2330—Sieben (DFL)
Education Finance
Alternative facilities bonding and levying program deferred capital expenditures and maintenance projects clarified.

HF2331—Vandever (R)
Regulated Industries
Wireless telecommunications consumer protections expiration date extended.

HF2332—Sailer (DFL)
Jobs & Economic Opportunity Policy & Finance
Red Lake emergency assistance provided for counseling and other social services and cleanup and repair of damaged facilities and money appropriated.

HF2333—Seifert (R)
Local Government
Cities prohibited from collecting unpaid water charges through property taxes.

HF2334—Sykora (R)
Education Policy & Reform
Early childhood education pilot program established for at-risk children between the age of 3 and entering kindergarten.

HF2335—Sykora (R)
Education Finance
Education appropriations forecast adjustments provided.

HF2336—Kelliher (DFL)
Commerce & Financial Institutions
Hair transplant procedures consumer protection information required and enforcement provided.

HF2337—Kelliher (DFL)
Commerce & Financial Institutions
Children's personal information regulated and sale of personally identifiable child information for commercial marketing prohibited.

HF2338—Lenczewski (DFL)
Local Government
Metropolitan Airports Commission city definition expanded to include Bloomington.

HF2339—Lenczewski (DFL)
Taxes
Property tax market value credit reductions reflected in the credit amount shown on each property tax statement.

HF2340—Zellers (R)
Education Finance
School readiness project planning grants authorized and money appropriated.

HF2341—Abrams (R)
Governmental Operations & Veterans Affairs
Legislative Coordinating Commission and subordinate agency governing provisions modified, Legislative Commission on Minnesota-Ontario matters eliminated, Compensation Council membership and operation modified, and money appropriated.

HF2342—Meslow (R)
Civil Law & Elections
Voting rights of persons under guardianship and persons with disabilities clarified, local redistricting authorized, appointment of election judges unaffiliated with a major party provided and local campaign disclosure increased.

HF2343—Eken (DFL)
Civil Law & Elections
Executive officers, judges, and legislators required to be elected by a majority of the votes cast for the office and constitutional amendment proposed.

HF2344—Eken (DFL)
Health Policy & Finance
Norman County nursing facility payment rate increased.

HF2345—Eken (DFL)
Education Finance
Declining pupil unit aid formula modified.

HF2346—Wagenius (DFL)
Agriculture, Environment & Natural Resources Finance
Atrazine in well water testing grants provided and money appropriated.

HF2347—Peterson, A. (DFL)
Regulated Industries
Soy-diesel fueled generator project funding provided to back up wind energy conversion systems and money appropriated.

HF2348—Johnson, S. (DFL)
Commerce & Financial Institutions
Parrots; birds of the order psittaciformes sales regulated and civil penalty imposed.

HF2349—Cornish (R)
Public Safety Policy & Finance
Bullet-resistant vest purchase reimbursement exception provided for zylon-based vests.

HF2350—Juhnke (DFL)
Education Finance
Independent School District No. 347, Willmar, fund transfer authorized.

HF2351—Hilstrom (DFL)
Public Safety Policy & Finance
Community reintegration of offenders provided by placement of certain offenders with less than 180 days to serve in county jails and sheriffs authorized to electronically monitor offenders who are sentenced to work release.

HF2352—Larson (DFL)
Local Government
Metropolitan Airports Commission labor agreement required with airport concession operators.

HF2353—Lenczewski (DFL)
Taxes
Tax increment financing prohibited for use in assisting federally defined gambling facilities.

HF2354—Garofalo (R)
Jobs & Economic Opportunity Policy & Finance
Small business development funding provided and money appropriated.

HF2355—Walker (DFL)
Jobs & Economic Opportunity Policy & Finance
American Indian entrepreneurial assistance funding provided and money appropriated.

HF2356—Abeler (R)**Health Policy & Finance**

Public health information network development required and money appropriated.

HF2357—Lanning (R)**Health Policy & Finance**

Methamphetamine use prevention grants provided and money appropriated.

HF2358—Seifert (R)**Jobs & Economic Opportunity Policy & Finance**

MFIP monthly cash assistance payments prohibited for use in purchasing tobacco, alcohol, or lottery tickets.

HF2359—Lenczewski (DFL)**Taxes**

Cigarette tax increased, tax revenue dedication modified and floor stocks tax imposed.

HF2360—Lenczewski (DFL)**Health Policy & Finance**

Bloomington nursing facility moratorium exception proposal approval extended.

HF2361—Knoblach (R)**Taxes**

Marriage income tax penalties reduced.

HF2362—Smith (R)**Governmental Operations & Veterans Affairs**

Minneapolis Teachers Retirement Fund Association and expanded list plans mutual fund authority clarified and investment authority revised to exclude below-investment grade bonds.

HF2363—Abrams (R)**Taxes**

Electric power generation efficiency property tax market value exclusion clarified.

Thursday, April 7**HF2364—Bernardy (DFL)****Education Finance**

School district transition revenue calculation modified.

HF2365—Latz (DFL)**Governmental Operations & Veterans Affairs**

Public Employees Retirement Association survivor benefits provided to the spouse of a police officer killed while on active duty in Iraq.

HF2366—Sykora (R)**Taxes**

Scholarship granting organizations tax credit provided.

HF2367—Smith (R)**Governmental Operations & Veterans Affairs**

Correctional state employees retirement plan process for evaluation of potential inclusions in plan coverage required.

HF2368—Mariani (DFL)**Higher Education Finance**

College in the schools program aid provided and money appropriated.

HF2369—Vandever (R)**Health Policy & Finance**

Presumption of nutrition and hydration sufficient to sustain life established.

HF2370—Lenczewski (DFL)**Taxes**

Tax increment financing; new districts or expansions of existing districts prohibited.

HF2371—Anderson, B. (R)**Ways & Means**

Claims against the state settlement provided, reimbursement for damage by escaping inmates or runaway patients increased and money appropriated.

HF2372—Ruth (R)**Taxes**

Electric generation facility personal property tax exemption provided.

HF2373—Zellers (R)**Health Policy & Finance**

Maple Grove hospital construction moratorium exception provided.

HF2374—Clark (DFL)**Agriculture, Environment & Natural Resources Finance**

Pollution Control Agency required to seek funding for environmental justice mapping.

HF2375—Otremba (DFL)**Taxes**

Delinquent property tax notification required.

HF2376—Hausman (DFL)**Taxes**

Metropolitan Council levy provided for transit and paratransit operating costs and motor vehicle sales tax proceeds transferred to Greater Minnesota transit fund.

HF2377—Larson (DFL)**Transportation Finance**

Motor vehicle sales tax proceeds reallocated to the metropolitan area transit fund and the Greater Minnesota transit fund.

HF2378—Dorn (DFL)**Transportation Finance**

Mankato; transportation district headquarters funding provided, bonds issued and money appropriated.

HF2379—Abeler (R)**Jobs & Economic Opportunity Policy & Finance**

MFIP work participation and self-support index measurement exclusions provided.

HF2380—Simon (DFL)**Transportation**

Major highway projects reporting required.

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MINNESOTA INDEX

Motorized Recreation & Trails

Percent of Minnesotans age 20 or older who hike or walk for recreation.....	54
Bicycle	39
Ride all-terrain vehicles.....	10
Snowmobile	10
Cross-country ski	7
Registered all-terrain vehicles in Minnesota in 2004.....	222,594
Off-highway motorcycles	12,163
Off-road vehicles	5,497
Snowmobiles.....	268,988
Miles of Department of Natural Resources (DNR) snowmobile trails in 2004.....	2,135
Grant-in-aid miles of trail.....	18,300
DNR all-terrain vehicle trails, in miles	300
Grant-in-aid miles of trail.....	631
Miles of DNR off-highway motorcycle trails	197
Grant-in-aid miles of trail.....	125
Students certified in ATV use in 2004.....	800
Total, to date.....	11,468
Off-highway motorcycle students certified in 2004.....	291
Total, to date.....	1,163
Youth who took snowmobile safety classes in 2004.....	7,227
Total, to date.....	135,290
Adults who took snowmobile safety classes in 2004.....	2,214
Total, to date.....	10,932
Counties receiving off-highway vehicle law enforcement grants in 2004.....	40
Total grants awarded in 2004	\$199,981
Largest grant (St. Louis County).....	\$20,422
Smallest grant (Watsonwan County).....	\$2,674
Average grant.....	\$5,000
Volunteers working on DNR trails and waterways programs in 2004.....	4,987
Hours volunteered.....	36,626
Estimated value of volunteer work.....	\$629,601

Sources: Mark LaBarbera, Department of Natural Resources; 2004 Outdoor Recreation Participation Survey of Minnesotans, January 2005, and Study of Off-highway Vehicle Trails, February 2005, 2004 Volunteer Report, all from DNR; department trails and waterways enforcement divisions; DNR Office of Volunteer Services.

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