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# SESSION Weekly

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**INSIDE: OMNIBUS BILL DILEMMAS, POTENTIAL TRANSIT BOOST, LEGISLATIVE QUIZ, MORE**

This Week's Bill Introductions HF4200-HF4218

# Session Weekly

*Session Weekly* is a nonpartisan publication of the Minnesota House of Representatives Public Information Services office. During the 2005-2006 Legislative Session, each issue reports daily House action between Thursdays of each week, lists bill introductions, and provides other information. No fee.

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**On the cover: A sixth-grade class from Onamia Elementary School gazes at the marble columns around the Grand Staircase during a May 17 tour of the State Capitol.**

— Photo by: Andrew VonBank



# Down in flames

Stymied by politics, omnibus spending bills fall apart

By Nick Busse

When [Rep. Marty Seifert](#) (R-Marshall) tabled the omnibus state government finance bill on the House floor April 18, he knowingly put a whole session's worth of his own work in limbo.

It was a tough decision, but when a teachers' health insurance amendment was tacked onto his bill during floor debate, Seifert, chair of the House State Government Finance Committee, said he and other House Republicans felt they could no longer support it.

"The statewide teacher health insurance amendment is the one that basically a majority of my caucus said, 'Look, this is something that we really don't want to support [on] your bill,'" he said. "I don't want to have a situation where the bill passes with 60 Democrats and eight Republicans. Generally, the Republicans are in control of the House and should have a buy-in to the bill."

Rather than pass what he saw as a compromised bill, Seifert said it has been

broken up into a number of individual "vehicles." But he admits that only a handful of those vehicles is likely to survive the process.

"If we find the right vehicles and they all end up passing, I would say probably about 30 percent of the original bill, which is kind of the must-have items — the stuff that's really high profile like veterans and state employee contracts — those are the things that really have to pass."

What happened to Seifert's bill is not unique. In fact, political maneuvering in both the House and Senate has left a whole slew of supplemental appropriations bills stripped down, chopped up or just plain dead.

Omnibus supplemental spending bills on public safety, higher education, K-12 education, agriculture, the environment and other subjects have all been dogged by political pressures this session, leaving their futures in doubt and their proponents frustrated.

## 'Kill bill'

"In my first nine years here this never happened," said [Rep. Barb Sykora](#) (R-Excelsior). "We had our conference committees, we passed our bills and we got our work done. We didn't have this kind of a breakdown."

Sykora, chair of the House Education Finance Committee, saw her committee's omnibus bill killed in much the same fashion as Seifert's.

In an April 19 meeting of the House Taxes Committee, DFLers and two Republicans managed to stick a new tax on foreign operating companies in the bill. With [Rep. Phil Krinkie](#) (R-Lino Lakes) chairing that committee, a tax increase meant the bill was as good as dead.

"After that went on, the tax chair said, 'Well, this is over.' And that was the end of the meeting. It wasn't even formally tabled. So, it's just laying out there, I guess, in La-La Land," Sykora said, adding that she blames DFL members of the tax committee for deliberately trying to ensure the bill's failure.

But committee member [Rep. Paul Marquart](#) (DFL-Dilworth), who voted in favor of the amendment, denies that charge, noting that two Republicans on the committee voted with him. In his opinion, the number of bills that haven't survived the process this year reflects their lack of bipartisan support.

"I won't question why certain bills get pulled and so forth, but even the tax bill, for example, was defeated on a bipartisan effort," Marquart said. "It's 66 to 68 in this House. What comes out of committee needs to have a comfort level from both sides, and some of the bills simply haven't done that."

## An unusual strategy

The stage may have been set for trouble even before session began, with the Senate embarking on an unusual course of action.

During the first year of a legislative biennium, the Legislature is required to pass its budget bills; during the second year, it typically "tweaks" the budget by passing omnibus supplemental appropriations bills that cover budget shortfalls and other emergencies and often include numerous policy provisions as well.

The normal procedure is for House



PHOTO BY TOM OLMSCHEID

House Minority Leader Matt Entenza, left, and House Speaker Steve Sviggum confer during a May 16 floor session.

First Reading continued on page 4

## First Reading continued from page 3

and Senate committees to draft their own individual bills and then iron out the differences in conference committees. This year, however, the Senate decided to roll all of its supplemental spending bills into one big, all-encompassing “garbage bill” — an impossibility for the House, which is forbidden by its own rules from doing so.

But, according to [Rep. Phyllis Kahn](#) (DFL-Mpls), it is not unprecedented for one house to roll everything into one bill. What is unusual in this case is the fact that the House didn’t pass all of its smaller, individual bills in order to match up with the Senate’s big bill. Instead, it cherry-picked fiscal provisions from each of them and created a single, bare-bones emergency and deficiency spending bill — [HF4162](#), sponsored by [Rep. Jim Knoblach](#) (R-St. Cloud).

“You could’ve confereed those multiple bills. ... That’s been done in the past, so I know that that’s worked out. But this is just kind of weird. I don’t know what’s going to happen,”

Kahn said.

The question of why the House didn’t pass all of its omnibus bills is open to speculation, but Chief Fiscal Analyst Bill Marx of the [House Fiscal Analysis Department](#) said it was a conscious decision on the part of the majority party.

“The issue became, when bills were getting bogged down and bills were getting lots of amendments, then it was a new strategy of, ‘Well, let’s only pass what we have to pass, and only fiscal items,’” Marx said.

### Politics or policy?

Some members see primarily political motivations behind what’s happened to the omnibus spending bills this session. Sykora, for example, speculates that the Senate had ulterior motives in rolling everything into a garbage bill.

“I think there’s a couple of people over there who like to have probably more power in the negotiations,” Sykora said, adding that the Senate’s decision was a factor in her education finance bill’s fate. “When it turned out that the

Senate was only going to do one budget bill, and they were lumping everything together, then I think it seemed like, ‘Well, is it worth trying to recover this bill?’”

Kahn takes a slightly different view, arguing that a lack of coordination between House and Senate leadership is to blame for so many bills getting stalled in the House. She agrees, however, that the Senate put the House at a disadvantage by rolling everything into one bill.

“The house that passes the one bill always wins, because you end up conferring that bill,” she said. “What’s happened here is that the House acquiesced to the one bill, and sent over one bill, but the forms of those two bills are very different.”

Any way you slice it, Sykora said she isn’t happy with the way things have gone.

“I don’t think anybody’s happy when you’re not getting something done. You know, you come here for public service, and you wish to be able to do something that’s beneficial — not play games.” 🐼

## QUIET TIME



PHOTO BY TOM OLMSCHEID

Mark Hellie, law clerk for Court of Appeals Judge Terri Stoneburner, reads outside the Justice Center May 17. After many days of cold, cloudy and wet weather, the temperature in St. Paul reached into the 70s under mostly blue skies.

## ★ AGRICULTURE

**Toughening up on tampering**Signed  
by  
the  
governor  
★ ★ ★

Gov. Tim Pawlenty signed a law May 16 that makes tampering with tractor clock hours illegal and punishable by civil penalties.

Sponsored by [Sen. Gary Kubly](#) (DFL-Granite Falls) and [Rep. Lyle Koenen](#) (DFL-Clara City), the law also prohibits the sale of devices that interfere with the accuracy of tractor clock-hour meters, and the sale of a farm tractor on which the clock hours have been altered unless the alterations are disclosed. It takes effect Aug. 1, 2006.

Similar to the way an odometer keeps track of the miles driven by a car, a tractor's clock-hour meter measures how much use the tractor has incurred.

[HF1466/SF1039](#)\*/CH211

**Food law provisions modified**Signed  
by  
the  
governor  
★ ★ ★

Legislation that changes specific terms in the current commercial feed law and adds "specialty pet foods" to the [Department of Agriculture's](#) rulemaking purview was signed

by Gov. Tim Pawlenty May 16.

Sponsored by [Rep. Rod Hamilton](#) (R-Mountain Lake) and [Sen. Betsy Wergin](#) (R-Princeton), the law also requires that if a commercial feed is determined to be adulterated or misbranded, the person whose name appears on the label must provide a manufacturer's investigation report to the agriculture commissioner within 30 days. It also changes commercial feed distributors' recordkeeping requirements.

The law takes effect Aug. 1, 2006.

[HF3670\\*/SF3334](#)/CH203

**Wild rice study**

A bill requesting that the [Agriculture](#) and [Natural Resources](#) departments "assemble all the research they have" regarding the state's two native strains of wild rice was passed by the House 100-30 May 15.

Sponsored by [Rep. Frank Moe](#) (DFL-Bemidji), the action requested in [HF3915](#) would include examining any decline

in the strains' populations; arguments for and against maintaining the genetic integrity of the strains; and how their integrity could best be maintained. The agencies would also make recommendations regarding possible responses to their findings.

The bill now goes to the Senate, where [Sen. Becky Lourey](#) (DFL-Kerrick) is the sponsor.

Moe said the bill was precipitated by concerns from sports enthusiasts over duck habitat and the Ojibwe over the possibility that genetically engineered wild rice might be introduced into the state.

He said the Leech Lake Band of Ojibwe, which resides in his district and holds 30,000 acres of reservation land in trust, has "a Department of Natural Resources, as do we; they have a staff person dedicated specifically to the maintenance of the native wild rice stands" on those acres.

"They're looking to work with the Minnesota Department of Natural Resources and Department of Ag to study this more broadly," he added.

Originally, the bill required the Department of Agriculture to impose a two-year moratorium on the release, planting, importation or sale of genetically engineered wild rice in the state in the event an application to plant a test plot was made anywhere in the United States. The moratorium was intended to give the Ojibwe people and state agencies time to research the possible impact of the modified species on the native species and to plan their responses.

## ★ BUDGET

**Health impact fee ruled constitutional**

Legislators have been holding tight on the projected surplus purse strings during this non-budget year. But they loosened their grip following the May 15 ruling from the [Minnesota Supreme Court](#) that the state can continue to collect the controversial Health Impact Fee on tobacco products — amounting to about \$184 million a year.

In an effort to fill a projected hole in the budget, the 2005 Legislature passed Gov. Tim Pawlenty's proposal that called for, in part, a 75-cent per pack fee on cigarettes. The tobacco companies challenged the legislation, arguing that the fee violated an

earlier settlement agreement with tobacco companies that bars the state from collecting additional money for health care costs related to smoking. In December 2005, the fee was ruled unconstitutional by a lower court, and the state appealed the decision to the Supreme Court.

Uncertainty over the outcome of the court case put a financial cloud over the 2006 session. While legislators debated all session over what to do with the state's \$88 million projected surplus and \$317 million in the tax relief account, it was with the caveat that they could evaporate if the fee was struck down.

Talk quickly turned to tax relief after the announcement.

Pawlenty favors the House Republican proposal to provide what has become known as "Krinkie checks" — a 9 percent tax rebate to state property owners this fall. "This money should be sent back as a rebate from the tax relief account," said [House Speaker Steve Sviggum](#) (R-Kenyon) in a press conference.

[House Minority Leader Matt Entenza](#) (DFL-St. Paul) called that approach a "Band-Aid on a gaping wound," and sees increasing Local Government Aid as a way to make a more permanent dent in property tax bills.

## ★ CHILDREN

**Child care licensing provisions**Signed  
by  
the  
governor  
★ ★ ★

A new law makes a number of changes for nonresidential child care providers or "special child care homes."

Signed by Gov. Tim Pawlenty May 16, and effective the following day, the law permits a not-for-profit agency with at least two contracts with community agencies, organizations or employers that provides child care services to be classified as a special family day care home. There is also a capacity revision that allows a program to exceed the capacity maximum of 14 children in transition periods if certain standards are met, from square footage requirements to staff-to-child ratio to fire code compliance.

It also contains some CPR requirement changes. Under current law, when children are present in a child care center or family child care home governed by state rules, at



least one staff person with CPR training must be present.

Under the law, a family child care provider is exempt from the requirement "related to any substitute caregiver who provides less than 30 hours of care during any 12-month period." Furthermore, "video training reviewed and approved by the county licensing agency satisfies the family child care training requirement."

[Rep. Jeanne Poppe](#) (DFL-Austin) and [Sen. Dan Sparks](#) (DFL-Austin) sponsor the law.  
[HF2977/SF2883\\*/CH207](#)

## ★ CONSUMERS

### Home construction regulation

**Signed  
by  
the  
governor  
★ ★ ★**

Contractors will have 30 days to make an offer to resolve a consumer's complaint regarding home construction defects, according to a new law signed by Gov. Tim Pawlenty May 16.

With actions pending or beginning May 17, 2006, homeowners claiming construction defects would be required to allow for an inspection and must give a contractor 30 days to respond with an offer to repair. Once the repairs are made, the contractor is required to give the homeowner notice of the right to pursue a warranty claim, as well as a list of the repairs that were made.

Sponsored by [Rep. Dan Severson](#) (R-Sauk Rapids) and [Sen. Linda Scheid](#) (DFL-Brooklyn Park), the new law also asks the commissioner of labor to establish required competency criteria for construction code inspectors, as well as approved continuing education requirements related to construction inspection and administration of the state building code. Effective Jan. 1, 2008, all construction inspectors hired will need to comply with a new set of competency criteria within one year of hire.

[HF1375/SF1287\\*/CH202](#)

## ★ DEVELOPMENT

### Partial fund restoration

A bill sponsored by [Rep. Tony Sertich](#) (DFL-Chisholm) would inject \$12.5 million by July 1, 2007, into the Minnesota Minerals 21st Century Fund.

The revolving loan fund was established in 1999 to make loans or equity investments in mineral processing facilities including, but not limited to: taconite processing; direct reduction of iron ore; and steel production.

## "WE RISE"



PHOTO BY ANDREW VONBANK

**Gemma Bulos, a musician and composer, performs "We Rise," a song she composed in response to the Sept. 11 tragedy, before the May 11 floor session. Many members clapped along as she sang.**

Approved by the House Ways and Means Committee May 15, [HF3058](#) awaits action on the House floor. It has no Senate companion.

Before being successfully amended by Committee Chair [Rep. Jim Knobloch](#) (R-St.

Cloud), the bill directed that \$49 million be transferred from the state's General Fund to the Minnesota Minerals 21st Century Fund. The same amount was withdrawn from the fund in 2003 to make up for shortfalls in the state's General Fund.

"We obviously don't have that kind of money in our target," Knoblach said, adding that having some money in the fund to invest in such projects "would be a good investment for the state — good for jobs for northern Minnesota."

Sertich said more than \$1 billion is currently being invested in new mining and steelmaking projects in northeastern Minnesota, including Mesabi Nugget, an iron nugget plant proposed to be built at Hoyt Lakes.

Sertich said the central purpose of the bill is to declare Iron Range Resources a state agency and to provide legislative clarifications regarding its authority for spending, budgeting, project approval, administration, appropriations and long-range planning for use of the Douglas J. Johnson Economic Protection Trust Fund. Created in 2005, the fund is devoted to the economic rehabilitation and diversification of industrial enterprises where needs arise as the result of the decline of a single industry.

The clarifications were in response to the recommendations of two consecutive legislative audits.

## ★ EDUCATION

### Private school employee payments

A bill that would allow private schools to pay their employees over 12 months, in the same manner as their public school counterparts, was passed May 17 by the House 131-0.

Public schools are exempt from the state law requiring all wages earned by an employee to be paid at least once every 31 days. Common practice is to pay employees over the 12-month period for the work they perform over the nine-month school year. Private school employees are not currently exempt.

The bill was drafted after a private school paying its employees over 12 months received a letter from the Department of Labor and Industry informing them that the practice is in violation of state law, said [Rep. Jim Knoblach](#) (R-St. Cloud), the sponsor of [HF3045](#). "I think this codifies what is common practice in the state."

The bill now goes to the Senate, where [Sen. Michelle Fischbach](#) (R-Paynesville) is the sponsor.

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## ★ EMPLOYMENT

### No work for felons at race tracks

**Vetoed  
by  
the  
governor  
★ ★ ★**

Citing concerns that a bill goes too far in allowing felons to work in the gaming industry, Gov. Tim Pawlenty cast his first veto of the session May 11.

The provision was amended onto a bill, sponsored by [Rep. Neva Walker](#) (DFL-Mpls) and [Sen. Linda Higgins](#) (DFL-Mpls), that allows for a cosmetologist license to be granted to an applicant with a felony record, if that person meets all licensing requirements established by the [Board of Barber and Cosmetology Examiners](#).

The amendment calls for giving workers with a felony record a chance to be licensed for racetrack-related jobs requiring certain certification. Racetrack workers with a felony cannot enter a track without being licensed.

In his veto message, Pawlenty said he understood the intent of the bill that would give people with felony convictions an opportunity to work in areas not directly associated with gaming or security that currently require a Class C license. However, he said the bill does not limit the work directly to caring for horses or other non-gaming positions.

He also found specific language problematic. He said the date used to initiate a 10-year exclusion period would "permit persons who have committed serious crimes to obtain a license within a very short time after serving time in prison." It would also prohibit licensure of a person "on parole resulting from felony conviction." This does not reflect Minnesota sentencing practices, he said.

"While a limited exception to the current requirements may be more appropriate, the licensing standards for the race track must remain rigorous to ensure the integrity of horse racing and pari-mutuel gaming in Minnesota," he said.

[HF3464](#)\*/[SF3079](#)/CH197

## ★ ENVIRONMENT

### Clean Water Legacy

Legislation creating a Clean Water Legacy Act was passed by the House 127-5 May 15.

Approved by the Senate during the 2005 session, this session, [Rep. Dennis Ozment](#) (R-Rosemount), who sponsors [HF826/SF762](#)\* with [Sen. Dennis Frederickson](#) (R-New Ulm), has accompanied the bill through House committees on Taxes; Agriculture, Environment and Natural Resources (twice); Rules and Legislative Administration; and Ways and Means (twice) — more than 22 hours of committee work.

The bill approved by the House is the Senate file from which all appropriations were removed. A conference committee will try to work out the differences.

Ozment said the bill expedites the state's implementation of the federal Clean Water Act and clarifies the procedures by which the [Pollution Control Agency](#) restores impaired waters. It creates a Minnesota Clean Water Legacy Act and a Clean Water Council to assist in coordinating cleanup efforts.

The Clean Water Council would be an advisory-only body to assist in prioritizing and implementing the policies of the Clean

## SPLIT OPINION



PHOTO BY TOM OLMSCHEID

Bonding conference committee co-chairs, Sen. Keith Langseth, left, and Rep. Dan Dorman, have different reactions to a proposal offered during a May 18 afternoon meeting, the first time in six days that conferees gathered. Conferees were scheduled to reconvene later that night in hopes of reaching a resolution.

Water Legacy Act. It would report biennially to the Legislature regarding progress toward clean water goals. The council would consist of one representative from each of the four state agencies that deal with water and 18 non-agency members appointed by the governor. [Rep. Rick Hansen](#) (DFL-South St. Paul) successfully amended the bill to provide that agency members may not vote, and that non-agency members may not be registered lobbyists.

[Rep. Jim Knoblach](#) (R-St. Cloud) successfully amended the bill to include a process called “offsetting,” designed to give the Pollution Control Agency the authority to permit new or expanded discharges into already impaired waters as long as a reduction in the same nutrient(s) discharged occurred elsewhere in the same waters.

Ozment said the amendment wasn’t a “magic bullet” that would end all problems and risks regarding the issuance of such permits; [Rep. Jean Wagenius](#) (DFL-Mpls) called it a “huge stumbling block” to cleaning up the state’s waters.

[Rep. Mark Olson](#) (R-Big Lake) proposed numerous amendments, some to mitigate the effects of the legislation on individuals and corporations and thus avoid possible litigation by these parties against the state.

“I believe this bill is terribly flawed,” he said, explaining that he believes it inhibits development because the state will not be able to bear the cost of establishing total daily maximum loads and the lawsuits that will follow.

### Land modifications

A dam situation enlivened the May 15 House Ways and Means Committee’s consideration of a bill authorizing the [Department of Natural Resources](#)’ annual land sale.

Sponsored by [Rep. Tony Cornish](#) (R-Good Thunder), [HF3397](#) was approved by the committee and sent to the House floor. Its companion ([SF2851](#)), sponsored by [Sen. Tom Saxhaug](#) (DFL-Grand Rapids), was passed 65-0 by the Senate May 15.

The House bill lists 11 land parcels, consisting of approximately 202 acres, most of which contain fewer than 5 acres as well as 582 acres of tax-forfeited lands in eight counties. An amendment by [Rep. Marty Seifert](#) (R-Marshall) added the sale of the “real property” of the Brainerd Regional Treatment Center to a local unit of government.

The dam situation was that of Lake Esquagama, located on the Embarrass River in St. Louis County.

Since the department has had authority over the dam and set the high water mark,

[Rep. Tom Rukavina](#) (DFL-Virginia) said “people that have been living there for 30 years can’t get their boats in and out of the water anymore.”

Rukavina moved an amendment that he believed would have remedied the situation by raising the established high water mark by 6 inches.

Kent Lokkesmoe, DNR’s director of waters, said the high water level is a scientific determination that looks at where the vegetation changes from predominantly terrestrial to predominantly aquatic.

“What the high water mark defines is the level of DNR jurisdiction, where it’s county authority above that line and it’s DNR authority below that line,” Lokkesmoe said.

He also attributed the lower water levels of the lake to a lack of precipitation in recent years rather than to the amount of water allowed over the dam.

Rukavina countered that there has been 3 feet of snow in the area each of the last two winters and thus the amount of precipitation was not a factor, but agreed to withdraw the amendment when Lokkesmoe said the agency would work with lakeshore residents to resolve the issue.

### Policy provisions to the floor

Natural resources policy provisions approved by the House Environment and Natural Resources Committee earlier this session, and now contained in [HF3605](#), were approved by the House Ways and Means Committee May 15.

Sponsored by [Rep. Dennis Ozment](#) (R-Rosemount), the bill is now on its way to the House floor. The part of its companion, ([SF3338](#)), sponsored by [Sen. Dallas Sams](#) (DFL-Staples) dealing with greenhouse gasses was incorporated into [SF2798](#), passed by the Senate 53-13 May 11.

Originally sponsored by [Rep. Kathy Tinglestad](#) (R-Andover) as a bill to reform and rename the [Legislative Commission on Minnesota Resources](#) (LCMR), the bill now also features provisions regarding state park permits, state forest services, the State Timber Act, state forest user fees and the authority of the Lower Minnesota River Watershed District.

Recommended by the [Environment and Natural Resources Trust Fund Task Force](#), changes in the LCMR include the addition of citizen commissioners and the creation of a fund to deal with emerging issues.

During the committee hearing, Tinglestad successfully amended the bill to include LCMR trust fund provisions, including 2006-07 allocations as follows:

### Environment & Natural Resources Trust Fund

This permanent fund, similar to an endowment, was established in the Minnesota Constitution following voter approval of a state lottery in November 1988.

The first lottery proceeds were deposited in the fund in May 1990. In November 1990, voters approved the dedication of 40 percent of net lottery proceeds (between 6 cents and 7 cents of each dollar wagered on the lottery) to the fund through December 2000. This dedication was continued through December 2024 after passage of a constitutional amendment in November 1998. It can only be used to fund projects of long-term benefit to Minnesota’s environment and natural resources.

The [State Board of Investment](#), the agency charged with the administration and direction of all state funds, is responsible for the management of the trust fund. As of March 31, 2006, the market value of the trust fund was approximately \$414 million. By law, 5.5 percent of the market value of the fund can be utilized for projects each year. Lottery proceeds are added to the fund’s principal. Over time, as the fund grows, earnings will also grow, and more projects can be funded. Eventually, the amount available for expenditure will likely be greater than the annual lottery contribution.

For further information, see [www.commissions.leg.state.mn.us/lcmr](http://www.commissions.leg.state.mn.us/lcmr).

- \$1.14 million for sensitive riparian land acquisition;
  - \$800,000 for a wind-to-hydrogen demonstration;
  - \$700,000 for the Clean Energy Resource Teams and Community Wind Energy Rebate and Financial Assistance Program;
  - \$550,000 for LCMR administrative costs;
  - \$500,000 to acquire forest land easements;
  - \$400,000 for the Laurentian Energy Authority biomass project;
  - \$336,000 for dairy farm digesters;
  - \$300,000 for a statewide plan for conservation and preservation;
  - \$290,000 for a land exchange revolving fund for Aitkin, Cass and Crow Wing counties;
  - \$267,000 for Lake Superior Research;
  - \$250,000 for land cover mapping for natural resource protection;
  - \$250,000 for a study of climate change impacts on Minnesota’s aquatic resources;
  - \$150,000 for biomass-derived oils for generating electricity and reducing emissions;
  - \$150,000 for enhancing civic understanding of groundwater;
  - \$100,000 for natural gas production from agricultural biomass; and
  - \$100,000 for manure methane digester compatible wastes and electrical generation.
- Tinglestad said that as the end of the session nears, the LCMR is concerned about making



sure the dollars get allocated so that they do not go back into the trust fund.

“So with this amendment, it would match up with the agreement through the Senate with Sen. Dallas Sams, who is the chief author over there,” Tingelstad said, adding she had recently met with Sams and staff from the governor’s office to “come to a consensus” on the allocations within the amendment.

Tingelstad said some of last year’s trust fund allocations were vetoed by Gov. Tim Pawlenty.

## ★ GAME & FISH

### Provisions passed by the House

Passage of the annual game and fish bill by the House 129-2 on May 17, included a discussion of “monster mudders.”

Sponsored by [Rep. Denny McNamara](#) (R-Hastings), [HF3116](#) contains a list of definitions, modifications and clarifications of existing statutes. Included are definitions of “deer” and “muzzle-loader”; modifications allowing people to operate ATVs or snowmobiles on their own land during legal shooting hours of the deer season; and clarifications regarding the deposit of various receipts into the game and fish fund and the authority of enforcement officers to inspect equipment used to take wild animals in the field.

Other provisions would permit hunters to move a big game animal from a legal kill site to a campsite or transport-vehicle before tagging the animal; special hunts for military personnel; the collecting of naturally shed antlers; the use of a “buck” tag for taking deer of either sex under certain conditions; and fishing and spearing together in a dark house under certain conditions.

The bill places a temporary moratorium on use of public waters for aquaculture, allows counties to place bounties on coyotes and allows 11-year-olds to take ATV safety courses.

“Monster mudders,” which are not game or fish, received considerable debate before [Rep. Larry Howes](#) (R-Walker) successfully amended the bill with the intention of prohibiting the [Department of Natural Resources](#) from establishing trails for 4x4 “monster mudder” trucks in certain state and county forests and parks.

“At some point we have to say, ‘When is enough enough?’” Howes said, referring to what he perceives to be a tendency by the DNR to accommodate recreation that is detrimental to the environment.

[Rep. Frank Moe](#) (DFL-Bemidji) spoke of the establishment of such a trail in Paul Bunyan State Forest, of the existence of just more than

1,000 such vehicles in the state, and of their drivers’ plans to come together and use the trails in numbers and ways that damage the environment.

The bill now goes to the Senate, where [Sen. Tom Saxhaug](#) (DFL-Grand Rapids) is the sponsor.

## ★ GOVERNMENT

### Eminent domain bill re-passed

A bill that would curb governments’ authority to use eminent domain powers is one last step away from becoming law.

The [conference committee report to HF2846/SF2750\\*](#), sponsored by [Rep. Jeff Johnson](#) (R-Plymouth) and [Sen. Tom M. Bakk](#) (DFL-Cook), was passed 115-17 by the House and 56-9 by the Senate on May 15. It needs only the signature of Gov. Tim Pawlenty to become law. He received the bill May 17, and must act by May 20.

Johnson said the conference committee had made several significant changes to the bill as originally passed by the House, including:

- changing the standard of proof throughout the bill from “clear and convincing evidence” to “a preponderance of evidence”;
- stipulating that a judge *may* award a property owner attorney fees if the final award for damages in an eminent domain proceeding is 20 percent to 40 percent more than the government’s final offer;
- stipulating that a judge *must* award a property owner attorney fees if the final award for damages in an eminent domain proceeding is greater than 40 percent of the government’s final offer; and
- making minor changes to the bill’s effective dates, including changes related to tax increment financing districts.

[House Majority Leader Erik Paulsen](#) (R-Eden Prairie) called the bill “milestone legislation,” and various other members praised the bill overall, while also expressing reservations about some of its provisions. [Rep. Al Juhnke](#) (DFL-Willmar) said the bill was a “step in the right direction” that nevertheless had some flaws.

“I do see some holes in here yet, and I think we’re going to need to do some major or minor tweaking in the future,” he said.

[Rep. Barb Goodwin](#) (DFL-Columbia Heights) said she was disappointed that development projects already in progress in her district and elsewhere would not be granted an exemption from the bill’s provisions.

“Now we’re stuck in a box because of your legislation, and the taxpayers are going to lose

the money that they’ve already invested,” she said.

[House Minority Leader Matt Entenza](#) (DFL-St. Paul) said he was proud that the bill had been put together and passed on a bipartisan basis.

“People who own homes need to know that government is not going to take their home away from them just so another private business can be located there,” he said.

## ★ HEALTH

### Health care bill resurrected

Members of a House division hope to force a Senate vote on a comprehensive health care cost containment bill by inserting its language into an unrelated Senate bill.

The [Health Care Cost Containment Division](#) of the [House Health Policy and Finance Committee](#) modified [SF367](#), sponsored by [Sen. Sheila Kiscaden](#) (DFL-Rochester), with a delete-all amendment that completely changes the subject matter of the bill.

In its original form, the bill deals with high school diving pool regulations; as amended by the division May 16, it will now serve as a vehicle for [HF1862](#). Sponsored by [Rep. Jim Abeler](#) (R-Anoka), it contains a number of health care reforms and was originally passed 100-30 by the House May 11.

[Rep. Fran Bradley](#) (R-Rochester) said it was unfortunate that the House has to resort to such a tactic, but that there is no other choice since the Senate refuses to vote on the original House file.

“It’s a shame, frankly, that we have to do it at all,” he said, adding that he sponsors a bill relating to assisted living that the Senate has chosen to ignore as well. “You gotta do what you gotta do, but it’s too bad.”

Some of the reforms included in the bill, as amended by the division, include: evidence-based practice standards and guidelines; electronic billing assistance; requiring medical clinics to develop free patient brochures on prescription drug programs; and a state Web site providing health care cost and quality information for consumers.

The division approved the bill as amended. It now goes to the [House Rules and Legislative Administration Committee](#).

### Flu vaccine availability

Legislation intended to ensure that flu vaccines are available to the people who need them most was passed by the House 126-4 May 15.

Sponsored by [Rep. Bud Heidgerken](#)

(R-Freeport), [HF3458](#) states that unless the commissioner of health determines in any year that there is a sufficient supply of the flu vaccine and has posted this determination on the Department of Health's [Web site](#), public immunization events could not be held until Nov. 1.

The bill now goes to the Senate, where [Sen. David Tomassini](#) (DFL-Chisholm) is the sponsor.

"Basically what it will do is it will slow down corporate America's buying up of all the vaccines before the small providers and health systems get theirs," Heidgerken said.

He added that his bill is a response to the fact that health care providers serving people in high-risk groups in Greater Minnesota have inadequate supplies of the vaccine, receive their supplies very late in the season or not at all.

Margaret Roddy, assistant manager of the Immunization, Tuberculosis and International Health Section of the Department of Health, said this delay would likely result in the vaccine being more widely distributed before the public immunization events begin. It would also give public health officials time to examine and implement a redistribution plan if necessary.

### Abortion provision modifications

The House passed a bill 130-0 May 17 that would make changes in the Woman's Right to Know Act regarding women with fetuses diagnosed with a fetal anomaly incompatible with life.

Sponsored by [Rep. Matt Dean](#) (R-Dellwood), [HF3988](#) would give women more appropriate information related to their pregnancy. Currently, women with a fetus with such conditions are given the same information as women with normal, healthy pregnancies, Dean said.

Under the bill, women facing such circumstances would also be exempt from informed consent provisions, including fathers' liability to support the child and the review of materials that include information on the gestational development of a fetus. Women also must be informed of available perinatal hospice services and offered the care as an alternative to an abortion. Such services include support from the time of diagnosis through the time of birth and death of the infant and through the postpartum period.

Fetal anomaly incompatible with life is defined in the bill as a condition, "diagnosed before birth that will with reasonably certainty result in death of the unborn child within three months. Fetal anomaly does not include

conditions which can be treated."

Received May 18 by the Senate, the bill awaits action by the Senate Health and Family Security Committee. [Sen. Geoff Michel](#) (R-Edina) is the sponsor.

## SIDELINE VIEW

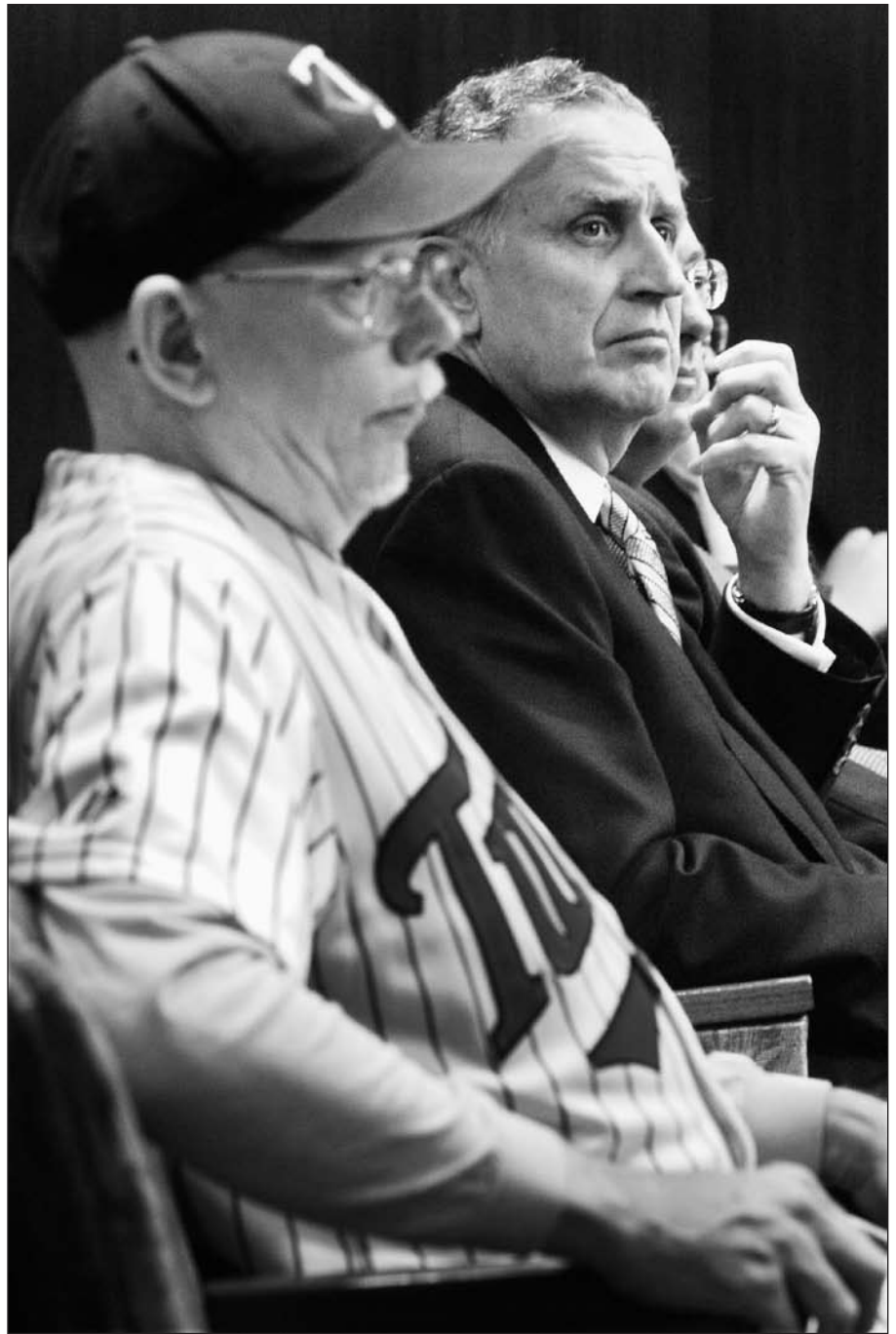


PHOTO BY TOM OLMSCHIED

**NFL Commissioner Paul Tagliabue, right, and Doug Carlson, dressed in Twins, Gophers and Vikings apparel, listen as Rep. Andy Westerberg reviews the Anoka County football stadium proposal May 16 with the stadium conference committee. Tagliabue told the committee that the time is now to build a stadium for the Vikings. Carlson would like to see all three of the stadiums built, but said, "The Twins should come first."**

## HUMAN SERVICES



### Addressing assisted living

A bill addressing a collection of long term and continuing care issues hopes to increase the quality of assisted living, a growing alternative



to nursing homes for many senior citizens.

[HF3144](#), sponsored by [Rep. Fran Bradley](#) (R-Rochester), would provide a wide range of assisted living services regulations ranging from defining what assisted living is to consumer protection. It would also modify licensure categories.

Passed 124-8 by the House May 11, it now awaits action by the full Senate. [Sen. Linda Berglin](#) (DFL-Mpls) is the Senate sponsor.

Bradley said numerous groups support the bill, while [Rep. Char Samuelson](#) (R-New Brighton) added that the bill helps a variety of communities.

One provision in the bill requires the health commissioner to establish an advisory committee that would put together a guide that assisted living providers and clients could use to their benefit.

But support for the bill did not come from all sides. [Rep. Torrey Westrom](#) (R-Elbow Lake) said that although he felt the bill has good intentions, he could not support it. The bill would create a “slippery slope” where more regulations would be added over time, Westrom said. “This will just be another nursing home Number Two,” Westrom said, referring to the tarnished reputation nursing homes have received in recent history, while assisted living has been viewed as a superior model of long term and continuing care.

## LAW

### Liability claims limited

The House passed a bill that would limit state and municipal tort liability damage awards to a single government entity for claims brought against two or more government entities involved in a joint powers agreement or other joint venture.

[HF3079\\*/SF2648](#), sponsored by [Rep. Ron Abrams](#) (R-Minnetonka) and Sen. Ann H. Rest, was passed 126-7 May 11 by the House and 59-26 by the Senate May 18. It awaits action by the governor.

Abrams said the bill is a response to a decision by the U.S. Eighth Circuit Court of Appeals on an “unfortunate incident” in Crookston in which a school district and the city had set up a joint powers board to operate a swimming pool and a boiler repairman was severely injured. The court ruled that tort liability claims could be filed against both the city and the school district as opposed to just one claim against the joint powers board. The bill would make it so that only one claim could be filed against a joint venture or enterprise.

[Rep. Scott Newman](#) (R-Hutchinson) said that such bills “circumvent” people’s constitutional rights.

“I want to remind you that our constitution provides for a right of someone who is seeking money damages to have a trial by jury and to have the jury award the damages,” Newman said. “In any case, regardless of the amount of damages that you are seeking, you have a right to seek that by way of a jury trial.”

The bill also places caps on the amount of liability damages that can be awarded to individuals and/or groups involved in claims against governments.

[Rep. Phil Krinkie](#) (R-Lino Lakes) called putting caps on municipal liability damages “totally ridiculous” and said it was a “double standard.”

“How absurd to say that if the same thing happens in a municipal unit of government, there’s a cap,” he said.

## LOCAL GOVERNMENT

### Met Council powers repealed

Signed  
by  
the  
governor  
★ ★ ★

The Metropolitan Council no longer reviews capital improvement plans for school districts, and a new law signed May 11 by Gov. Tim Pawlenty ensures that in state statutes.

“In 2003, we took away the Met Council’s authority to review school district capital improvement plans, and this is remnant language that was discovered recently and needs to be removed from the statutes,” said

[Rep. Mary Liz Holberg](#) (R-Lakeville), who sponsors the law with [Sen. Chuck Wiger](#) (DFL-North St. Paul). It takes effect Aug. 1, 2006.

Holberg described it as a “housekeeping bill.”

[HF3285\\*/SF2929/CH194](#)

### Strip club regulations approved

A conference committee reached an agreement May 18 on a bill that would help give municipal governments extra leverage against anyone looking to open a strip club or similar establishment within their city limits.

The conference committee report on [HF3779\\*/SF3394](#), sponsored by [Rep. Dean Urdahl](#) (R-Grove City) and [Sen. Steve Dille](#) (R-Dassel), will now return to the House and Senate floors.

The committee chose to adopt most of the Senate’s language, greatly expanding the bill’s scope. The original House version contained just a single provision that would require businesses looking to provide live performances of sexually oriented material to give 60 days’ notice to city officials of the establishment’s intended start date.

As amended by the committee, the bill now includes additional provisions, including new zoning regulations, minimum distance requirements from certain buildings, hours and days of operation restrictions, and restrictions on ownership and management

## CAPITOL LANDING



PHOTO BY SARAH STACKE

A Lifeline helicopter circles the Capitol on May 16 before landing on the Capitol mall. The helicopter was at the Capitol in recognition of National EMS Week, which honors paramedics, emergency medical technicians, first response police officers and firefighters.

of such businesses by persons convicted of certain crimes.

It also now contains a provision that allows local governments to completely override state statutes to put more or fewer restrictions on such businesses as they see fit.

[Rep. Tom Emmer](#) (R-Delano) praised Dille for his work on the legislation and said that local governments across the state have been “misled” by the owners of adult entertainment establishments.

The slightly off-color humor that has followed the bill throughout the process was not absent from the conference committee’s meeting.

“We’re not wrapping this up without a field trip, are we?” asked [Rep. Tom Rukavina](#) (DFL-Virginia), to which [Sen. Thomas Neuville](#) (R-Northfield) retorted, “I thought that’s why you were late this morning.”

## ★ SAFETY

### Fire safety funding

A bill that moves a current fire tax placed on insurers to a surcharge on fire and non-liability policyholders received House approval May 11.

Approved by the Senate six days later, [HF2916](#)\*/[SF2941](#) awaits gubernatorial action.

“This is the most important fire safety bill any of you will have heard,” said [Rep. Steve Smith](#) (R-Mound), who sponsors the bill with [Sen. Ann Rest](#) (DFL-New Hope). “That is not just because the last major fire safety bill was passed by the Legislature in 1935. The bill addresses and solves four problems that we’ve been dealing with for a couple of decades.”

According to Smith, the bill would allow the state fire marshal to fill the following positions: four arson investigators, nine fire safety inspectors and all fire code analysts. It would assist local fire departments with increased training costs; provide reliable funding for hazardous materials teams that help with things like train derailments, methamphetamine lab cleanups and other explosive emergencies; and it would “abolish a hidden tax that punishes Minnesota insurance companies when other states impose retaliatory taxes.”

“With the increased laws we’ve passed in the last 10 years calling for increased inspections with fewer state inspectors, we haven’t been serving the public very well,” said [Rep. Mary Murphy](#) (DFL-Hermantown). “This will fill some of those holes.”

Smith said it would take more than one action to rectify the situation.

“First of all we repeal the hidden tax in this bill which has not been increased in the last 70 years. Second, we replace in the bill that hidden tax with a 0.65 percent tax surcharge on fire insurance policies,” he said, noting the surcharge must be separately stated on a billing or policy declaration sent to the insured. For a homeowner with an average fire insurance policy of about \$800, the bill would cost about a penny a day. The surcharge would begin July 1, 2007.

“We’re finally telling the people of Minnesota that have secretly been paying this tax, what their money is going for,” Murphy said. “Now we have some accountability.”

In the last two decades, according to Smith, firefighter training has evolved to include roughly 110 hours of basic training, 110 hours of training for emergency medical technicians, 40 hours of first responder training, 20-40 hours of hazardous material training and 8 hours for bloodborne pathogen training.

### Public safety policy provisions

An omnibus public safety policy bill that encompasses parts of approximately 50 other bills received House approval May 17.

Sponsored by [Rep. Steve Smith](#) (R-Mound)

### PEACE OFFICERS RECOGNITION



PHOTO BY ANDREW VONBANK

The colors are presented to the House Chamber by officers from the Minnesota State Patrol May 15 in recognition of Peace Officers Memorial Day.

and [Sen. Jane Ranum](#) (DFL-Mpls), [HF2085/SF1525](#)\* is likely headed to a conference committee.

“The first task of any civilized society is to provide justice within the peace and safety of its own citizens,” Smith said moments before the 125-7 vote.

According to Smith, the bill contains provisions that are a “no cost, no controversy approach to important public safety issues.”

Included in the bill are tougher sentences for career criminals.

“Because of judicial decisions, we had to tighten sentencing procedures for repeat criminals last year,” Smith said. “Because of later decisions, we must tighten those procedures again.”

The bill also has a number of provisions dealing with domestic abuse and predatory offenders, including enhanced penalties for violations of no-contact orders that occur within five years of a previous conviction for a qualified domestic violence-related offense; lifetime registration for predators sentenced to the same in another state; and parental notice of predatory offenders would be expanded to include school areas and day care facilities.

It also incorporates a bill sponsored by [Rep. Joyce Peppin](#) (R-Rogers) that would increase penalties for criminal neglect of a vulnerable adult by a family member. An amendment offered by [Rep. Diane Loeffler](#) (DFL-Mpls) to remove this provision was withdrawn.

“This bill creates some real issues related to whether or not we should hold family caregivers to a different standard than anyone else who interacts with that vulnerable adult,” Loeffler said.

Other provisions in the bill, according to Smith, relate to new crimes, such as computer theft and modernized counterfeiting.

An amendment successfully offered by Smith added two provisions to the bill.

One is based on [HF4124](#), sponsored by [Rep. Keith Ellison](#) (DFL-Mpls), which would create an account for the [Department of Corrections](#) to accept federal funds to help mentally ill prisoners to plan for their release, such as future treatment, employment and housing. The second, part of [HF3620](#), sponsored by [Rep. Matt Dean](#) (R-Dellwood), would permit the [Human Services Department](#) to establish tighter security provisions at its facilities, including St. Peter.

### Moving?

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## Hearts and bones donations needed

Signed  
by  
the  
governor  
★ ★ ★

A minimum of 30 minutes of teaching related to organ and tissue donations will be required as part of Minnesota's driver education curriculum, under a new law signed by Gov. Tim

Pawlenty May 11.

Although the law is effective Aug. 1, 2006, the instruction does not become mandatory until Jan. 1, 2007. It applies to public schools, private schools and commercial drivers training schools.

[Rep. Michael Paymar](#) (DFL-St. Paul), who sponsored the law with [Sen. Chuck Wiger](#) (DFL-North St. Paul), said it is an opportunity to give the gift of life. He said more than 2,000 Minnesotans are waiting for an organ transplant.

Previous law only required that students be informed of their option to donate, and any additional information was voluntary.

Organs and tissues that can be donated include: heart, lungs, kidneys, pancreas, liver, intestines, corneas, skin, veins, tendons, bones, bone marrow, heart valves and connective tissues.

[HF3401/SF2646](#)\*/CH192

## TRANSPORTATION



### Headsets allowed

Signed  
by  
the  
governor  
★ ★ ★

A bill that would create an exception for firefighters operating emergency vehicles to wear headsets was signed into law May 16 by Gov. Tim Pawlenty.

"I didn't know that people driving emergency vehicles who are wearing headsets so they can communicate by radio with each other are breaking the law," said [Rep. Fran Bradley](#) (R-Rochester), who sponsored the law with [Sen. David Senjem](#) (R-Rochester).

Edina Fire Chief Marty Scheerer testified in a House committee in favor of the measure. "We do this on a daily basis. We're not just listening to the radio but we're often talking to each other oftentimes on the way to a fire when the sirens and everything are going."

The use of headsets also help prevent hearing loss and allow others in the vehicle to warn the truck driver of oncoming traffic, Scheerer said.

Current law states, "No person, while operating a motor vehicle, shall wear headphones or earphones which are used in both ears simultaneously for purposes of receiving or listening to broadcasts or

reproductions from radios, tape decks, or other sound-producing or transmitting devices."

The law takes effect Aug. 1, 2006.

[HF2697](#)\*/[SF2474](#)/CH208

### A police officer remembered

A bill that would designate portions of Interstates 35, 35E and 35W as the Shawn Silvera Memorial Highway awaits the governor's signature.

[HF3805/SF3526](#)\*, sponsored by [Rep. Ray Vandever](#) (R-Forest Lake) and [Sen. Michele Bachmann](#) (R-Stillwater), would require the transportation commissioner, in consultation with the Shawn Silvera Foundation, to adopt a suitable marking design and placement of four signs to memorialize a Lino Lakes police officer killed in the line of duty. It was passed by the House May 11 and the Senate May 15.

Controversy over placement of the four signs was debated in previous committees and again on the House floor.

Those voting against the bill did not want to be seen as disrespectful, but expressed concern that the bill is in conflict with federal regulations whereby signs on highways are regulatory or for informational purposes only.

"I know it's a tough vote and nobody wants to vote against a fallen officer, but please consider the precedence that we'll be setting," said [Rep. Mary Liz Holberg](#) (R-Lakeville).

Federal and state standards specifically say memorial signs should not be placed on freeways, but rather at rest areas, scenic overlooks or recreational areas where parking is available. The [Department of Transportation](#) is suggesting placing a memorial at the Forest Lake rest area, said Sue Groth, assistant state traffic engineer.

"This is for a good purpose, a worthy purpose, for somebody who lost their life enforcing the law," said [Rep. Tony Cornish](#) (R-Good Thunder).

"It's OK to have McDonald's out on the highway; it's OK to have Pizza Hut; it's OK to have highway clean up signs; you can have all those ... but you can't have four signs in 25 miles cluttering up the freeway honoring someone who was out doing the right thing," said Vandever. He said the Transportation Department is neutral on the content of the bill.

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

## VETERANS



### Omnibus veterans bill passed

The House passed a slightly stripped-down version of an omnibus veterans bill 131-0 May 17.

Sponsored by [Rep. Lloyd Cybart](#) (R-Apple Valley), the bill ([HF3664](#)) contains a number of policy initiatives affecting soldiers and veterans, including most of the non-fiscal provisions originally contained in the "Governor's Veterans Bill of 2006" ([HF2921](#)), sponsored by [Rep. Dan Severson](#) (R-Sauk Rapids).

The bill, which awaits Senate action, includes:

- a provision exempting military personnel who are on leave from active duty in locations outside the state from having to obtain a permit to visit state parks;
- a provision requiring any employer to grant an unpaid leave-of-absence to an employee whose immediate family member is injured or killed while serving in active military service;
- a provision requiring employers to provide unpaid leave to an employee whose immediate family member has been mobilized into active military service in support of a war or other national emergency;
- a provision relating to higher education fairness for military members and veterans; and
- a provision authorizing two new military plaques — one for Medal of Honor recipients and one for military war dogs and their handlers — in the Court of Honor on the Capitol grounds.

Various members expressed praise for the bill. [Rep. Lynn Wardlow](#) (R-Eagan) said it would make Minnesota a "more veteran-friendly state," while [Rep. Greg Blaine](#) (R-Little Falls) called it an "excellent piece of legislation for the veterans in Minnesota."

### Web Sites To Note

House of Representatives: [www.house.mn](http://www.house.mn)

Senate: [www.senate.mn](http://www.senate.mn)

Legislative home page: [www.leg.mn](http://www.leg.mn)

Governor's office: [www.governor.state.mn.us](http://www.governor.state.mn.us)

State Government: [www.state.mn.us](http://www.state.mn.us)

Find out who represents you:

[www.leg.state.mn.us/leg/Districtfinder.asp](http://www.leg.state.mn.us/leg/Districtfinder.asp)

Legislative meeting schedule:

[www.house.leg.state.mn.us/hinfo/hinfosched.asp](http://www.house.leg.state.mn.us/hinfo/hinfosched.asp)

# JOBZ well done

Governor-supported program hopes to improve employment throughout state

By BAO ONG

**J**udy Shelman moved to Luverne, Minn., nine years ago from Washington, D.C. hoping to find one of those quaint and perfect postcard Midwestern towns. She would take care of her horses and enjoy a more relaxed lifestyle.

Shelman, who was in her early 60s, had one problem: she had a difficult time finding a job that paid well enough to even survive, let alone maintain that picturesque lifestyle. Before landing a decent paying job at Citibank in nearby Sioux Falls, S.D., she only found part-time jobs paying paltry salaries of \$4 to \$5 an hour with no benefits.

"I think the job market in the Midwest is terrible," Shelman said. "The wages are poor. Most of the places don't have benefits. You have no holidays off."

Enter Minnesota's Job Opportunity Building Zone (JOBZ) program in 2004. JOBZ is Gov. Tim Pawlenty's initiative to increase employment and economic development in Greater Minnesota through local and state tax exemptions to new and expanding businesses.

The program is now more than 2 years old, but [Rep. Dean Simpson](#) (R-New York Mills) is sponsoring [HF4145](#), which would add three more years to the 12-year life of the JOBZ program for qualifying businesses. The bill awaits action by the House Taxes Committee. It has no Senate companion.

In 2004, Sioux Falls-based Total Card, Inc., a third-party credit card service provider, was looking for a second location to house additional customer service and collections positions. A Luverne location was a possibility.

"Without JOBZ, we probably wouldn't have come to Minnesota," said Greg Ticknor, Total Card president. "This made the difference to us."

Ticknor said the Luverne location was desirable, but his company was looking at other options in South Dakota. However, the JOBZ tax breaks were too good to pass up.

Today, Total Card employs approximately 100 people in Luverne, mostly from the area, and is looking to grow, Ticknor said.

One of those employees is Shelman. "I love it here. I'll be here till death," she said. Shelman, left Citibank after seven years to work closer to home. She said the benefits are good and the full-time work answering phones in her

customer service position is enjoyable.

For Total Card Human Resources Manager Rachel Ask, JOBZ allowed her to pursue a career other than manufacturing or agricultural work while living in Greater Minnesota. It also allowed her husband to stay in the area because he wanted to farm.

Supporters of JOBZ said preliminary



PHOTO BY TOM OLMSCHIED

The 126,000 square foot Polaris Product Development Center in Wyoming, Minn., is responsible for research and development of Victory Motorcycles, ATVs, Ranger utility vehicles and Polaris engines.





PHOTO BY TOM OLMSCHIED

The Polaris Product Development Center opened in Wyoming, Minn., in April 2005, thanks in part to the JOBZ program.

*At the end of 2005, its second year of operation, the JOBZ initiative had resulted in 208 deals in communities around the state, according to the Department of Employment and Economic Development Web site. For a complete listing of the projects, go to [www.deed.state.mn.us/bizdev/PDFs/jobzDeals.pdf](http://www.deed.state.mn.us/bizdev/PDFs/jobzDeals.pdf)*

numbers indicate the program is working for many more Minnesotans like Ask and Shelman.

Minnesota's unemployment rate is nothing to be ashamed of either. In March 2006, the [Department of Employment and Economic Development](#) (DEED) reported that Minnesota's unemployment rate was 4.1 percent, one of the lowest in the nation. The national unemployment rate was 4.7.

According to the department, more than 200 JOBZ projects have been completed and 3,000 jobs created. Meanwhile, businesses have saved \$6.4 million from tax benefits and breaks. The department predicts "associated businesses and employee spending are expected to create 2,100 more jobs."

#### Too friendly to corporates

But not everyone supports JOBZ. Some say the numbers look better than they appear. Others have claimed the program to be unconstitutional and too friendly toward corporate businesses.

Mark Lofthus, DEED director of business development, said it is difficult to track which jobs are actually filled with workers and which are just jobs that employers have committed to filling. Still, he said DEED will begin

monitoring businesses for compliance more closely this year.

Currently, JOBZ businesses do not have to pay property tax on improvements of the land they use, sales tax on what they use or consume in the JOBZ zone, or corporate income tax, and they may also receive tax credits if they pay their workers a high enough wage. But if they do not fulfill their commitment, DEED could take back the benefits, look for repayment or provide a yearlong extension.

In his e-mail newsletter, Simpson said JOBZ is working. "I've seen nothing more

rewarding than having a company relocate to a community and create needed jobs," he wrote. "This bill will simply allow more time for the businesses to benefit our community.

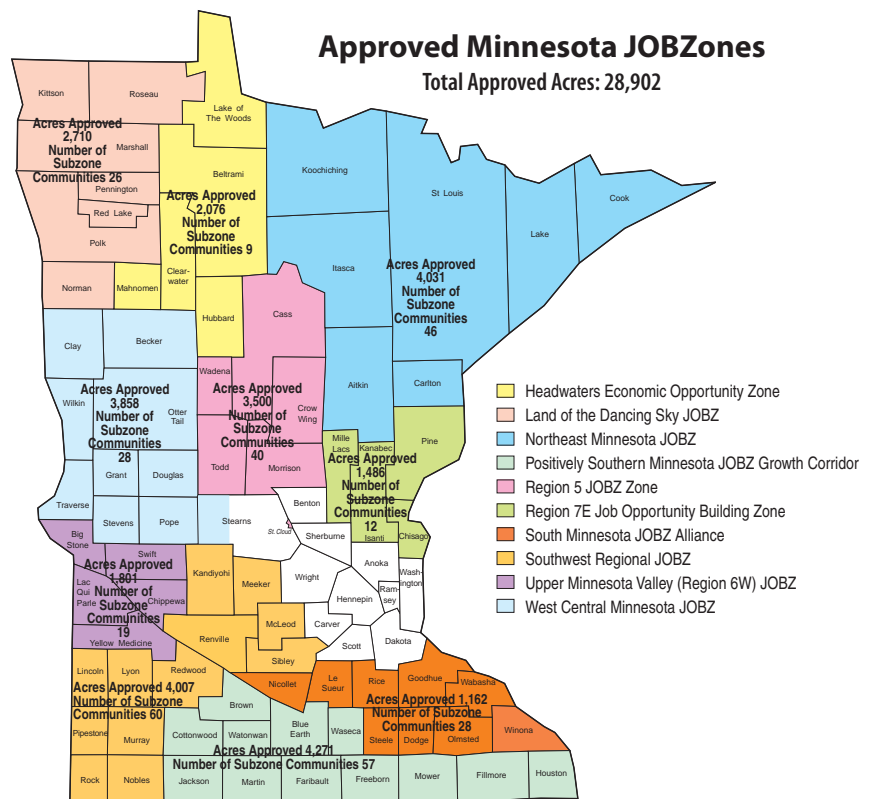
That's good news for Steven Muzzy, a controller at Central Boiler in Greenbush, located in the northwest corner of the state. Central Boiler manufactures outdoor food furnaces.

Muzzy said JOBZ allowed the company to keep its business in Minnesota instead of going to Canada or North Dakota.

"We think it's good for us," s Muzzy said. "And good for the state, too."

### Approved Minnesota JOBZones

Total Approved Acres: 28,902



Graphic courtesy of the Minnesota Department Employment and Economic Development

## Determining tuition reciprocity

Student's rates under examination

By PATTY JANOVEC

**L**et's say you're a Minnesota student attending the University of Minnesota-Duluth during the 2005-06 school year, you'd be paying \$7,157 in tuition. Let's say your roommate is from Wisconsin, you might be shocked to know that their tuition is \$5,494.

Now, let's flip that scenario around; you're a Minnesota student going across the harbor to attend the University of Wisconsin-Superior. You'd find your tuition about \$343 higher than a Wisconsin student.

Confused? Well, continuing on with information from the Office of Higher Education, let's look at some more scenarios. If you were a Minnesotan attending the Morris campus of the University of Minnesota in the 2005-06 school year, you'd be paying \$2,586 more than a Wisconsin student; at Crookston the difference is \$1,507 and at the Twin Cities campus it was \$1,140 for an undergraduate. Conversely, a Minnesota student at the University of Wisconsin-Madison paid \$1,522 more than a Wisconsin student.

These examples show the problems that some see with the tuition reciprocity system.

Throughout the university and Minnesota State Colleges and Universities (MnSCU) systems, many students from our neighbor state to the east pay less than a student that may call the "Land of 10,000 Lakes" home. However, it is not the case at every school.

For example, a Minnesotan at Anoka-Ramsey Community College pays \$779 less than a Wisconsin student, and at Mesabi Range College the difference is \$378 in favor of the Minnesotan.

The 2005 Legislature instructed the Office of Higher Education to examine tuition reciprocity agreements and interstate payments between South Dakota and Wisconsin. Currently Minnesota has full agreements with those states, plus North Dakota and Manitoba. A limited agreement also exists between Iowa Lakes Community College and Minnesota West Community and Technical College. The Iowa Board of Regents

has not expressed an interest to expand the agreement.

Legislators have questioned whether Minnesota benefits by allowing other states' students to attend Minnesota universities for potentially less cost.

"What's most important is the state provides opportunities, essentially expands markets for students, at a price they would pay at a similar home state institution," said Jack Rayburn, a research and policy analyst with the Office of Higher Education. By and large, the tuition agreements with surrounding states are very similar other than the varying tuition rates, and current agreements with South Dakota do not include interstate payments, he said.

The Legislature said that the 2005 study must include the examination of "reinstating payments in the Minnesota-South Dakota tuition reciprocity program and reducing the difference in tuition payments made by Minnesota resident undergraduates and Wisconsin resident undergraduates attending the University of Minnesota under the Minnesota-Wisconsin tuition reciprocity agreement." Its [results](#) were released Jan. 14.

### Reinstating payments, changing rates

When reciprocity students from one state impose a larger burden on the other state's taxpayers, the first state makes a reimbursement payment. For example, Wisconsin paid Minnesota \$6.5 million in

### Tuition Rates: Minnesota-North Dakota Tuition Reciprocity

2005-2006 tuition rates at North Dakota institutions in the Minnesota-North Dakota tuition reciprocity agreement.

North Dakota Institutions	MN/ND		
	Resident	Reciprocity	Non-Resident
Bismarck State College - Undergraduate	\$3,356	\$4,169	\$8,010
NDSU-Fargo - Graduate	\$5,580	\$6,728	\$13,389
University of ND - Grand Forks - Undergraduate	\$5,327	\$5,693	\$12,659

Source: Minnesota Office of Higher Education

2005-2006 tuition rates at Minnesota institutions in the Minnesota-North Dakota tuition reciprocity agreement.

Minnesota Institutions	MN/ND		
	Resident	Reciprocity	Non-Resident
Bemidji State University	\$6,016	\$6,016	\$6,016
Hibbing Community & Technical College	\$3,957	\$3,957	\$5,259
Lake Superior College	\$3,474	\$3,474	\$6,699
Northland Community & Technical College	\$4,222	\$4,222	\$4,222
Rochester Community & Technical College	\$4,268	\$4,268	\$8,012
St. Cloud State University	\$5,330	\$5,330	\$10,902
U of M - Crookston	\$8,119	\$8,119	\$8,119
U of M - Duluth	\$8,914	\$8,914	\$20,021
U of M - Morris	\$9,722	\$9,722	\$9,722
U of M - Twin Cities	\$8,855	\$8,855	\$20,485
Winona State University	\$6,673	\$6,673	\$10,619

Source: Minnesota Office of Higher Education

academic year 2004-05.

According to the report, "An interstate payment calculation has the advantage of assigning some or all of the instructional costs associating with educating a reciprocity student to the student and to the student's home general fund." While a student pays a portion of their education through tuition and fees, the general fund pays for a portion through an interstate payment calculation. The advantage to the process is that neither state is burdened with the costs of educating students from other states, the report notes.

The burden for calculating those costs and collecting tuition data is done by the public post-secondary education institutions and public agencies in the state.

Minnesota and South Dakota have not



PHOTO BY TOM OLMSCHIED

The Office of Higher Education released a study of tuition reciprocity agreements with South Dakota and Wisconsin Jan. 14. One proposal by legislators would create a single tuition rate for all students.

## Tuition Rates: Minnesota-Wisconsin Tuition Reciprocity

2005-2006 tuition rates at Wisconsin institutions in the  
Minnesota-Wisconsin tuition reciprocity agreement

Wisconsin Institutions	Resident	MN/WI	
		Reciprocity	Non-Resident
University of WI - Eau Claire - Undergraduate	\$4,414	\$4,780	\$14,459
University of WI - LaCrosse - Undergraduate	\$4,331	\$4,780	\$14,377
University of WI - Madison - Undergraduate	\$5,618	\$7,140	\$19,618
University of WI - River Falls - Undergraduate	\$4,277	\$4,780	\$14,323
University of WI - Superior - Graduate	\$5,619	\$5,823	\$16,229

Source: Minnesota Office of Higher Education

2005-2006 tuition rates at Minnesota institutions in the  
Minnesota-Wisconsin tuition reciprocity agreement.

Minnesota Institutions	Resident	MN/WI	
		Reciprocity	Non-Resident
Bemidji State University	\$5,246	\$4,358	\$5,246
Hibbing Community & Tech College	\$3,498	\$3,977	\$4,800
Lake Superior College	\$3,225	\$3,977	\$6,450
Northland Community & Tech College	\$3,840	\$3,977	\$3,840
Rochester Community & Tech	\$3,742	\$3,977	\$7,486
St. Cloud State University	\$4,760	\$4,358	\$10,332
U of M - Crookston	\$5,865	\$4,358	\$5,865
U of M - Duluth	\$7,157	\$5,494	\$18,264
U of M - Morris	\$8,204	\$5,618	\$8,204
U of M - Twin Cities	\$7,140	\$6,000	\$18,770
Winona State University	\$4,940	\$4,358	\$8,886

Source: Minnesota Office of Higher Education

exchanged payments since a 1988 agreement not to do so.

### Potential changes

The study offers no conclusions because “discussion between the agency and the Wisconsin Higher Education Aids Board are continuing.” Similar wording applies to negotiations with the South Dakota Board of Regents.

According to the report, the Minnesota-Wisconsin rate was altered in 1998 “to have graduate and professional students pay the higher of the two-state tuition rates at comparable institutions and have Wisconsin undergraduate students attending the University of Minnesota-Twin Cities pay the University of Wisconsin-Madison undergraduate tuition rate plus 25 percent of the difference” between the two.

The study reports that Minnesota’s tuition rates are now increasing faster than Wisconsin. “Although the difference in tuition paid and the marginal instruction costs of educating tuition reciprocity students is paid by each state’s general fund, the difference in student tuition rates paid by Wisconsin undergraduates attending the University of Minnesota have become a lightning rod.”

In 2004, the number of Wisconsin students attending Minnesota universities was 11,409;

the number of Minnesotans at Wisconsin universities totaled 13,139.

As for potentially enforcing payments with South Dakota, the study says, “If Minnesota were to insist on reactivating an interstate payment, it risks South Dakota terminating the agreement and attracting Minnesota residents with prices lower than comparable Minnesota institutions.” Should the initial tuition reciprocity end, Minnesota residents would “have a financial incentive to leave” the state.

According to the report, “In fall 2004, there were 2,152 South Dakota residents enrolled in Minnesota public post-secondary institutions and 2,003 Minnesota residents enrolled in South Dakota public post-secondary institutions.”

### Legislative action

The House Higher Education Finance Committee didn’t address the tuition reciprocity study this year.

Committee Chair [Rep. Bud Nornes](#) (R-Fergus Falls), said while there was some passing discussion on the issue, “It probably just didn’t rise to the top of our agenda for a short session and practically nobody brought it to the committee as a concern that we should deal with this year.” Additionally, former Rep. Joe Opatz (DFL-St. Cloud), who was a champion for the issue left the Legislature for another opportunity, he said.

One proposal several legislators have been discussing, Nornes said, is eliminating the reciprocities and creating one tuition rate for all.

“That’s a goal that some have because it certainly simplifies things, clarifies that. They could come from Iowa they’d pay the same, they could come from South Dakota they’d pay the same, and as time goes on and perhaps there’s more competition to attract students that may become more of an issue as we go forward,” Nornes explained.

“I think it would be the right thing to do if it’s workable. We’d probably ask next session the two systems (University of Minnesota and Minnesota State Colleges and Universities) to at least give us their feedback and maybe do some kind of a study to see what the impact might be,” he said.

By creating one tuition rate for all, it would eliminate the requirement for the Office of Higher Education to negotiate contracts and free them up for some other things, Nornes said.





## Potential transit boost

House approves more than \$2 billion transportation package

By PATTY JANOVEC

The House passed its omnibus transportation finance bill May 16 after nearly six hours of debate and more than a dozen amendments. The vote was 100-31.

[HF3761](#)\*/[SF3764](#), sponsored by [Rep. Mary Liz Holberg](#) (R-Lakeville) and [Sen. Steve Murphy](#) (DFL-Red Wing), appropriates \$88.8 million in trunk highway fund money and another \$43.4 million in bonds into Minnesota's transportation system. Also included is the governor's nearly \$2.5 billion bonding proposal for trunk highway projects that hinges on the November passage of a constitutional amendment.

The Senate amended its language onto the bill one day later, so a conference committee was called. As of press time, there was no agreement.

### Appropriations

Of the \$131.4 million that would be appropriated for various projects, including in fiscal year 2007, \$83 million would be spent on state road construction, including payment to landowners for lands acquired for highway right-of-way; \$18.2 million would go toward a new district facility in Mankato; \$10.2 million would be used for an exterior renovation of a [Department of Transportation](#) building in St. Paul; and \$5 million is for the design and engineering of trunk highway projects identified in the federal [High Priority Projects Program](#) for projects of regional significance.

The bill also creates a Transit Fund in which the money received upon approval of the constitutional amendment would be placed. Also, beginning on or after July 1, 2007, all revenues collected from the sales tax on leased vehicles would go to the transit funds.

The governor's bonding package calls for \$2.45 billion for construction, reconstruction and improvements to trunk highways, \$35 million for program delivery; and payments to landowners for acquiring right-of-way.

The governor's plan also creates a fund for money generated if the constitutional

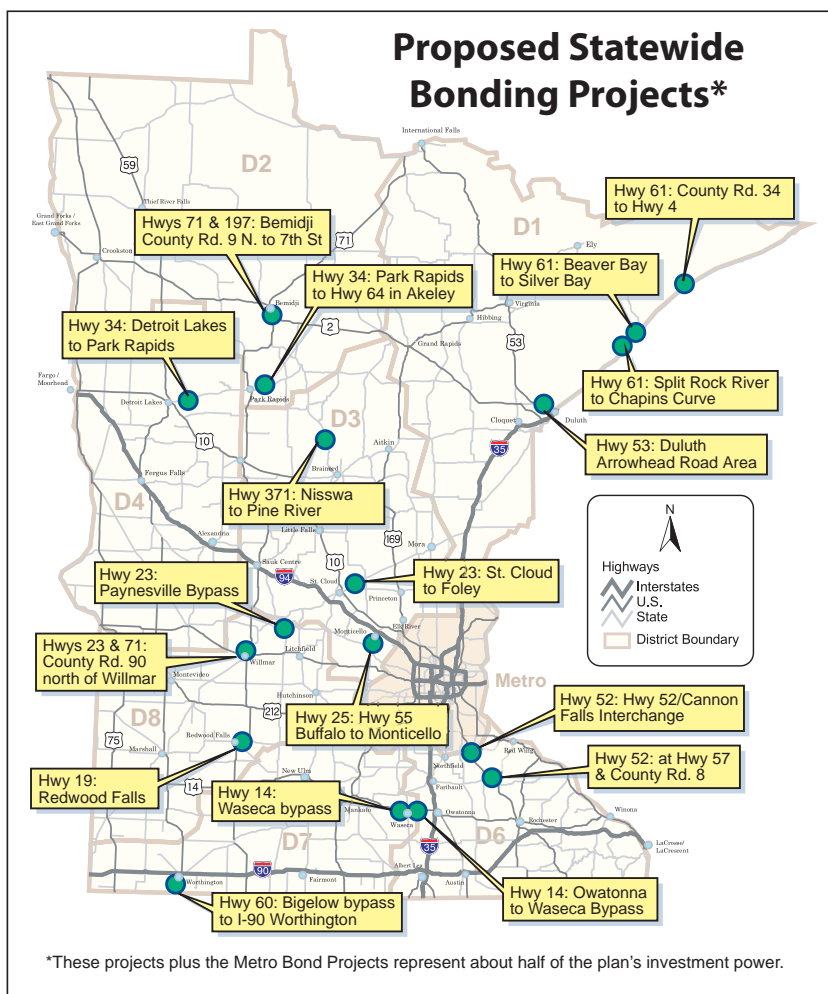
amendment passes. By the year 2012, all the motor vehicles sales tax revenues would be going into the created fund.

### Dividing constitutional monies

Under the bill, the November constitutional amendment language would be changed to ask: "Shall the Minnesota Constitution be amended so that after June 30, 2011, all of the revenues from existing tax on the sale of new and used motor vehicles are dedicating to highways and public transit?"

The language approved by the 2005 Legislature required at least 60 percent of the funding to go toward highways and at least 40 percent toward public transit assistance. The 2006 bill would change the division to a solid 60/40 split.

An unsuccessful amendment offered by



Graphic courtesy of the Minnesota Department of Transportation

### Sample priority projects in the governor's bonding plan:

Project	Cost
Hwy. 610 - Brooklyn Park/Maple Grove	\$160 million
I-494/Highway 169 interchange	\$145 million
Hwy. 100 - St. Louis Park	\$145 million
Hwy. 14 - Waseca to Owatonna (2 projects)	\$130 million
I-35E - University Ave. to Maryland Ave.	\$110 million
Hwy. 371 - Nisswa to Pine River	\$90 million
Hwy. 52 interchanges at Hadar and Cannon Falls	\$70 million
Hwy. 60 - Worthington to Iowa border	\$53 million
Hwy. 23 - Paynesville bypass	\$35 million
Hwy. 25 - Buffalo to Monticello	\$34 million
Hwy. 34 - Detroit Lakes to Park Rapids (2 projects)	\$28.4 million
Hwy. 61 - North Shore (3 projects)	\$26 million
Hwy. 23 - St. Cloud to Foley	\$25 million
Hwy. 19 - Redwood Falls	\$12 million
Hwy. 53 - Duluth Arrowhead Rd.	\$11.1 million
Hwy. 71/197 - Bemidji	\$11 million
Hwy. 23/71 - Willmar	\$7 million

Source: Pawlenty-Molnau 2006 Transportation Investment Proposal

[Rep. Ron Abrams](#) (R-Minnetonka) would have changed the language back to the 2005 original form.

[Rep. Morrie Lanning](#) (R-Moorhead), a proponent of the solid 60/40 split, said putting in a sliding scale, a moving target, would be confusing for voters. "If we don't change this language, you're going to have a very difficult time passing that amendment. There are a lot of us around this state who will advise our constituents to vote against this amendment," he said.

"Transit may double in 10 years.... Well, part of the problem is that we haven't funded transit," said [Rep. Bernie Lieder](#) (DFL-Crookston). He said flexibility would allow the Legislature to determine where the funding would best be used. If the constitutional amendment doesn't pass, "it's going to be a long dry spell for highway funding," he said.

Another concern is whether the Legislature can even make language changes to the constitutional amendment passed in the 2005 session. According to an opinion by the [Office of the Attorney General](#), "The legislature is not authorized to modify the language of the MVST amendment as proposed" in the

2005 session, although "wording of the ballot questions may be modified so long as the question presented is not misleading."

Proponents of the changes say a report by the nonpartisan House Research Department reaches a different conclusion. "All the judicial opinions in other states" allow for modification of previously approved amendments before they are placed on the ballot and it "is very strong, if not overwhelming," it states.

A successful amendment offered by Abrams clarified that if a court finds that the Legislature did not have the authority to make the changes, the constitutional amendment under the 2005 language would then take effect.

### Policy changes

[Rep. Tom Rukavina](#) (DFL-Virginia) successfully offered an amendment that would require all public contracts for construction, reconstruction or maintenance of a road to be awarded to a Minnesota-based company.

A concern was raised by [Rep. Jim Knoblach](#) (R-St. Cloud) that this provision could cost the state more money if, for example, an out-of-state company bids \$210 million to

complete a project and an in-state company bids \$250 million.


[Rep. Ray Vandevor](#) (R-Forest Lake) offered a successful amendment that would prohibit toll collections for the use of a bridge, highway or highway lane except for a bridge connecting a highway with a neighboring state, or any highway or lane having a toll imposed on or before July 1, 2006.

Owners of impounded motor vehicles would be able to retrieve goods from inside their vehicle without having to first pay impounding fees, under a policy change in the bill.

[Rep. Pete Nelson](#) (R-Lindstrom), the original sponsor of the change, unsuccessfully attempted to remove the provision on the floor. "I'm continuing to work on it by all the stakeholders," and would rather come back and tweak those provisions next session, he said. Nelson said the issue comes up less than a dozen times in a year.

[Rep. Ron Latz](#) (DFL-St. Louis Park) spoke in support of keeping the change. "If someone had left some medications in the vehicle, they would be able to go directly to the impound and get those medications right away." Now, a person must get the vehicle to have access to its contents.

[Rep. Steve Simon](#) (DFL-St. Louis Park) successfully added a provision that would require the transportation department to submit a yearly report on the prioritization project list if a district list exists, he said. The report would include a description of the project sufficient to specify its scope and location, a history of the project and any anticipated problems in getting a project let or delaying its completion, and a project's priority listing or rank within its construction district.

The department would also be required to conduct a study on the long-range needs of the state's transportation system and investigate strategies to meet those needs, under the bill. The study would include analysis and quantification of needs for the next 20 years of the state's highways and bridges; comparison of revenues raised by current transportation funding sources; and potential options for maintenance and improvement to the state's system with specific reference to factors such as changes in vehicle fuel economy, availability of alternative modes of transportation, and the nation's attempts to decrease dependence on foreign oil. 

### Frequently called numbers (Area code 651)

Information Services, House Public  
175 State Office Building ..... 296-2146  
Chief Clerk of the House  
211 Capitol..... 296-2314  
Index, House  
211 Capitol..... 296-6646

TTY, House ..... 296-9896  
Toll free..... 1-800-657-3550  
Information, Senate  
231 Capitol..... 296-0504  
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

# Test your knowledge

Should legislators be required to pass a standardized test?

BY LEE ANN SCHUTZ

**S**hould legislators be required to pass a standards test of knowledge before taking a seat in the House? [Rep. Phyllis Kahn](#) (DFL-Mpls) thinks so, even if it is only as a means to “test your own level of knowledge.”

1. How many amendments are there to the U.S. Constitution?
2. What does “nano” mean in nanotechnology?
3. Name at least six parts of the Bill of Rights.
4. Spell the word that means “150th anniversary.”
5. What was the significance of section 16 in every township under the land ordinance of 1787?
6. Who were the major French explorers in Minnesota?
7. Name the two largest racial/ethnic minority communities in the U.S.; in Minnesota.
8. Name the major provisions of the U. S. Civil Rights Act.
9. Which U.S. Constitutional amendment establishes voting rights for women?
10. What are the two most spoken languages in the U.S.? In Minnesota?
11. What are the three major agricultural products of Minnesota?
12. Name the ethnic communities that influenced the establishment of the following towns: Ely, Virginia, New Ulm, Pipestone, Worthington, and St. Cloud.
13. How many American Indian reservations are there in Minnesota?
14. What American Indian languages predominate in state?
15. Name three birds and three flowers native to Minnesota.
16. “Mahnommen” is what?
17. In what Civil War battle did a Minnesota regiment play a dominant role?
18. What is reparation security?
19. How many cities are in Minnesota?
20. How many school districts? How many 10 years ago?
21. What was originally in the State Office Building before the House took it over?
22. Before mimeo machines, copying and laptops, were the bills literally read on the floor?
23. Where is the “well” in the House Chambers and what purpose did or does it serve?
24. Explain the Treaty of 1837, both historically and in terms of current effects.

She e-mailed House members and staff the last few days of session seeking questions that could be considered for such a test. As might be expected, some of the questions she received back were serious, while others were in jest.

Test your own knowledge from this sampling.

25. Briefly define “tribal sovereignty.”
26. How did St. Paul manage to become the capital city despite legislation in 1857 to establish St. Peter as the capital?
27. How much does it cost to raise a child through 12th grade?
28. How do we bring business to Minnesota?
29. Name the counties in Minnesota, in alphabetical order.
30. Is it time to think global?
31. Which river flows north?
32. What age is a good retirement age?
33. Does money grow on trees?
34. How many animals are in the Minnesota Zoo?
35. What place is known as the Cradle of Civilization?
36. What things were invented thousands of years ago in Mesopotamia?
37. Which five religions are considered the major religions of the world?
38. Name the three branches of our federal and state governments; what are their functions?
39. From whom did the United States buy Alaska?
40. Spell Rep. Ann “from Bloomington’s” last name.
41. Name the member with the most per diem per year; the least.
42. Explain what is in Mason’s sections 123 and 124.
43. Put these historical-religious figures in chronological order: Confucius, Moses, Mohammed, Buddha, Jesus, the First Dalai Lama, Augustine and Martin Luther.
44. What do the numbers on the periodic table of elements indicate?
45. Why is the sky blue, sunsets orange, rainbows mixed and leaves in fall colorful?
46. What do the colors, stripes and stars symbolize on U.S. flags?
47. Which states did the U.S. acquire for \$15 million from Mexico after the Mexican-American War?



# Support falls short

Lagging plate sales could spell trouble for veterans' programs

By Nick Busse

**W**hen Gov. Tim Pawlenty unveiled the "[Support Our Troops](#)" license plates in December, he touted them as more than just a fashionable automotive accessory. The plates, which feature a bald eagle against an American flag backdrop, were designed to provide Minnesotans with a chance to not only show support for the troops, but to also actually give their support by helping fund outreach and support programs for military veterans and their families.

Unfortunately, sales of the new plates are lagging behind projections, and unless they pick up, many of the programs depending on revenue from the plates might be in financial jeopardy.

"It's a concern," said Helen Roberts, fiscal analyst with the House Fiscal Analysis Department.

According to Roberts, the plates were expected to have generated \$450,000 by the end of April. The actual figure, she said, falls short by almost \$155,000.

Plate owners are required to pay a one-time \$10 plate fee and \$8.50 filing fee, as well as provide a minimum yearly contribution of \$30 — money which is split between the Department of Military Affairs for financial support of military families and the [Department of Veterans Affairs](#) for veterans

outreach programs, grants to veterans' service organizations and rehabilitation programs.

With so many programs and initiatives depending on the license plate revenue, Roberts said that if something doesn't change, many of them might not get funding at all.

"I don't think it's necessarily going to be a big problem in 2006, because we did give them a one-time General Fund appropriation to cover some of that. But if the sales continue below projections, certainly, when we get into 2007, they're going to have some issues with being able to meet those commitments," she said.

## Holding out hope

Department of Veterans Affairs Deputy Commissioner Mike Pugliese said that since most Minnesotans renew their registration in the late spring and early summer, it's possible

Those interested in ordering the Support Our Troops plates should contact Minnesota Driver and Vehicle Services at: (651) 4-TROOPS or on the Web at [www.mndriveinfo.org](http://www.mndriveinfo.org). They are also available at deputy registrar offices around the state.

that sales might increase in the coming months.

"We're hopeful that in these next couple of months, maybe the numbers will shoot up dramatically and get us where we need to be," Pugliese said, adding that all [Driver and Vehicle Services](#) renewal notices this year will be sent out with a section promoting the plates.

Roberts said she is uncertain how much of a difference the next couple of months will make.

"We don't know if there's any seasonal fluctuation in these plate sales. It could be that May and June might be bigger months and we can make up some of the shortfall. I just don't know," she said.

Pugliese said the department has ranked programs funded by the license plate revenues in order of priority. In the event of a shortfall, programs at the top of the list might still be safe, but others would suffer.

"We'll probably be OK with our outreach program, because that's the highest priority, and we would use whatever revenue comes in for that, and it would provide enough to keep that program going," he said. "But then we have a homeless program that we fund through it, and there's a vocational rehabilitation program that we expect to use funds for as well. Those might not get any funds."

The only alternative for funding those programs in the event of a lack of license plate revenue would be an appropriation from the General Fund. In its version of the supplemental budget bill for this session, the Senate has proposed doing just that for one of the department's outreach programs; the House, however, has not.

"If that's accomplished this session, then we're in a lot better shape," Pugliese said of the Senate proposal. "Then, the funds that come in for the Support Our Troops plate will be able to be used for lower-priority programs. But if that doesn't happen, then we're in some trouble."



Sales of the Support Our Troops license plates, which help fund veterans' programs, have fallen nearly \$155,000 short of projections as of April.

## Tracking new laws, vetoes

Once a bill passes the House and Senate in identical form, it is sent to the governor for consideration. The governor has several options when considering a bill:

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

In the second year of the biennium, (even-numbered years) a bill passed by the Legislature and presented to the governor before the final three days of the session will become law unless the governor vetoes it by returning it to the Legislature within three days. (Sundays are not counted in the three-day time limit, but holidays are.)

The governor normally signs the bills and

files them with the secretary of state, but his signature is not required. If a bill is passed during the last three days of session, the governor has a longer time to act. He or she must sign and deposit it with the secretary of state within 14 days after the Legislature adjourns "sine die." If the governor does not sign a bill within this time frame, it will not become law — an action known as a "pocket veto." The governor is not required to provide a reason for the veto.

Only on appropriations bills can the governor exercise the line-item veto authority. This allows the governor to eliminate the appropriation items to which he or she objects. With the exception of pocket vetoes, the governor must include a statement listing the reasons for the veto with the returned bill. Here, too, the timetable is three days after the governor

receives the bill.

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

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

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

More information is available on the governor's Web site ([www.governor.state.mn.us](http://www.governor.state.mn.us)). Select the "Legislation" link.

### Key:

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

CH	HF	SF	Description	Signed	Vetoed
170	3015	2653*	Pharmacy and related costs money appropriated.	3/8/2006	
171	2623*	2466	Previous redevelopment account appropriation modified relating to the city of Mounds View, and Ramsey and Anoka counties.	3/14/2006	
172	1915*	1840	Maple Grove hospital construction moratorium exemption provided.	3/22/2006	
173	3263	1878*	Carver and Renville county recorder, auditor and treasurer appointment provided, and referendum option established.	3/31/2006	
174	2709*	2523	Shamrock Township detached banking facility authorized.	4/5/2006	
175	3039*	2632	Timber permit extension in event of adverse surface conditions provided.	4/5/2006	
176	3876	2749*	County expenditure limit removed for soldiers' rest cemeteries.	4/7/2006	
177	2731	2621*	EMT training programs required to meet an average yearly pass rate.	4/20/2006	
178	3780	3465*	Workers' compensation appeal procedures and coverage provisions modified.	4/20/2006	
179	2788	2832*	Emergency personnel recruitment and retention task force formed and study required.	4/20/2006	
180	2994*	2736	Watercraft storage structure repair authorized on public waters.	4/20/2006	
181	3310*	2969	Advance deposits and payments authorized for boat slip rental.	4/20/2006	
182	2998*	1553	Firefighter labor arbitration provision sunset repealed.	4/27/2006	
183	680*	1217	Utility metering and billing provisions relating to landlord and tenant regulations clarified.	4/27/2006	
184	2645*	2622	Swift County rural development finance authority board membership increased.	4/27/2006	
185	3169*	3254	Local government units prohibited from imposing fees related to students at postsecondary institutions.	4/27/2006	
186	1480*	1364	Red Lake County drainage system outlet fee authorized for drainage originating in Pennington County.	5/5/2006	
187	3142*	2754	Hennepin County regional park district provisions modified.	5/5/2006	
188	2745*	2721	Medical license provisions modified.	5/5/2006	
189	1838*	1811	Local governments authorized to permit low-speed neighborhood electric vehicles to be operated on residential roadways.	5/4/2006	
190	2810	2532*	Radiation therapy facility construction limitations expiration date extended.	5/4/2006	
191	3944	3615*	Child care assistance parent fees modified.	5/5/2006	
192	3401	2646*	Driver education required to contain education on organ and tissue donation, and vehicle insurance sampling program statutes permanently suspended.	5/11/2006	
193	3111*	2881	Interstate contracts for chemical health services provided.	5/10/2006	
194	3285*	2929	Metropolitan Council review of school district capital improvement programs requirement repealed.	5/11/2006	
195	2985*	2614	Funeral, memorial, and burial service disruption prohibited; penalties imposed; and civil remedy provided.	5/9/2006	
196	2514*	2319	Uniform Securities Act of 2002 adopted and modified, and criminal penalties prescribed.	5/11/2006	

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

CH	HF	SF	Description	Signed	Vetoed
197	3464*	3079	Barber and cosmetologist licensing provisions modified.		5/11/2006
198	3665*	3096	Veterans Homes Board authorized to conduct certain meetings by telephone or other electronic means.	5/10/2006	
199	3771*	3457	Medical practice board examination provision modified relating to active military service.	5/10/2006	
200	3449*	2887	Manufactured home park conversions regulated.	5/10/2006	
201	3712*	3398	Mercury Emissions Reduction Act of 2006 adopted.	5/11/2006	
202	1375	1287*	Competency criteria required for construction code inspectors, residential housing construction defects actions regulated, and notice and opportunity to repair provided.	5/16/2006	
203	3670*	3334	Food law provisions modified.	5/16/2006	
204	2876*	2527	Mutual insurance companies conversions and reorganization provisions modified, and exception modified to the restriction on insuring property in certain cities.		
205	3194	2953*	Lawful gambling provisions and breeders' fund apportionments modified.		
206	3656	3246*	Commuter rail railroad right-of-way contracting authorized and civil liability regulated.		
207	2977	2883*	Child care licensing provisions modified.	5/16/2006	
208	2697*	2474	Firefighters authorized to use communication headsets while operating an emergency vehicle during an emergency.	5/16/2006	
209	3477*	3159	Credit letter release municipal action timelines established.		
210	3940*	3081	Farm winery production of certain fortified wines authorized, on-sale licenses authorized, licensing provisions modified and established, sale hours clarified and alcohol without liquid devices prohibited.		
211	1466	1039*	Farm tractor clock-hour meter tampering prohibited and civil penalty and private right of action prescribed.	5/16/2006	
212	3488*	3128	Revisor's bill providing erroneous, ambiguous and omitted text and obsolete references.		
213	3805	3526*	Shawn Silvera Memorial Highway designated.		
214	2846	2750*	Eminent domain public use or purpose defined and modified, evidence for certain takings required, attorney fees provided and other changes provided.		

## BILL INTRODUCTIONS

MAY 15 - 18, 2006

HOUSE FILES 4200 - 4218

### Monday, May 15

#### HF4200-Sailer (DFL) Health Policy & Finance

Department of Human Services directed to file release of liens.

#### HF4201-Westerberg (R) Governmental Operations & Veterans Affairs

Minnesota Amateur Sports Commission authorized to renew leases for certain property.

#### HF4202-Seifert (R) Education Policy & Reform

Pledge of Allegiance recitation required in English.

#### HF4203-Olson (R) Local Government

Dual purpose professional sports complex study provided.

#### HF4204-Otremba (DFL) Health Policy & Finance

Prenatal and maternity health insurance benefits waiting periods prohibited; abortion parental notice requirements modified; pregnancy and adoption information hotline established; adoption tax credit established; and money appropriated.

### Tuesday, May 16

#### HF4205-Abeler (R) Health Policy & Finance

Naturopathic doctor licensing provided and criminal penalties imposed.

#### HF4206-Gazelka (R) Taxes

Duluth food and beverage tax increase authorized; and Austin, Baxter, Brainerd and Nisswa local sales tax authorized.

#### HF4207-Klinzing (R) Taxes

Taxpayer's bill of rights provided limiting state and local spending and tax increases, and constitutional amendment proposed.

#### HF4208-Klinzing (R) Taxes

Working Families Tax Relief Act of 2004 marriage penalty relief conformity provided in the standard individual income tax deduction.

#### HF4209-Klinzing (R) Education Finance

Basic education revenue increased.

#### HF4210-Klinzing (R) Education Finance

Early childhood family education funding increased.

### Wednesday, May 17

#### HF4211-Kahn (DFL) Rules & Legislative Administration

Stem Cell Research Act of 2005; passage of the act by the United States Senate urged by resolution of the Legislature.

### Thursday, May 18

#### HF4212-Dittrich (DFL) Commerce & Financial Institutions

Senior volunteer drivers' no-fault motor vehicle insurance primary source modified.

#### HF4213-Loeffler (DFL) Transportation

Motor vehicle insurance database established.

#### HF4214-Peterson, A. (DFL) Transportation

National Guard or reserves designation signs authorized for cities that are home to units and armories.

#### HF4215-Sertich (DFL) Jobs & Economic Opportunity Policy & Finance

Small and emerging business entrepreneurial assistance provided.

#### HF4216-Hansen (DFL) Rules & Legislative Administration

Great Lakes; resolution memorializing the president, Congress and others to protect the Great Lakes from aquatic invasive species.

#### HF4217-Johnson, S. (DFL) Regulated Industries

St. Paul liquor license authorized near Metropolitan State University.

#### HF4218-Juhnke (DFL) Agriculture & Rural Development

Waste pesticide collection study required.



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MINORITY LEADER: MATT ENTENZA

## MINNESOTA INDEX

### Lighting up young

Estimated number of students in grades 6-12 who used tobacco in 2005 .....	96,600
Estimated number in 2000.....	124,600
Legislative goal, as percent, of reducing youth tobacco use from 2000 to 2005.....	25
Reduction by middle school (grades 6-8) students during that time.....	25
Reduction by high school (grades 9-12) students during that time.....	24
High school students in 2000 and 2005, as percent, who used tobacco in previous 30 days.....	38.7, 29.3
Middle school students in 2000 and 2005, as percent, who used tobacco in previous 30 days.....	12.6, 9.5
Middle school students in 2000 and 2005, as percent, who used cigarettes at least once in previous 30 days.....	9.2, 5.2
High school students in 2000 and 2005, as percent, who used cigarettes at least once in previous 30 days.....	32.4, 22.4
Percent reduction from 2000 to 2005 of high school students who smoked on 20 or more of the previous 30 days.....	40
Approximate percent of smoking adults that took their first puff at or before age 18.....	90
Approximate millions of packs of cigarettes bought or smoked by state youth each year .....	16.9
Millions, as estimate, spent by tobacco industry marketing in Minnesota each year .....	\$274.3
Millions in state tobacco settlement funds allocated for tobacco prevention in fiscal year 2006.....	\$22.1
Millions allocated in fiscal year 2005 .....	\$18.7
Middle school students, as percent, exposed in 2000 and 2005 to secondhand smoke in previous week.....	58, 48.7
High school students, as percent, exposed in 2000 and 2005 to secondhand smoke in previous week.....	75.8, 64.8
Children in the United States who become new, regular daily smokers each day.....	2,000
Percent expected to die prematurely from smoking-caused illnesses .....	33.3
Minnesota adults, as estimate, that die each year from their own smoking.....	5,500
Estimated number of Minnesotans, under age 18, who will die prematurely from smoking.....	123,300
Annual smoking-caused productivity losses in Minnesota, as estimate, in billions.....	\$1.14
Annual state health care costs directly related to smoking, in billions.....	\$1.9

Sources: [Changes in Tobacco Use by Minnesota Youth, 2000-2005: Results from the Minnesota Youth Tobacco Survey, December 2005, Department of Health Center for Health Statistics; Behavioral Risk Factor Surveillance System, National Center for Chronic Disease Prevention & Health Promotion; Campaign for Tobacco-Free Kids.](#)

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