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INSIDE: CAPITOL RENOVATIONS, A WALLEYE HAVEN, TAX PLOP AND FIZZ, MORE

This Week's Bill Introductions HF4177-HF4190

Session Weekly

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On the cover: The lantern atop the State Capitol Dome is seen through a profusion of springtime crab apple blossoms.

—Photo by: Andrew VonBank

Showing its age

Capitol competes with other construction projects for funding

BY BAO ONG

One hundred and ten years ago on May 6, 1896, groundbreaking ceremonies took place at the State Capitol. Famed architect Cass Gilbert was only embarking on his most memorable stamp on Minnesota history. His future masterpieces — the Woolworth Building in New York City and the U.S. Supreme Court building in Washington, D.C. — would only further cement his legacy.

Gilbert's Italian Renaissance aesthetic touch to the marble dome building sitting atop a hill in St. Paul still stands today after thousands of Minnesotans attended the opening on Jan. 2, 1905. But the state's capitol is in dire need of repairs and renovations more than ever, some Minnesotans argue.

The [Capital Area Architectural and Planning Board](#) (CAAPB), an agency leader in pushing through Capitol preservation and restoration initiatives, originally requested about \$23.4 million in its capital budget request, but has now requested only about \$3.2 million in bond proceeds to continue design work and full restoration and repair of the Capitol dome. The House capital investment bill, [HF2959](#), sponsored by [Rep. Dan Dorman](#) (R-Albert Lea), recommends partial funding for the project while the Senate bonding bill, [SF3475](#), sponsored by [Sen. Keith Langseth](#) (DFL-Glyndon), recommends full funding. The governor's budget does not provide such funding. A conference committee has begun meeting to work out a final product.

Deterioration is evident upon stepping into the 101-year-old building, which is actually the state's third Capitol: the first one burned down and the second was too small and poorly constructed. Currently, parts of the Capitol suffer from rain damage. Some staircases have required maintenance because of safety concerns. Paint is peeling and walls have cracks.

Carolyn Kompelien, the Minnesota Historical Society's Capitol site manager, said hundreds of pieces of furniture also need repair. She said space at the Capitol is used in ways that was not intended when first designed. She cites offices with multiple doors

and committee hearing rooms with poor acoustics as examples.

No matter how much the Legislature decides to fund the repairs and renovations, it will not be the last time requests will be made for such projects. CAAPB said the restoration of the Capitol will happen in phases, and is heavily dependent on state funding, which would require millions of dollars. When Gilbert completed the Capitol, which took nine years, the total cost to build it was only \$4.5 million.

Nancy Stark, CAAPB executive secretary, said funding for the projects will allow Minnesotans — from the thousands of citizens who visit the Capitol each year to legislators to state employees — to enjoy and utilize the Capitol for years to come. According to CAAPB, nearly 269,000 people visited the Capitol last year and 113,000 attended centennial events.

But what happens if there is no funding for what many consider, at least architecturally, one of the premier state capitols in the country, and one that was declared a national landmark in 1972?

"This project is in dead water. If there's no funding, every legislator can go home and say they didn't do anything for the Capitol," Stark said.

Stark said 60 percent of \$40 million in funds were used in the past 15 to 20 years for emergency projects and repairs, such as a roof repair that cost \$5 million.

Last year the Legislature provided \$1.2 million for schematics of full interior restorations, which the Capitol Restoration Collaborative between the Minneapolis design firm of Hammel, Green and

First Reading continued on page 4



Photo courtesy of the Minnesota Historical Society; Photographer: Dickey & Strong

Breaking ground for the new Capitol May 6, 1896.

First Reading continued from page 3

Abrahamson and Columbus, Ohio-based Schooley Caldwell Associates plan to release later this fall. The fee for the schematics was \$960,000. Stark said dome work could possibly begin this fall in preparation for the state's 150th anniversary in 2008, but that if no funding is provided all work would be stalled even if the schematics are complete.

Linda Kane, project manager in the State Architect's Office, said completed schematic designs will provide a better roadmap for the restoration project, which will likely start with restoration of the east wing. A local firm completed the pre-design of the Capitol in 2001. Still, issues of security, a more centrally located visitors' desk, heating and air conditioning upgrades and committee room designs all need to be addressed in the plans, Kane said.

Meanwhile, Michael Bjornberg, Hammel, Green and Abrahamson associate vice president and project manager, is busy ensuring the schematics are completed on time. Besides working with Schooley Caldwell Associates — which Bjornberg said has worked on capitol buildings in Ohio, Kansas



PHOTO BY TOM OLMSCHIED

Rick Dahm of Luczak Brothers, Inc. applies a layer of gypsum plaster to the ceiling on the third floor of the Capitol Jan.11, 2005.

and Utah — he is looking at three possible solutions in renovation. One is to build an addition. Other plans include expanding underground use and redesigning current spaces that are used inefficiently.


"When we are done, you won't even see any difference when looking at the Capitol," said Bjornberg, who also worked on large scale projects at the University of Notre Dame. "This is one of the most recognized and admired capitol buildings in the United States. We don't want to do anything to impact the historical resource of the Capitol."

About a dozen people have been working on the schematics but many more are involved, said Bjornberg. Besides key project members, there are interior designers, engineers and even a historian.

[Rep. Matt Dean](#) (R-Dellwood), an architect, has been a big proponent of the restoration. Dean and other supporters of restoring the Capitol believe funding should be provided for a public building, if not for pride then for architectural concerns.

The challenge for supporters of Capitol restoration is that the project will still have to compete with other bonding requests. Some legislators have questioned the need for immediate action while others have taken a cautious step.

Stark hopes more funding can be provided in conference committee. "It's time to do something. Prices aren't getting any cheaper." She added that it would cost \$800 million to \$900 million of taxpayer dollars to construct a new capitol.

"The Capitol isn't getting any younger. We want to make sure this building is around for the next 100 years." 

HAVING A BLAST



PHOTO BY TOM OLMSCHIED

Cpl. Curt Karges of the Minnesota State Patrol, right, fires a 6-pound 1856 Civil War era field piece on the front lawn of the Capitol May 1 as part of Freedom Day, a celebration of freedom and individual liberties.

BONDING

Conference committee conflict

Just when things were going well...

Members of the capital investment conference committee were cruising along May 3 in their first of, presumably, several meetings until a vote was requested. Then, like the philosophy that has overshadowed the committee's workings, the sides agreed to disagree.

In an effort to lay the groundwork for further discussions, [Rep. Dan Dorman](#) (R-Albert Lea), the sponsor of [HF2959](#), requested that conferees vote on a proposal they had discussed for more than a couple of hours. The plan included more than \$550 million worth of projects that the House and Senate were close on in their funding in areas such as higher education, flood hazard mitigation grants, local road and bridge projects and wastewater infrastructure funding.

Funding for the proposed Central Corridor transitway and Cedar Avenue busway were pulled from the original proposal because some members' questions were left unanswered.

"Some of my conferees feel a little uncomfortable about adopting something. Obviously we looked this over and it looked like 99 percent of this is gonna be in there, probably all of it," said [Sen. Keith Langseth](#) (DFL-Glyndon), the sponsor of [SF3475](#). He expressed concern that as the committee gets further along in the process it might "have to agree to go back and do a few things just to squeeze something in. Not that you couldn't do that if you've made a motion."

"From the House standpoint we feel pretty comfortable with this, and if you don't that's all right, too," Dorman countered. "I think that's part of the difficulty of operating without a target."

Dorman had not wanted to call the meeting because there is no monetary goal set for the conferees. He said that he and House leaders tried to meet with Langseth and Senate leaders, but no meeting took place.

Following the non-vote, Dorman suggested a recess so senators could come back with a counteroffer. Langseth said the Senate would have a counterproposal to build on the House proposal when the sides are to meet May 5.

After a two-hour break, all House conferees returned but not the Senate conferees, although [Sen. David Senjem](#) (R-Rochester) was in the audience.

"We're here ready to work," Dorman said.

"We made what we thought was, should have been kind of a non-controversial offer. I think it was the easy part of the bill."

After Dorman jokingly suggested it, [Rep. Alice Hausman](#) (DFL-St. Paul) made an offer to adopt the Senate position. The majority of House conferees appeared to say yes, but it couldn't be adopted because there were not three votes from Senate conferees. "Let it be noted there were not three votes from the Senate side for the Senate provisions, so apparently they're not supporting their own bill," Dorman said.

CRIME

Funeral disruptions

A bill awaiting action by the governor would criminalize the intentional disruption of a funeral service.

A [conference committee report](#) was approved 121-2 by the House May 1 and 66-1 by the Senate a few hours later.

Sponsored by [Rep. Steve Smith](#) (R-Mound) and [Sen. Don Betzold](#) (DFL-Fridley), [HF2985](#)*/[SF2614](#) assesses a misdemeanor penalty to a person who protests or pickets within 500 feet of a burial site or entrance to a facility where the service is occurring.

The House version of the bill initially had a 1,000-foot setback, and the Senate zero, Smith said. "This is still over a full city block, over one-and-a-half football fields, from funeral services," he said.

Under the bill, it is also a crime to intentionally disrupt a funeral procession, including impeding or attempting to impede a vehicle in the procession; intentionally blocking or attempting to block access to a ceremony or service; and picketing at the residence of any surviving family member of the deceased the day of the service.

"We accepted the Senate's broader definition of family member who should not be harassed at their homes on the day of a funeral," Smith said. "We accepted the same definition as those members who would be covered by domestic violence statutes. If we can protect people from domestic violence, we can shield them on the worst days of their life."

Furthermore, the bill gives members of the deceased person's family or household the right to seek action for injunctive relief and other appropriate remedial compensation, including attorney fees.

Smith reminded members that this bill does not regulate speech, just when and where

verbal assaults can take place, while protecting the dignity and grief of mourners.

The impetus for the bill comes from when a group of anti-gay demonstrators from Kansas protested at a February service for a Minnesotan killed in Iraq.

One of the two dissenting House members, [Rep. Mike Jaros](#) (DFL-Duluth), thinks the bill is unconstitutional. "Even though I hate what these people are doing, I think they have a right to express themselves."

ELECTIONS

Overseas absentee ballots

A bill that would create a central address for the receipt of absentee ballot applications and absentee ballots was approved by the House Ways and Means Committee May 3 and sent to the House floor.

Sponsored by [Rep. Bruce Anderson](#) (R-Buffalo Township), [HF3716](#) requires military and overseas absentee ballot applications to be submitted to the [Secretary of State's](#) office. This currently falls under the role of county auditors.

Anderson said the recommendation was brought forward by the federal government as states move into compliance with the [Help America Vote Act](#), which calls for these types of applications and ballots to be handled by a centralized location.

The bill appropriates, on average, \$40,000 annually to pay for staffing costs associated with the move.

After the applications are received, they would be forwarded to county auditors. The name of the voter, address and date the ballot was sent would be recorded by the county auditor in a statewide voter registration system. The actual ballots would not be counted by the office, but sent in an envelope to the county auditor for compilation.

A companion bill ([SF3303](#)), sponsored by [Sen. David Hann](#) (R-Eden Prairie), awaits action by the Senate Finance Committee.

ENVIRONMENT

Funding conference committee

Before getting down to business, there must be getting down to specifics. And the specifics are what were asked May 3 of those who testified before the conference committee assigned to forge a compromise from the very different dedicated environmental funding

bills passed by the House and Senate.

The compromise is “one of the most difficult ones I’ve seen in 31 years,” said former representative John Tuma, now a lobbyist for the Minnesota Environmental Partnership. Tuma was one of more than a dozen people called upon to specify how their organization’s share of the dedicated funding, if included in the final bill, would be spent.

Others testifying included representatives for the [Department of Natural Resources](#), the [Pollution Control Agency](#), the [Board of Water and Soil Resources](#), Ducks Unlimited, the Minnesota Parks and Trails Council, Minnesota Citizens for the Arts, Minnesota Public Television and the Minnesota Zoo.

[HF1909/SF2734*](#), sponsored by [Rep. Tom Hackbarth](#) (R-Cedar) and [Sen. Dallas Sams](#) (DFL-Staples), would submit a constitutional amendment question to the voters in the November general election. Committee members will need to compromise on a central point: whether to raise the sales and use tax rate by three-eighths of 1 percent to provide the dedicated funding, as called for by the Senate bill; or to dedicate three-sixteenths of 1 percent of the existing sales and use tax as called for by the House bill.

Other differences: the Senate bill would dedicate the funding beginning in 2007 with a sunset in 2032; the House bill’s dedication would begin in 2009, with no sunset. In addition, the Senate’s version provides for the creation of a Heritage Enhancement Council and a Clean Water Council. The House version does not, but it does include a prohibition against increasing taxes or fees or imposing new taxes for seven years.

FAMILY



Outside payment OK

Parents paying child care know the costs seem to only increase. Today, if they receive financial help to pay for such services, it can count as part of their income. [Rep. Nora Slawik](#) (DFL-Maplewood) said that should change.

[HF3944/SF3615*](#), sponsored by Slawik and [Sen. John Hottinger](#) (DFL-St. Peter), would allow a third-party to pay all or part of a family’s child care assistance fee. The money paid on a family’s behalf would not be considered as part of their income or affect their eligibility for assistance.

The House passed the bill 132-0 April 27, one week after the Senate passed it 64-0. It now awaits action by the governor.

Third parties sometimes help families pay for child care services. But the [Department of Human Services](#) counts that money as

family income, which sometimes makes families ineligible for certain services. Slawik has described the bill as a “tweak” to the current system. She added that it would help contribute toward increasing the quality of child care.

HEALTH



Abortion regulations

A bill ([HF3258](#)), sponsored by [Rep. Laura Brod](#) (R-New Prague), would prohibit state-

OUTFRONT ON THE MALL



PHOTO BY ANDREW VONBANK

Four-year-old Aila Haku, of Minneapolis, plays under a GLBT flag during the April 27 OutFront Minnesota Lobby Day Rally on the Capitol Mall.

funded abortions except in cases of rape or incest. It also requires data collection and reporting on the already existing requirement for minors seeking to have abortions. Brod said the bill also protects women's health by restricting certain physician privileges.

The House passed the bill 81-50 on April 27. Received from the House May 1, the bill was referred to the Senate Health and Family Security Committee. [Sen. Thomas Neuville](#) (R-Northfield) is the Senate sponsor.

There was considerable debate on the fiscal note of the bill.

[Rep. Thomas Huntley](#) (DFL-Duluth) said there would be costs to taxpayers because, if the bill becomes law, it will likely be challenged in court. But Brod said the Legislature should not avoid voting for bills based on possible court challenges.

Brod also brought up statistics on the number of taxpayer-funded abortions, but Rep. Ron Erhardt (R-Edina) questioned her. Erhardt said the amount of money spent spread over a number of years, is very little and wanted to see statistics not provided by Minnesota Citizens Concerned for Life, which he said provided Brod's arguments.

A handful of opponents to the bill said a better solution to preventing unwanted pregnancies would be better achieved through improving family planning programs.

Extending sunset

[Rep. Duke Powell](#) (R-Burnsville) prefers to eliminate a sunset provision on construction of radiation therapy facilities, but has now decided on a compromise.

According to current law, all radiation therapy facilities must be constructed only by an entity owned, operated or controlled by a hospital. However, the law is set to sunset August 2008.

[HF2810/SF2532*](#), sponsored by Powell and [Sen. Linda Berglin](#) (DFL-Mpls), would extend the sunset until 2013. The House passed the bill 90-39 April 27, one week after the Senate approved it 59-7. The bill now awaits Gov. Tim Pawlenty's approval.

Although Powell's original intent was to make the current law permanent, he still said hospitals cannot compete with freestanding programs. Powell added that hospitals have the ability to provide more services and often have more integrated programs.

However, [Rep. Torrey Westrom](#) (R-Elbow Lake) called for legislators to vote against the bill. "Let the free market work," said Westrom, who added that passing the sunset would be equivalent to allowing "the government to play God."

For [Rep. Paul Thissen](#) (DFL-Mpls), the

compromise was the way to go. A true free market does not exist in the health care field but that has not hindered technological development, he said.

[Rep. Bob Gunther](#) (R-Fairmont), who also supported the bill, said freestanding clinics providing radiation therapy could take away business from hospitals, and in rural areas that could result in people having to drive further to find such services. But he said the bill does not take anything away from clinics while also allowing hospitals to do their work.

HIGHER EDUCATION

No fees on college students

Signed
by
the
governor

Local governments are prohibited from imposing fees exclusively on college students, under a new law signed April 27 by Gov. Tim Pawlenty.

Sponsored by [Rep. Marty Seifert](#) (R-Marshall) and [Sen. David Senjem](#) (R-Rochester), the law, effective April 28, 2006, makes it illegal for local governments to assess fees and/or similar charges to either: (1) students, based on their status as postsecondary students; or (2) postsecondary educational institutions, based on the number of students they have enrolled.

Seifert said that although no governments currently impose such fees, there was a real danger they might do so in the future.

"I think it's important to pass this now before anyone starts doing it," Seifert said. He mentioned that a St. Paul City Council member had recently proposed a per-person fee against all college students living within city limits.

"Once you start down the road, members, of collecting money from people, I think you know how hard it is to stop," he said.

Although no members voted against the bill, at least one had reservations about taking away authority from local governments.

"While I'm going to vote for the bill, because I support it, I don't think it's that great a vote in terms of local control," said [Rep. John Lesch](#) (DFL-St. Paul).

[HF3169*/SF3254/CH185](#)

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HOUSING

Common lighting

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by
the
governor

Those renting apartments may be surprised to know that the cost of the lights in the hallways or other common areas in the building may actually be showing up on their electric bills.

Under a new law signed April 27 by Gov. Tim Pawlenty, if electrical use in a "common area" (i.e. foyer, stairway, etc.) does not exceed 1,752 kilowatt hours annually, the landlord will not be charged a penalty for nonpayment of "common" electrical usage in cases where a renter does not pay his or her electrical bill.

The amount of electricity used in the common area may be determined by actual measurement. When actual measurement is impossible, a licensed tradesperson or housing inspector, at the landlord's expense, can confirm that the electricity used will likely not exceed the annual threshold.

Sponsored by [Rep. Chris DeLaForest](#) (R-Andover), and [Sen. David Senjem](#) (R-Rochester), the law takes effect Aug. 1, 2006.

[HF680*/SF1217/CH183](#)

HUMAN SERVICES

Moratorium exemption

A Fergus Falls hospital may receive a seemingly small, but much-needed number of beds.

[HF2854](#), sponsored by [Rep. Bud Nornes](#) (R-Fergus Falls), would provide an exemption to the hospital construction moratorium to increase Lake Region Hospital's bed capacity from 108 to 110 by increasing the rehabilitation bed capacity from 14 to 16, and by closing a separately licensed 13-bed skilled nursing facility.

Passed 132-0 by the House April 27, the bill awaits action by the full Senate. [Sen. Cal Larson](#) (R-Fergus Falls) is the Senate sponsor.

Although the bill passed with ease, [Rep. Torrey Westrom](#) (R-Elbow Lake) said the fact that such a bill even exists means that current laws regarding moratorium exemptions are problematic. "This bill just highlights the ridiculousness of our state law," said Westrom. "I think this is an exclamation on why we need change this law."

Cass County hospital

If a bill modifying a moratorium on hospital construction becomes law, people living in Cass County would have an easier time reaching a hospital.

[HF2574](#), sponsored by [Rep. Larry Howes](#) (R-Walker), would lift the hospital construction moratorium by permitting construction of a hospital with up to 25 beds in Cass County. If the Cass County Board approves the project, it would be built within a 20-mile radius of the state Ah-Gwah-Ching facility. An amendment to license and certify 80 beds transferred from an existing state-owned nursing facility in Cass County to the Ah-Gwah-Ching campus was also approved.

On April 27, the House passed the bill 131-0. Received May 1 by the Senate, it awaits action in the Senate Finance Committee. [Sen. Dallas Sams](#) (DFL-Staples) is the Senate sponsor.

"We're working on the future," said Howes. He said there are not enough close hospitals in Cass County and with the state possibly abandoning the Ah-Gwah-Ching facility, a new hospital is even more vital.

Although he voted for the bill, [Rep. Fran Bradley](#) (R-Rochester) had questions about a property payment rate rising from \$25 to \$35 on the Ah-Gwah-Ching amendment. But Howes said such an amount was necessary to provide quality care. "Quality of care is what we're looking for," Howes said.

[Rep. Frank Moe](#) (DFL-Bemidji) said some of his constituents have to drive two hours just to find a hospital. "This would be a much needed boost to the economy."

No middle ground

Signed April 27 by Gov. Tim Pawlenty and effective Aug. 1, 2006, a new law will overturn a sunset provision on firefighter labor arbitration.

When firefighters and public employers cannot negotiate a new contract, an arbitrator now steps in. The arbitrator must choose between the two competing offers and cannot pick a compromising position, unless otherwise agreed by the parties, according to current law, which expires June 30. The new law repeals the expiration date and makes the law permanent for firefighters.

[Rep. Joe Hoppe](#) (R-Chaska) and [Sen. Steve Kelley](#) (DFL-Hopkins) are the sponsors.

[HF2998*/SF1553/CH182](#)

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INSURANCE



Loss ratio guarantee

A bill proposing regulation of filing and use of policy forms will to benefit consumers in more than one way.

[HF2500*/SF2293](#), sponsored by [Rep. Tim Wilkin](#) (R-Eagan) and [Sen. Linda Scheid](#) (DFL-Brooklyn Park), would regulate the filing and use of health insurance forms, which affects the "loss ratio guarantee." A loss ratio is the percentage of premium dollars paid out in claims to policyholders. The House passed the bill 132-0 on April 27 and it now awaits action by the full Senate.

"It encourages carriers to bring new products onto the market," said Wilkin. "The intent is to encourage competition."

However, a number of amendments to the bill brought additional changes.

[Rep. Thomas Huntley](#) (DFL-Duluth) wants a pilot project to study why small businesses in the Duluth area cannot provide their employees with insurance. Another Huntley amendment would allow service cooperatives to bid on nursing home projects. It also addresses provider price disclosure of various services such as procedures done in hospitals and prescriptions at pharmacies.

[Rep. Tina Liebling](#) (DFL-Rochester) had an amendment to ensure that the loss ratio rate would not change.

LOCAL GOVERNMENT



Letters of credit deadline

Cities would be required to release a letter of credit or other financial security within 30 days of the completion of a project by a builder or developer, under a bill passed by the House April 27.

[HF3477](#), sponsored by [Rep. Larry Hosch](#) (DFL-St. Joseph), was passed 131-1. It now awaits action by the full Senate, where [Sen. Sharon Marko](#) (DFL-Cottage Grove) is the sponsor.

The bill would permit cities and towns to require developers to establish escrow accounts or other financial securities to reimburse them for direct costs related to the review and approval of projects. Upon completion of such projects, the municipalities would then have 30 days to release and return the letters of credit or financial securities.

The bill also requires that the charge on any such securities be equal to the value of the professional services to the municipality, and provides that municipalities that fail to meet the 30-day deadline must pay any accrued interest to the developers.

"This is currently common practice," Hosch said. "When a project is done in the cities, it oftentimes requires a letter of credit or a bond to ensure that that contractor has a financial means to complete the project, so this actually protects the cities even more so."

Hosch added that the bill is supported both by developers and cities.

Authority membership expansion

Signed
by
the
governor

Legislation to add two members to Swift County's rural development finance authority was signed into law by Gov. Tim Pawlenty April 27.

Sponsored by [Rep. Aaron Peterson](#) (DFL-Madison) and [Sen. Gary Kubly](#) (DFL-Granite Falls), the law stipulates that the authority's membership be increased from seven to nine. It also stipulates that members are to reside within the county and that appointments reflect the population of the entire county, with one member representing each of the five county commissioner districts. The other four members must represent various county-based economic development organizations or be at-large. No more than three members may reside in any one county commissioner district.

Effective Aug. 1, 2006, the law also defines the members' terms and prohibits membership to employees, shareholders, owners or directors of entities with which the authority enters into an agreement.

[HF2645*/SF2622/CH184](#)

Exposing strip clubs

Anyone wanting to open a strip club or similar adult-oriented establishment would have to notify local officials of their intent to do so, under a bill passed by the House 127-3 April 27.

[HF3779](#), sponsored by [Rep. Dean Urdahl](#) (R-Grove City), would require businesses that would provide live performances of sexually oriented entertainment to give 60-days notice to city officials of the business' intended start date. It passed the Senate 63-3 May 4. [Sen. Steve Dille](#) (R-Dassel) is the Senate sponsor.

Urdahl said that oftentimes before opening up a strip club or similar business, the owners of such businesses will mislead city councils and local officials about what kind of establishment they intend to open. He said the problem is especially prevalent in rural Minnesota.

"One of my cities, Eden Valley, had a 'gentlemen's club' established — a 'strip club' in some vernaculars," Urdahl said. "The Eden

Valley City Council believes it was established under false pretenses. Apparently, they were told it was a canvas shop being established. And ... it wasn't."

The House broke into hysterics when [Rep. Tom Rukavina](#) (DFL-Virginia) brought up the Senate version of the bill, which includes a "definitions" section that describes, in graphic detail, a number of sexually explicit acts and obscene materials as prohibited by the provisions of the bill.

"Mr. Speaker, I'd just like to ask where the Senate file is for this bill," Rukavina said, grinning — to which Urdahl replied, "Rep. Rukavina, I have never seen the Senate file and I don't have any idea what it says."

Several minutes of bipartisan wisecracks ensued.

★ RECREATION

Committee OKs Vikings stadium

With the clock winding down on the 2006 session, a final drive has been kept alive for a new Vikings football stadium and entertainment complex in Anoka County.

[HF2294](#), sponsored by [Rep. Andy Westerberg](#) (R-Blaine), was approved 13-9 by the House Governmental Operations and Veterans Affairs Committee May 3. It now goes to the House Local Government Committee.

Noting that the House has already passed stadium bills for the Minnesota Twins and Gophers, Vikings owner Zygi Wilf testified that the project was an even better value, and would become a "magnet" for economic development in Anoka County and surrounding areas.

"This is a once-in-a-lifetime opportunity to move forward on three stadium issues this year," Wilf said, adding that he planned to keep the team in Minnesota "for the long term."

Lester Bagley, the team's vice-president of public affairs and stadium development, urged members to take action while there's still time.

"There's two weeks left in session, and we're asking that you not end the discussion on the Vikings," Bagley said.

Westerberg successfully offered a delete-all amendment to the bill that effectively changes the tax funding mechanism for the stadium. The amendment also limits public contribution to 59 percent of the total cost of the stadium and requires either a fixed or retractable roof on the building.

A number of other amendments were offered to the bill.

Committee Chair [Rep. Kathy Tingelstad](#)



PHOTO BY TOM OLMSCHIED

Minnesota Vikings owner Zygi Wilf, left, and Lester Bagley, the team's vice president of public affairs/stadium development, answer questions during the May 3 hearing of the House Governmental Operations and Veterans Affairs Committee. The duo shared information about the proposed Northern Lights development project in Blaine that would include a new stadium for the Vikings.

(R-Andover) unsuccessfully offered an amendment that would subject the increased countywide sales tax to help fund the project to a referendum by Anoka County voters.

Speaking against Tingelstad's amendment, [Rep. Michael Beard](#) (R-Shakopee) called referendums "poor public policy" and said, that as leaders of the state, it is legislators' duty to "suck it up, debate the issue and take the tough votes." The amendment was defeated 10-9.

[Rep. Ruth Johnson](#) (DFL-St. Peter) successfully amended the bill by making the proposed football stadium authority subject to the state's open-meeting laws.

[Rep. Diane Loeffler](#) (DFL-Mpls), arguing that the scope of the project was inappropriately large, tried unsuccessfully to amend the bill by making it a "stadium-only" bill similar to the Twins stadium proposal.

"I have felt all along that it has been unfair to have a major development in a county hiding behind a Vikings stadium," Loeffler said.

A companion bill ([SF2061](#)), sponsored by [Sen. Don Betzold](#) (DFL-Fridley), awaits action by the Senate Rules and Administration Committee.

However, [HF2480](#), the Twins ballpark funding bill passed by the House April 26, was amended by the Senate Rules and Administration Committee May 2 to provide for a 0.5 percent additional sales tax in the seven-county Twin Cities metropolitan area to finance construction of both a Twins ballpark and a Vikings stadium. That bill

awaits action on the Senate floor.

★ SAFETY

Hearts and bones donations needed

A minimum of 30 minutes of teaching related to organ and tissue donations could become part of Minnesota's driver education curriculum, under a bill passed 121-3 by the House April 27.

[HF3401/SF2646*](#), sponsored by [Rep. Michael Paymar](#) (DFL-St. Paul) and [Sen. Chuck Wiger](#) (DFL-North St. Paul), was amended to become effective Jan. 1, 2007. It would apply to public schools, private schools and commercial driver training schools.

The amended bill now returns to the Senate for approval. The Senate passed the original version 60-2 April 12.

"There are 90,000 people who are on waiting lists for organs. And there are over 2,000 people in Minnesota who are on waiting lists ... it's an opportunity for us all to give a gift of life," Paymar said.

"The legislation is designed to significantly increase Minnesota's organ and tissue donation rate which will ultimately save numerous lives," Rachel Payne, a senior at Mounds Park Academy, told a House committee. Students from the academy presented information from a study they conducted to support the legislation.

Current law requires that students be informed of their option to donate, and any

additional information is voluntary, said Payne.

According to LifeSource, Upper Midwest Organ Procurement Organization Inc., more than 90,000 men, women, and children in the United States are waiting for a transplant, more than 2,300 live in the Upper Midwest, every 13 minutes another name is added to the waiting list and each day 17 people die while waiting for a transplant.

“We believe that our current percentage of organ donation, which is about 65 percent, will increase to 75 percent with this bill,” Paymar said.

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

★ TAXES

Child care facility exemption

A lot of things are said to come “out of the blue.” Many people would probably say the phrase is more aptly applied to taxes than anything else.

Still, Tammy Anderson was taken aback when the child care center she directs was assessed property taxes — “out of the blue,” she said.

“I’m the director of a non-profit 501(c)3 program, and our program was established as a non-profit, tax-exempt organization back in 1971, so our program is celebrating our 35th anniversary,” Anderson told the Property and Local Tax Division of the House Taxes Committee May 1.

Anderson said the center had never been assessed property taxes before, but Karen Baker, an analyst for the nonpartisan House Research Department, said that, while the state has only a small number of non-profit child care centers that own their sites, there is no statutory exemption for them.

Anderson testified in support of [HF4100](#), which would provide the statutory exemption, provided the fees and charges for at least 30 percent of the children cared for in the center are paid in whole or in part from assistance programs; the staff includes licensed teachers; no part of the net earnings of the organization benefits any private shareholders; and no portion of the property is used for residential purposes.

“Child care has no money to begin with. We run on a very, very tight margin,” Anderson said, adding that property tax liability would likely force the centers to close.

[Rep. Morrie Lanning](#) (R-Moorhead)

sponsors the bill, which was held over for inclusion in a report to the full committee.

A companion bill ([SF3784](#)), sponsored by [Sen. Rod Skoe](#) (DFL-Clearbrook), awaits action by the Senate Taxes Committee.

Fire fighting finances

If a fire broke out atop a \$1.67 million wind tower in Trimont, who would put it out? Probably no one, because the Trimont fire service area’s allotment of state fire aid has gone with the wind. Well, not entirely.

But the fire service area’s state aid has become inadequate, according to [Rep.](#)

[Bob Gunther](#) (R-Fairmont), because the Legislature changed wind towers from a property tax-based revenue to a production tax-based revenue in 2002. The change took wind tower property out of the formula used to distribute funds from the state fire aid.

To remedy the situation, Gunther sponsors [HF4141](#), which would change the definition of market value for purposes of the fire aid distribution formula, allowing fire service areas with wind towers and also those with taconite mines to receive a larger allotment from the fire aid fund. The change would not affect the property owners’ tax liability.

“Without any training on how to put a fire

LITTLE LEGISLATOR



PHOTO BY TOM OLMSCHIED

Five-year-old Alice Lesch listens at the Chamber desk of her father, Rep. John Lesch, as members debate a bill April 27.

out in a \$1.67 million windmill, much less have the equipment to put a fire out in a 300-foot structure, we come to the problem of how are we going to service the property in this fire service area,” Gunther told the Property and Local Tax Division of the House Taxes Committee May 1.

“What we’re trying to get is the market value of the 100-megawatt wind farm located in the Trimont fire service area classified as taxable property so we can include that to get the necessary fire aid to be able to service the risk posed by the wind towers and the extra work put on the firemen,” he added.

The bill was held over for possible inclusion in a report to the full committee.

A companion bill ([SF3771](#)), sponsored by [Sen. Julie Rosen](#) (R-Fairmont) awaits action by the Senate Taxes Committee.

Tax preparations

Work on the long-awaited omnibus tax bill began May 3 by the House Taxes Committee.

[Rep. Phil Krinkie](#) (R-Lino Lakes), the sponsor of [HF2457](#), told members of the committee they would have a chance to “mark up” or amend the bill when they met May 4.

The bill contains nine areas of focus and may be good news for taxpayers, in that it reduces state income taxes while exempting military pension income, allows additional deductions, and raises the income level at which the K-12 education credit begins to phase out.

The bill, which has no Senate companion, also re-imposes and modifies levy limits for cities with a population of 2,500 or more and for all counties. It also contains numerous technical changes, and includes items that bring the state income tax into conformity with the federal income tax changes.

It also contains a provision that would fully fund the local government aid formula starting with aids payable in 2007 provided the motor vehicle sales tax dedication is defeated in the November general election. This contingency elicited a response by [Rep. Tom Rukavina](#) (DFL-Virginia).

Referring to the property tax rebate bill sponsored by Krinkie and passed by the House May 2, Rukavina said, “Mr. Chair, I really want to compliment you. Yesterday you gave away money that may or may not be there, and today you’re doing it again. But at least today, I’m on your side.”

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

★ TECHNOLOGY

Bioscience committee meets

The Technology, Bioscience and Medical Products Division of the House Commerce and Financial Institutions Committee was formed last year, and met May 3 for only the second time this session.

However, Committee Chair [Rep. Paul Kohls](#) (R-Victoria) hopes the division will be a longstanding one as technology, bioscience and the medical products industries continue to grow in Minnesota. The division heard an overview of the industry, the opportunities and challenges of small medical device companies and matters related to patient safety, such as product development and recalls.

“This is the first time these industries have gotten a voice,” said Kohls. “My hope is that this committee and forum will exist in future legislatures.”

Don Gerhardt, LifeScience Alley president, said medical devices are increasingly converging with bioscience research. The Legislature approved the Medical Alley/MNBIO organization, now LifeScience Alley, to establish a 350-mile stretch corridor from Rochester to north-central Minnesota.

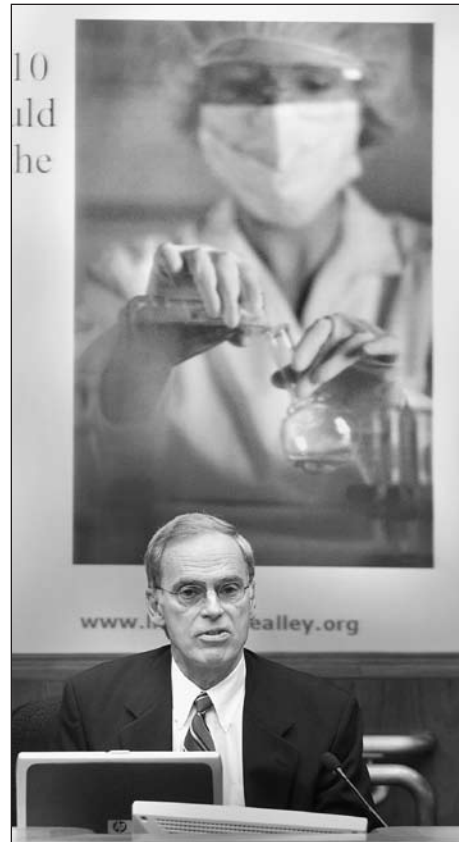


PHOTO BY ANDREW VONBANK

LifeScience Alley President Don Gerhardt conducts a presentation on medical device issues May 3 before the Technology, Bioscience and Medical Products Division of the House Commerce and Financial Institutions Committee.

This was only the beginning of the state’s commitment to advance bioscience and medical product development, Gerhardt said.

The state’s commitment to such development means Greater Minnesota is also benefiting, testifiers said. From Worthington to Austin to Milaca, small towns are helping contribute to the bioscience and medical products industry.

Steve Anderson, vice president of corporate assurance for St. Paul-based Acorn Cardiovascular, said there is the opportunity for smaller medical device companies to employ more people across the state. The 500 or so members of LifeScience Alley employ about 250,000 Minnesotans and continue to grow, Gerhardt said.

Another area of discussion was patient safety.

Susan Alpert, Medtronic chief quality and regulatory officer, said her employer takes patient safety seriously. She said Medtronic carefully monitors the safety of its product, but that products cannot always be perfect. However, Alpert said medical devices still help patients lead better lives.

★ TRANSPORTATION

Electric vehicles on the road

Signed
by
the
governor
★ ★ ★

Drivers could be driving alongside electric vehicles, under a new law signed by Gov. Tim Pawlenty May 4.

Sponsored by [Rep. Greg Blaine](#) (R-Little Falls) and [Sen. Paul Koering](#) (R-Fort Ripley), the law, effective Aug. 1, 2006, defines “neighborhood electric vehicle” and sets the restrictions and requirements for its operation.

The cars are restricted from going on roads with speed limits of more than 35 mph, “except to make a direct crossing” of a street or highway with a higher speed limit. The vehicles are subject to all the same requirements as other cars such as turn signals, license plates, windshields and seat belts.

[Rep. Al Juhnke](#) (DFL-Willmar), who sponsored a similar bill ([HF2734](#)) that he voluntarily laid over, said 35-40 other states have already made the vehicles road legal.

The transportation commissioner or a road authority can further restrict the electric vehicles.

Furthermore, the law specifically says that vehicles such as “a homemade neighborhood electric or low-speed vehicle or retrofitted golf cart,” do not qualify as neighborhood electric vehicles.

[HF1838](#)*/[SF1811](#)/CH189



Time management?

During the first meeting of the capital investment conference committee May 3, House members were trying to figure out when the committee would next meet when talk turned to the next day's floor session.

"I didn't hear from the majority leader if, for tomorrow, we're doing bills that are having a chance to come into law or if we've got bills we're going to sit around and yak for hours and hours that have no chance of becoming law. If it's one of the days when we're doing bills that have a chance of becoming law we shouldn't be there long," joked [Rep. Dan Dorman](#) (R-Albert Lea).

The House spent more than three hours debating the property tax rebate bill ([HF4142](#)) one day prior, and nearly as long debating the supplemental budget bill ([HF4162](#)) two days earlier.

He suggested the House use flags like the Navy, so members could know what was scheduled.

"I told the majority leader one day, 'Could you let me know when we're doing the stuff that could become law because then I won't do my e-mail and I'll actually pay attention? And then when were doing the stuff that is for seemingly political reasons or other reasons then I can do my e-mail, shop on the Internet or whatever.'"

If you will be visiting the Capitol in the near future, call the Capitol Historic Site Program at (651) 296-2881 to schedule a tour.

WELCOME BACK



PHOTO BY TOM OLMSCHIED

Rep. Leon Lillie, right, was among members welcoming Rep. Carlos Mariani, with his arm in a sling, back to the House Chamber May 2. Mariani was hospitalized with a broken collarbone and head injuries after a bicycle accident in April.

Thankful to be back

[Rep. Carlos Mariani](#) (DFL-St. Paul) received a round of applause from House members when the green light lit up on the voting board next to his name May 2.

His colleagues weren't cheering about his vote, they were cheering because he was in the chamber. This was Mariani's first trip back to the House in a couple of weeks as he is still recuperating from an accident when riding his bike.

"I am now a firm believer in bike helmets," Mariani said, who was not wearing one at the time of the mishap.

Mariani was riding his bike along the river valley near Lilydale when he either hit some gravel or wet patches before losing control. "I have no recollection of what

happened. I suspect I hit my head on the guardrail and lost consciousness," he said.

Fortunately, a nearby runner heard the noise and found him. Mariani said there was a massive amount of bleeding due to his head injury. "He cradled my head, tried to stop the bleeding and was able to flag someone down who called 911."

Mariani spent about a day and a half in the hospital, not only dealing with the head injury but also a broken collarbone. He is still experiencing some dizziness and is tired, and therefore is not sure how much he can participate in floor sessions during the remaining weeks. He does expect a full recovery.

Frequently called numbers

(Area code 651)

Information Services, House Public
175 State Office Building296-2146
Chief Clerk of the House
211 Capitol.....296-2314
Index, House
211 Capitol.....296-6646

TTY, House296-9896
Toll free.....1-800-657-3550
Information, Senate
231 Capitol.....296-0504
TTY, Senate296-0250
Toll free.....1-888-234-1112

Secretary of the Senate
231 Capitol.....296-2344
Voice mail/order bills296-2343
Index, Senate
110 Capitol.....296-5560

Spending bill OK'd

Bill points to different philosophies of House, Senate

By Mike Cook

In a year that is supposed to be primarily dedicated to helping the state by passing a capital investment bill, the House approved a supplemental spending bill 103-29 May 1.

Rep. Jim Knoblach (R-St. Cloud), the sponsor of [HF4162](#), said the bill could be called "the public safety and lock up the sex offenders bill." He, and others, emphasized that the bill is just supplemental spending in a non-budget year, and that it meets the \$88.9 million available in surplus money.

Received from the House one day later, the Senate tabled the bill. A conference committee is expected to ultimately work out the differences.

The makeup of the bill shows the differences in philosophy between the two bodies.

While the Senate planned to put all of its funding into one so-called "garbage bill," the House had separate omnibus bills that included both finance and policy provisions in a number of different areas, including agriculture, education, environment, health, public safety and transportation, but acceded to the Senate to get a bill passed.

"We are proposing to spend it during this non-budget year on items in this bill that are either deficiency items, emergency items, items that are mandated by the federal government, items that are such that they are correcting past errors that were made," Knoblach said.

The bill also transfers \$317 million from the tax relief account to the General Fund, which could be used for tax cuts if the state wins the health impact fee litigation, but it does not contain any of the \$122 million surplus now in the Health Care Access Fund. It leaves a \$652 million budget reserve and a \$351 million cash flow account.

Under the bill, \$33.67 million would be used to cover a shortfall necessitated by more sex offenders than anticipated being locked up in state hospitals; \$31 million is targeted to cover the costs of the higher-than-expected numbers of mentally ill and dangerous people being put into state hospitals; \$10 million for one-time water quality initiatives to meet federal mandates; and \$6 million is for Veterans Home Boards to correct deficiencies.

Approximately \$32.3 million is to cover salary deficiencies for state-operated services and corrections employees whose contracts were settled after budgets were set last year. However, nearly \$14.7 million of that comes from other bed savings.

The bill also contains a ratification of state employee contracts, which, according to Rep. Paul Kohls (R-Victoria), include a raise for state employees and a zero percent increase in health care premiums.

Saying the bill contains some helpful things like addressing increased sex offenders, House Minority Leader Matt Entenza (DFL-St. Paul) said the bill is more about the preoccupation of the Republican's "divisive social agenda," and is

lacking in many areas that his caucus finds important. "This bill does nothing for education, essentially nothing for health care and nothing for transportation." He and other opponents said they hope the conference committee corrects some wrongs in this bill. Some members across the aisle did not agree.

Rep. Marty Seifert (R-Marshall) countered that the bill does contain \$5 million to help

establish a University of Minnesota branch in Rochester. He also noted that "hundreds and hundreds of millions of dollars" were put into schools and health care systems in last year's budget bills.

Kohls said that DFLers could have drafted an amendment to move money around. "This is not a budget year. This year is not about how much more we can spend on every program under the sun."

The bill contains no policy provisions unless it is connected to a specific appropriation. "It is my belief if we put specific policy language in

this bill not connected to an appropriation that it would cause germaneness problems and potentially be a violation of House rules," Knoblach said.

That didn't stop members from trying.

Among those amendments failing to get on, primarily because they were ruled not germane, was one by Rep. Gene Pelowski, Jr. (DFL-Winona) to fund enrollment adjustments at public postsecondary institutions, and another by Rep. Keith Ellison (DFL-Mpls), that would, in part, prohibit the selling of jewelry containing lead without a warning label.

An abortion amendment from Rep. Mary Ellen Otremba (DFL-Long Prairie) was included.

"It's identical to the language in [HF3258](#), that passed off the floor (April 27) without the hospital admitting privileges in the policy section," she said. That bill was received by the Senate May 1 and awaits action in the Senate Health and Family Security Committee. The amendment addresses financial aspects of the bill: abortion notification requirements and prohibits the use of state funds for abortions.

Rep. Jim Davnie (DFL-Mpls) sought consistency in the speaker's rulings because previous amendments to expand the scope of the bill were ruled not germane.

"This language is specifically addressed in the bill, the dollars are specifically addressed in the bill," countered Rep. Laura Brod (R-New Prague), the sponsor of [HF3258](#).



"This bill does nothing for education, essentially nothing for health care and nothing for transportation."

— House Minority Leader
Matt Entenza

"This year is not about how much more we can spend on every program under the sun."

— Rep. Paul Kohls

Check's in the mail?

Despite all the plop and fizz, tax rebate may not become law

By IRENE VOTH

Minnesotans might receive something other than campaign fliers in their mailboxes this fall.

The one-time property tax rebate bill was passed May 2 by the House 86-47.

"Plop, plop, fizz, fizz — this is relief," said Rep. Phil Krinkie (R-Lino Lakes), sponsor of HF4142. Krinkie said the rebate provisions in the bill provide "the simplest, easiest and most direct way" to provide tax relief this biennium.

The bill now goes to the Senate, where Sen. Brian LeClair (R-Woodbury) is the sponsor.

Under the plan, all Minnesota homeowners would receive a 9 percent rebate of their homestead property taxes payable in 2006. However, the rebate is contingent on a reversal by the Minnesota Supreme Court of a lower court decision that declared the 2005 health impact fee unconstitutional. The litigation entails \$400 million, which has already been counted in the budget forecast for this biennium, and has precipitated a balance of \$317 million in a tax relief account.

The legislation would provide for the so-called "Krinkie checks," estimated to average \$150, to be mailed by Oct. 1, 2006.

Voicing the debate's initial opposition to the bill was Rep. Ann Lenczewski (DFL-Bloomington).

"This bill is a very unfair bill, and in tax policy there's a constant tension between simplicity and fairness," she said, explaining that the bill does not extend a rebate to renters, who comprise 25 percent of Minnesota households.

Lenczewski's opposition also includes the rebate's contingency on a court case, and the

bill's lack of permanent tax relief. She added that the "net effect" of the bill on homeowners would be a tax liability jump averaging 21 percent from 2006 to 2007.

Krinkie countered that a rebate is an appropriate use of the "one-time money" in the tax relief account, and that property tax reform would be discussed when the omnibus tax bill is considered later this session.

Amendments to the bill offered by Rep. Paul Marquart (DFL-Dilworth) and Rep. Connie Bernardy (DFL-Fridley) were ruled not germane by House Speaker Steve Sviggum (R-Kenyon).

Marquart's amendment, would use \$275 million of the tax relief account funds to provide the initial amount for what he called "fair and permanent property tax relief" that would be phased in over a three-year period.

The amendment contained provisions to restore market value credit cuts to the 103 cities that were not to receive their full credits in 2006 and 2007, an increase in local government aid to cities and an increase in education levy reductions.

"It does include all property owners — all renters, all the ag land, all the commercial and industrial besides those that are covered under the rebate," he said.

In his advice to the speaker, Krinkie said the amendment "greatly, greatly expands the scope of the bill into local government aid, into levy equalization and education appropriations as well as market value credits."

Marquart later offered a revision of the amendment, but it too was ruled out of order.

Bernardy described her amendment as property tax relief through amounts from the property tax relief fund "rebated entirely though state aid" that "must be used only for schools' unfunded costs."

An amendment by Rep. Jim Davnie (DFL-Mpls) to cap the rebate at \$450 per recipient and include rebates for renters failed 67-66.

Following the bill's third reading, after which amendments can no longer be offered, Rep. Marty Seifert (R-Marshall) asked House Democrats to reject their leader's instructions and vote in favor of the bill so that the money in the tax relief account would not stay in the state's coffers but go to "the people back home."

Critics of the bill included Rep. Tom Rukavina (DFL-Virginia), who said the governor and majority party's accounting shifts since 2003

are responsible for the steep rise in property taxes. He also termed the bill a "gimic."


"It's a little too cute and a little too meaningless," he said, explaining that he was quoting U.S. Sen. Norm Coleman's (R-Minnesota) recent description of a similar federal rebate plan.

Rep. Kent Eken's (DFL-Twin Valley) criticism was that a rebate is not property tax relief.

"We should not be in the business of buying votes with well-timed rebate checks," he said.

Critics of the speaker's decisions to rule the amendments out of order included House Minority Leader Matt Entenza (DFL-St. Paul), who said the House majority exhibited a "ruthless use of the rules to make sure that we can't even get a vote on property tax relief."

Rep. Dan Dorman (R-Albert Lea) also criticized the use of the rules both on the floor and in committees.

After asking Krinkie to speculate on the likelihood that the bill's companion would pass in the Senate, he said he wished "we would just concern ourselves with things that actually might be making it into law." 

"It's a little too cute and a little too meaningless."

— Rep. Tom Rukavina

"Plop, plop, fizz, fizz — this is relief."

— Rep. Phil Krinkie

Ports and railways

Intermodal freight competition leads to savings

By PATTY JANOVEC

Minnesota benefits from waterway transportation because it is a low-cost means of shipping bulk commodities over long distances, according to the [Department of Transportation \(MnDOT\) Ports and Waterways Unit](#).

"For each barge that is operating in the river, it takes the place of 60 trucks and takes the place of 15 railroad cars," said Dick Lambert, a planning supervisor for MnDOT.

He testified in a House Transportation Finance Committee in support of a bill that would appropriate \$6 million to MnDOT's Port Development Assistance Program to improve Minnesota's waterborne commerce.

The House bonding bill ([HF2959](#)) allocates \$5 million for the program, the Senate bill ([SF3475](#)) \$3 million.

Started in 1996, Minnesota's program was modeled after Wisconsin's. "They help finance projects that the local port authorities just can't afford to do. And most of ours are going for rehabilitating our terminals to bring them up to standards, so they'll last 30 or 40 years. A lot of our terminals are 40, 50, 60 years old," Lambert said.

The money helps rehabilitate the publicly-owned portions of Minnesota's ports,

local minimum match of 20 percent for port improvements. As of June 2005, \$14.5 million has been appropriated.

The program is important for the nine port areas along the Mississippi River system in Minnesota, whose transported tonnage in 2005 was nearly 12 million. That pales in comparison to the four ports along Lake Superior, whose combined 2005 tonnage was 65.7 million.

The state operates as a major producer and shipper of goods such as iron ore, coal and grain, therefore making Minnesota rely heavily on the intermodal formula whereby rail or trucks are used to transport goods to the port. Transporting those goods is vital to the state's economy.

According to a Statewide Multimodal Freight Flows Study by MnDOT, freight transportation runs four ways:

- highways, because trucks move most consumer projects and account for the majority of the freight movements by value;
- rail, because the largest share of freight movements by weight, representing the state's major export commodities, are carried by the extensive rail network;

- waterborne, because important bulk shipments of coal, iron ore and grain move through the state's ports and waterways; and
- air, because the highest value shipments move on air-planes.

Lambert says that Minnesota's competitive intermodal system is "a better mix for your shippers. You need them all, and we're fortunate that we do have them all."

While the market for shipping goods has

gone down because ethanol production has decreased the need for shipping raw corn, barges are still in the intermodal game, Lambert explained. "A gallon of diesel fuel will move one ton of freight over 500 miles on a barge, one gallon of diesel fuel will move a ton of freight on the railroads a little over 200 miles, and one gallon of fuel in a diesel truck will move it about 59-60 miles. So you want to use barges in this day of high-priced fuel."

A drawback of moving products on water

Great Lakes Annual Tonnages

Port	2005	2004	2003	2002	2001
Duluth/Superior	45,943,855	45,631,950	38,374,582	43,542,140	40,269,070
Two Harbors	13,216,000	14,031,947	13,125,028	14,586,552	11,827,474
Silver Bay	5,787,772	6,170,730	5,795,257	4,902,495	4,273,800
Taconite Harbor	769,537	980,112	805,000	703,842	2,253,913
Total	65,717,164	66,814,739	58,099,867	63,735,029	58,624,257

Annual tonnages have varied due to low water, ice conditions and commodity demand.

Source: Minnesota Department of Transportation

is that it's slower than land transit.


So perishables, such as fruits and vegetables, which need to get to market quickly, are generally transported by other, faster modes.

Another benefit of water transportation is a reduction in trucks on state roadways. "Anything that we can do to help foster waterway transportation is a plus because we take the pressure off the highways. Truck pressure is what wears our highways down," Lambert said.

But to keep Minnesota competitive, you need all modes, he said.

Nearly three-fifths of the states in the country have water access. The importance of the modes are evident as Minnesota's farmers are in direct competition with Illinois, Iowa and Nebraska with corn production.

"You can talk to North or South Dakota or Nebraska, they would give their right arm to have a waterway," Lambert said.

Having water routes can also can be cost-effective. If a state has the disadvantage of being in an area where they only have rail transportation, the rail companies can charge whatever they want. If you want the best bang for your buck, the different modes must be represented, Lambert said, and those savings costs can be seen by consumers. 

River Port Annual Tonnages

Port	2005	2004	2003	2002	2001
Minneapolis	696,277	1,282,993	1,683,650	1,721,612	1,513,745
St. Paul	5,462,801	5,660,509	5,479,857	5,941,109	5,104,139
Savage	3,018,613	3,427,182	4,204,697	5,461,318	4,185,198
Red Wing	787,883	830,446	1,026,891	987,461	812,567
Winona	2,008,029	1,781,079	2,263,660	2,812,915	2,558,633
Total	11,973,603	12,982,209	14,658,755	16,924,415	14,174,282

Annual tonnages have varied due to seasonal flooding, ocean freight rates, and commodity demand.

Source: Minnesota Department of Transportation

including repairing leaky roofs, rebuilding seawalls and bringing facilities up to code. Money distributed via the program include a maximum state match of 80 percent and

Fishy restoration

Management plan is restoring Leech Lake to days of yesterday

By **IRENE VOTH**

To most folks, leeches are yucky. But Leech Lake never will be, according to the Leech Lake Association's lake management plan.

"I've never seen one (plan) as thorough and as broad," said Harlan Fierstine, Walker-area fisheries supervisor for the [Department of Natural Resources](#). Fierstine said the plan reflects an extraordinary amount of input and thought.

Don Hickman also lauds the plan. Environmental specialist for the Little Falls-based Initiative Foundation which named it the Outstanding Environmental Initiative for 2006, Hickman said the plan is based on a business model, with a vision statement, measurable goals, a timeline and an action plan.

The business model is no accident, since the plan's authors, Jerry McCauley and James Lohr, are retired business executives.

Members of the association's Healthy Lakes Committee, the men undertook the project with assistance from the Initiative Foundation's Healthy Lakes and Rivers Partnership program. The plan was completed in 2004, after two years of study and research, which included surveys, interviews and conferences. It can best be described as a collaborative effort of the association with the DNR, the [Pollution Control Agency](#), Cass County, the Leech Lake Task Force on Fishing, the Leech Lake Band of Ojibwe, and others.

"We've worked with a host of agencies," said Bob Gisvold, association president.

Located in north-central Minnesota, Leech Lake is one of the state's largest bodies of water. It is a feature of the Chippewa National Forest, and its bays and inlets harbor native wild rice. The rice is important commercially and spiritually to residents of the Leech Lake Indian Reservation, which is located along its

extremely irregular north shore. The lake also anchors a major recreational area that includes parks, trails, resorts, golf courses and hunting lands. But its greatest attractions are its clean water and walleye fishery.

The preservation and enhancement of these attractions are central to the plan, and two major steps in restoring the fishery, which has been declining in recent years, are scheduled to begin this month with the reduction of the cormorant population and the stocking of walleye.

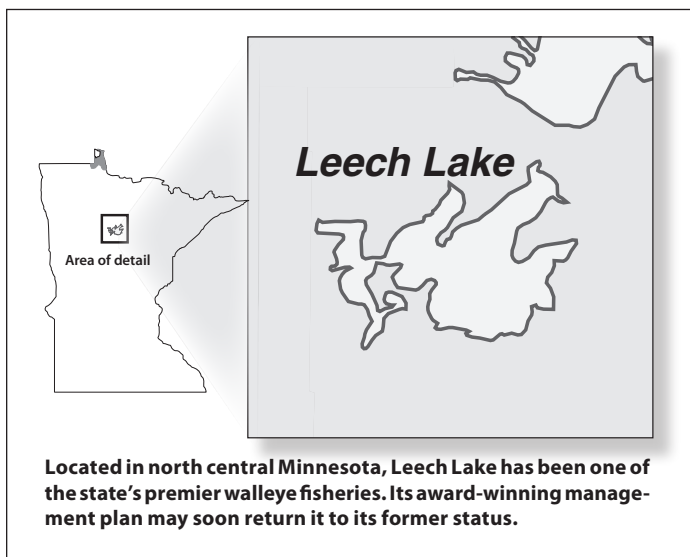
Making strides

"I was really impressed by the courage they've had in pursuing difficult choices," Hickman said of the association's plan regarding the burgeoning cormorant population, a situation he described as a "mine-laden field."

Cormorants, which are federally protected migratory birds, feed on small fish. At Leech Lake, the growth of the cormorant population from 73 nesting pairs in 1998 to 2,524 nesting pairs in 2004 coincides with the decline of the game fish population, which points to a probable cause and effect. But the federal government does not issue permits to depredate such birds until other methods of population control have been attempted. In addition, the cormorants' nesting area is Little Pelican Island, property of the Leech Lake Band of Ojibwe. Respecting those who find it

hard to condone the killing of wild birds, the association made sure the federal mandates were met, and the band has assumed the lead role in the depredation.

Less mine-laden was the process of persuading the DNR to restock the lake with walleye. But later this month, according to Henry Drewes, regional fisheries manager, 20 million fry hatched from eggs deposited during the Boy River spawning run will be released in Leech Lake. These fry, selected because they are the closest genetic match to



the native Leech Lake walleye, are expected to take three years to grow to "keeper" size — 12 to 13 inches in length.

A second, multifaceted aspect of the plan regards water quality. Leech Lake's water quality may be higher than most in Minnesota, but keeping it that way is an ongoing process that users of the lake and lakeshore must buy in to.

"We tried to come up with something people generally agree with," Gisvold said of the management plan — which he describes as a "living document" — and its various provisions for keeping the water clean.

"What we've accomplished is pretty good. We're making strides, but it will be ongoing for many, many years," he said. 🐟

A place on the bench

Abrams moves on to a different branch of government

Editor's Note: As the 2006 session winds down, several members have announced their intentions to leave the Minnesota House of Representatives for new adventures. They leave a legacy of service that will remain part of legislative history.

By PATTY JANOVEC

The engaging and hearty chuckle of Rep. Ron Abrams (R-Minnetonka) is easily recognized during a House committee meeting or floor session. Following a gubernatorial appointment, the candid representative is moving on to the Fourth Judicial District in Hennepin County after serving nine terms in the House.

Gov. Tim Pawlenty announced the appointments April 28 of three trial court bench vacancies, one of which was Abrams. "Ron has a well-earned reputation for fairness as a legislator, committee chair, and speaker pro-tem that crosses party lines ... His intellect, leadership, and sense of humor will be a great asset on the Hennepin County bench," the governor said in a press release.

Abrams said this of his judicial appointment, "Timing, we're towards the end of a two-year term and before the election cycle, I think that the political timing had a great deal to do with it." The new adventure is, "an entirely different branch of government dealing with legal disputes that will be contentious, and I'd like to think that I have a great deal to contribute in that area."

Closing in on 18 years of legislative service, Abrams said he is most proud of, "my ability to work with a large number of people, regardless of parties, on a number of contentious but interesting issues." Examples he included were workers compensation reform and a number of areas in taxes that go beyond the marquee items like the rebates and tax cuts of the late 1990s and the 2000-2001 era.

"Minnesota was one of the first states to

comply with the streamline sales tax model, ... And there are so many things that I have done in the tax and public finance area that I'm proud of," he added.

While there are some tax areas that Republicans and DFL leaders won't agree on, Abrams said, "I would hope that ... my successors in the tax area would be able to put policy ahead of politics, and continue to have some of the most innovative forward looking ideas in that area in the nation."



PHOTO BY TOM OLMSCHEID

Rep. Ron Abrams was recently appointed by Gov. Tim Pawlenty to a judgeship in the Fourth Judicial District in Hennepin County.

Chair of the House Taxes Committee from 1999 to 2004, he said he enjoyed "the close working relationship with the nonpartisan House Research staff and the fiscal analysts. "They are an extraordinary group of people, and I really enjoyed working closely with them."

He serves on the following House committees: Higher Education Finance; Rules and Legislative Administration; Taxes and its Property and Local Tax Division; Transportation Finance; and Ways and Means.

Although actively participating the past two years on the sidelines of the taxes committee, Abrams shared these thoughts, "It's been a difficult two sessions for me. I've been trying to focus on issues that are of concern to Minnesotans and believe that a lot was accomplished, and hopefully we will have a good result of the 2006 session and have more good news for the people of Minnesota."

One of the biggest changes he has witnessed in his numerous terms in office is the velocity at which information now flows, he said. Additionally, "the ability of members to break through preconceived ideas and partisan labeling is a little less today than it was when I first got to the Legislature."

While not wanting to sound negative, he said in the big scheme he hopes members "understand how important the institution is and that there are ways in which you can let your viewpoints be heard without, in any way, showing up the institution."

While he is looking forward to the new opportunities, he will miss his constituents that have been passionate about their beliefs. "They have been invariably in good humor, and positive and extraordinarily kind to me and my family over the years."

Asked what he'll do with his time off, "I probably will go someplace with my wife. My youngest son is going to graduate high school so I'll be able to concentrate on those celebratory activities to the fullest."



STEPPING DOWN

Rep. Ron Abrams
Republican
District 43B — Minnetonka
Terms: Nine (elected 1988)

Advice for successor: Remember that it is an honor and a privilege to serve in the Minnesota Legislature. And that you ought to give back to the state far more than what you're getting with that honor and privilege."

Lawyer, legislator ... judge?

Newman stepping down after four years in the House

Editor's Note: As the 2006 session winds down, several members have announced their intentions to leave the Minnesota House of Representatives for new adventures. They leave a legacy of service that will remain part of legislative history.

By IRENE VOTH

Rep. Scott Newman (R-Hutchinson) is making a career move. While "stepping down" is the usual phrase describing a legislator's decision to vacate his or her seat in the House, Newman's move might be termed a "step up" or maybe even a "step on."

After all, if elected to the bench of Minnesota's First Judicial District in the 2006 general election, Newman may make rulings by which many in Minnesota, including its legislators, must abide.

Newman said his reasons for wanting to serve as a judge are the same as his reasons for wanting to serve as a legislator: "I wanted to contribute in a larger way to the legislative process."

He cites several recent court decisions that have influenced his decision to serve the judicial process. One is the March 2006 ruling by a judge in the Second Judicial District against a petition filed by Newman and others in August 2005 after Finance Commissioner Peggy Ingison issued checks to fund government services for which the Legislature had not made appropriations.

"With the Legislature failing to pass a budget by June 30, the judicial branch

appropriated and spent money from the state treasury. The state constitution authorizes only the Legislature to do that. I was amazed," Newman said.

A lawyer for 32 years, Newman said a second recent ruling helped him finalize his decision to make the judicial run: judicial candidates now have a right to talk about disputed legal issues and to be endorsed by political parties.

"The ruling means that judicial candidates can finally talk about the issues so voters can make informed decisions. Too many times, the judicial section of a ballot is left blank because



PHOTO BY TOM OLMSCHIED

Rep. Scott Newman seeks the Republican Party's endorsement for a seat on the First Judicial District bench.

the voter has no idea who the candidates are or what they stand for," said Newman, who is seeking the Republican Party endorsement.

"My choice is to take action and try to bring the judicial branch of government out from under the cloak of secrecy. I want the spotlight to shine on this branch of government, and citizens to begin to understand its function," he said.

Understanding how the Legislature functions was one way he benefited from the first bill he sponsored.

"It involved correcting survey markers,

was non-controversial and was given to me, I suspect, just to help me learn the process. This is something that is often done to help neophytes. Ultimately it was signed by the governor," he said.

Newman soon applied himself to a host of issues that challenge even the most seasoned lawmaker. "I was very involved with the public safety omnibus bill and on the conference committee last year. There were a number of provisions that were controversial, but necessary that we pushed through," he said. Regulating the sale of pseudoephedrine to inhibit the manufacture of methamphetamine was one.

"There's been an 80 percent reduction in meth labs statewide," Newman said of regulations' effect since last year.

Newman also successfully supported stiffer penalties for predatory criminals.

"Those people are sick, sick, sick and I don't think you can fix them," he said, referring to the alleged killer of Dru Sjoden, a Minnesota woman who attended college at the University of North Dakota in Grand Forks. The suspect is a convicted sex offender who had been released from prison only months before the woman's kidnapping and death in 2003.

The stiffer laws allow for what Newman calls "the worst of them" to be imprisoned for life.

Collecting a DNA sample from a person arrested for committing a violent crime when probable cause has been established was also an aspect of that legislation.

"DNA is so important — sometimes that's all you've got," Newman said, adding that having the DNA report on file is crucial, especially since predatory criminals have a tendency to relocate frequently.

This biennium, Newman served on the House Education Finance, Ethics, Public Safety Policy and Finance and Transportation committees.

STEPPING DOWN

Rep. Scott Newman
Republican
District 18A

Terms: Two (elected 2003)

Advice to successor: "Study, learn the issues and follow your conscience. Don't try to please all of your constituents; it can't be done, and in the end you'll stand for nothing."

Seedling to a very big tree

Arbor Day legislative gift is rooted in tradition

By LEE ANN SCHUTZ

Looking at the acres of rolling farmland of southern Minnesota, it is hard to imagine that, at one time, the area was filled with trees — namely oaks.

Some say this canopy of trees stretched in a band all the way from central Minnesota south to Georgia. Known as the oak savannah, it acted as a transition separating the prairies from the hardwood forests. Few remnants of the savannah remain, but the hardy species of oak that was most prevalent in the savannah can still be found — the bur oak.

This gnarly-branched, slow-growing tree was recently recognized on the House floor with each member receiving a seedling in recognition of Arbor Day April 28.

The assignment of selecting this year's Arbor Day tree fell on Rep. Rick Hansen (DFL-South St. Paul), Rep. Denny McNamara (R-Hastings) and Rep. Loren Solberg (DFL-Grand Rapids).

For good reason they shifted from the tradition of distributing pine seedlings. This year's tree would be native to the state and be able to grow in each region. The bur oak met the qualifications and, to seal the deal, Solberg was able to acquire the seedlings from a nursery in his district — Itasca Greenhouse Inc. in Cohasset. Solberg explained they specialize in growing containerized tree seedlings using waste heat from a nearby power plant in the production process.

The bur oak must have

resonated well with members. "Last year, I found the pine seedlings on the House floor, in the retiring room and even in a planter. This year I didn't find any (seedlings)," Hansen said.

The bur oak draws its name from the "bur" or distinctive acorn that it produces. It is not only one of the largest of the oak trees, but so are its leaves — 6-12 inches long and 3-6 inches broad.

Lance Sorenson, a forester with the [Department of Natural Resources Utilization and Marketing Program](#), said the tree is known for being hardy. It could survive the burns set by the Native Americans to create grasslands for grazing bison, and the European settlers as they cleared land for farming. "The top of the tree can be burned off, but the roots continue to grow," creating trees that can be many years old, Sorenson said.

Really big trees

Old and gnarly does not begin to describe the largest bur oak in state. "It is a strange looking tree," said Sorenson, who identified the tree in 1999. Located on private land near Rochester, this tree is no seedling. Actually, you could say this particular tree is a survivor; it is not growing in ideal conditions — at the base of a sand prairie. Estimated to be about 400 years old, it has a circumference of about 275 inches and it is about 60 feet high.



Photo courtesy of the Department of Natural Resources

The largest bur oak in the state, above, is estimated to be about 400 years old. It has a circumference of about 275 inches and it is about 60 feet high.

Sorenson was called to the land to help develop a tree planting and wood stewardship plan when the landowner pointed out the tree. Sorenson was sure it had to be record-size and qualify for a place on the DNR's big tree registry. "This one beat the old record and it has a lot of character," he said.

The DNR maintains a registry of the 52 big trees native to the state, of which the bur oak is one. Sorenson said that many of the trees making the list are, well, "ugly and nasty looking." He should know — he has found six trees that made it onto the list. "Generally the well-formed trees may have been harvested for their wood and the scruffy looking ones are usually left behind," he said.

The big tree registry is a popular program offered by the DNR, Sorenson said. But several years back, "it languished and nobody kept up with it. I decided to help resurrect it and just started finding trees."

He is not the only one on the hunt.

One of the more recent additions to the registry is a 77-foot tall butternut located in Reservoir Woods Park near Dale and Victoria streets in Roseville.

The fifth grade class of the Friends School of Minnesota identified it in 2004. Steve Moe, a science teacher at the school, walked his dog regularly in the park and was familiar with the tree. "I had a suspicion that it would be one of the biggest." He took students to the park where measurements were taken of the tree. After viewing the tree registry, they knew they had identified a record butternut.

Sorenson said it is an easy process to find out if a tree qualifies for the big tree registry. Information and an application form are available at www.dnr.state.mn.us/trees_shrubs/bigtree/index.html.



PHOTO BY TOM OLMSCHIED

Rep. Denny McNamara displays a bur oak seedling. Each House member received a seedling in honor of Arbor Day April 28.

Compassion and caring

House chaplain called to help those who legislate

By Mike Cook

When [Rep. John Dorn](#) (DFL-Mankato) was taken to a St. Paul hospital a few years ago after having some dizziness, one of the first people to visit him was the Rev. Lonnie Titus.

"I really appreciated it," Dorn said. "At a time I wasn't sure what was happening, it was helpful to know that someone was paying attention."

For Titus that is all in a day's work.

That incident further cemented his belief in helping members who can be hundreds of miles away from their family, doctors and other important people in their lives. "I see how much members have to go through and sacrifice to represent a group of people. That only endears me closer to them seeing the extra sacrifice they make to do their job."

First elected House chaplain in 1999, Titus is not a reverend in the traditional sense. He does not have a congregation, although he cares for members the way a religious leader cares for his or her parishioners.

"It's more like a pastor that goes down to a local restaurant and visiting with people," he said. "He knows he's not in church, but at the same time he's still visiting with the same constituents or people. If he knows them, or they know him, invariably they will share some kind of a challenge or difficulty."

Oftentimes when asked by a member for spiritual assistance, Titus will offer a prayer on the spot. "Sometimes standing right next to the chief clerk's desk is where church is."

Like the prayers he offers before a floor session, Titus said he does not pray about an issue, but rather that members can deliver their messages to the best of their ability.

When he prays at the start of a session, Titus knows he must be general about which higher being he is praying to because of members' different faiths. Out of courtesy for the diversity, he may simply pray to "God."

He also tries to remind guest clergy about that, although they can easily forget — being used to praying to whoever is their God, just as Titus did when he began.

"I had to relearn how to pray," he said. "I've learned the best prayers are non-denominational, non-issue and non-political."

During his eight years of service, Titus has gotten to know members' demeanors, and can often tell when people are going through a difficult time. That's when he tries to make himself a little more available without pressing. "They don't have to confide in me, but I want them to know that I'm there as a friend, as a listening ear and that you'll do anything you can to help them."



PHOTO BY ANDREW VONBANK

Rev. Lonnie Titus has served as the House chaplain since 1999.

A near constant presence in the House Chamber and retiring room saying hello to members and staff, Titus has also been known to send a note of encouragement to a member who he senses might be having a down time. "Often they will come by and say 'Thanks for the encouragement,'" he said.

Among those whom Titus has befriended over the years is [Rep. Bruce Anderson](#) (R-Buffalo Township), who was part of the task force appointed to help find a new chaplain prior to the 1999 session.

"He has very good social skills, is very good one-on-one and has a heart for people," Anderson said. "He's done a good job reaching both sides of the aisle."

It was about 20 years ago that Titus found his calling to work with politicians.

While at a North Dakota church he was preaching out of I Timothy, which tells us to pray for people in authority, when Titus realized he was not following the Word. "I eventually found out they had names and dropped them a note. The curiosity turned into a compassion because you'd see the names you'd written to in the paper and you'd suddenly find yourself into their feelings, in the middle of whatever they were going through, and find yourself wanting to support them." He ultimately became close to two North Dakota governors, Al Olson and George Sinner.

"I thought if there was something I could dedicate my life to where I felt that I had gained an insight, and a group that I really felt needed an impartial friend. I felt it would be political pastoring," Titus said. "I felt there was a group I wanted to be able to align myself with and be there for support."

He's been the House chaplain since the Republicans gained control, but Titus is nonpartisan. Elected at the start of each biennium, he was approved 133-1 last time.


"I never see the members as Republican or Democrat, they're just people, friends of mine. Whenever they go through a tough time, I immediately feel the call to stand alongside and ask, 'How can I help you?'" 



PHOTO BY TOM OLMSCHIED

Three bills have been introduced this year to authorize new veterans' memorials in the Capitol complex. Construction of a World War II memorial is expected to begin this year at the Court of Honor. Final funding was approved in 2005.

Immortalizing heroes

Three new proposed veterans' memorials are vying for legislative approval

By Nick Busse

Few people would deny that Minnesotans who served in the military during times of war deserve to be remembered. And most would probably agree that the Capitol area, with its historic significance and scenic beauty, is an appropriate place to erect statues and memorials in veterans' honor.

But how do you decide which veterans get memorialized and which don't? And what happens when you run out of space?

This year, a trio of bills has been introduced that would authorize the construction of new veterans' memorials on the Capitol grounds. They represent a mere fraction of the number of similar projects that have been proposed over the years, and like the others before them, they will have to satisfy a lot of requirements before they ever see the light of day.

The three additional memorials proposed this year would be:

- a bronze plaque honoring the state's Medal of Honor recipients ([HF3855*/SF3400](#)), sponsored by [Rep. Lynn Wardlow](#) (R-Eagan) and [Sen. Charles Wiger](#) (DFL-North St. Paul);

- a bronze plaque honoring military war dogs and their handlers ([HF2688*/SF3410](#)), sponsored by [Rep. Torrey Westrom](#) (R-Elbow Lake) and [Sen. Jim Vickerman](#) (DFL-Tracy); and
- a statue to honor Hmong veterans who fought on the U.S. side of the Vietnam War ([HF3508/SF3640](#)), sponsored by [Rep. Cy Thao](#) (DFL-St. Paul) and [Sen. Steve Murphy](#) (DFL-Red Wing).

The plaque for Medal of Honor recipients and the plaque for war dogs and their handlers were passed 131-0 and 130-0, respectively, by the House May 4. They now go to the Senate. The Hmong veterans' memorial bill has been incorporated into a House omnibus state government finance bill that was tabled in April, and its companion awaits action by the Senate Finance Committee.

The \$150,000 request is also included in the House capital investment bill (HF2959), now being discussed by a conference committee.

Standing the test

According to Department of Veterans Affairs Deputy Commissioner Mike Pugliese,

a number of factors must be addressed before ground is broken on any new veterans' memorial project on Capitol grounds. First, the project must be fully funded; the Legislature may choose to appropriate money for a memorial, but it cannot force the department to pay for memorials out of its own pocket. Secondly, Pugliese said new memorial projects must be "inclusive" and avoid political controversy as much as possible.

Projects also have to prove themselves worthy of taking up more of the increasingly limited space in the area. Later this year, construction is scheduled to begin on a World War II memorial that will take up most of the Court of Honor — the area just north of the Veterans Service Building. A Gulf War veterans' memorial has been approved and is in the works as well. This makes it even more difficult for projects like the Hmong veterans' memorial, which is a full statue that would require significant space, to be constructed.

After all these considerations are taken into

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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). 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.		
187	3142*	2754	Hennepin County regional park district provisions modified.		
188	2745*	2721	Medical license provisions modified.		
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.		
191	3944	3615*	Child care assistance parent fees modified.		

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

Monday, May 1

HF4177-Samuelson (R)

Taxes

New Brighton tax increment financing district authorized to expend certain tax increments outside the district and other requirement exemptions provided.

HF4178-Lenczewski (DFL)

Taxes

Bloomington authorized to extend the duration of two tax increment financing districts.

HF4179-Eken (DFL)

Governmental Operations & Veterans Affairs

Legislators and other officeholders required to be elected by a majority of the votes cast at the general election and constitutional amendment proposed.

Tuesday, May 2

HF4180-Latz (DFL)

Public Safety Policy & Finance

Court filing fee for facsimile transmission modified.

HF4181-Eken (DFL)

Taxes

Local government aid city aid base modified.

HF4182-Ruud (DFL)

Health Policy & Finance

Ombudsman for kinship care office established in the Department of Human Services, duties specified and money appropriated.

Thursday, May 4

HF4183-Gunther (R)

Ways & Means

Economic development and human services supplemental funding provided and money appropriated.

HF4184-Larson (DFL)

Taxes

Income tax reduction provided for retirement plan contributions included in taxable income between 1982 and 1984 and not subsequently subtracted from taxable income.

HF4185-Gunther (R)

Jobs & Economic

Opportunity Policy & Finance

Commission serving deaf and hard-of-hearing people funding provided and money appropriated.

HF4186-Kohls (R)

Taxes

Tax holiday provided for petroleum and other fuels.

HF4187-Otremba (DFL)

Transportation Finance

Motor vehicle sales tax and qualifying rules for older non-collector passenger vehicles modified.

HF4188-Marquart (DFL)

Taxes

Local government aid distribution formula modified.

HF4189-Cornish (R)

Civil Law & Elections

Use of deadly force in self defense clarified.

HF4190-Lesch (DFL)

Commerce & Financial Institutions

Price gouging prohibited and definitions provided.

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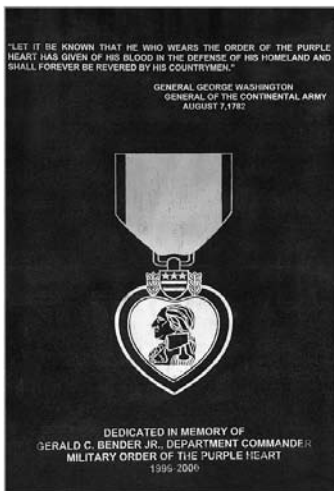


PHOTO BY TOM OLMSCHIED

This plaque, located in the Court of Honor near the Veterans Service Building, is one of many memorials created to honor Minnesota's veterans. Plaques and statues must go through a lengthy process to be approved and built.

account, then there is the process to deal with.

"It has to stand the test of whether the Legislature supports it first," said Paul Mandell, principal planner for the [Capitol Area Architectural and Planning Board](#) (CAAPB), which oversees all construction and renovation projects within the Capitol complex. "We have not said 'no' once the Legislature says 'yes,' but there have been requests that the Legislature did not view favorably."

The approval of the board and the Legislature represent two of three main hurdles any new memorial project must clear; the final being a green-light from the [Department of Veterans Affairs](#), which typically oversees the actual design and construction of the memorials.


Although it's ultimately up to the legislators, Pugliese said he thought the two new plaques, which would cost about \$5,000 each and be mounted on one of two low walls enclosing the Court of Honor, have a good chance of making it through the process. The Hmong veterans' statue, however, faces tougher odds because of political and cultural pressures.

"That one is a little controversial, and we

have spoken to that one," Pugliese said. "It's not all-inclusive. The Lao veterans played a major role in that [conflict] as well, as did the Vietnamese... and they're not included." He added that a similar statute was approved by the Legislature a few years ago but never came to fruition because there was insufficient funding for the project.

Funding is a common problem. According to CAAPB Executive Secretary Nancy Stark, veterans' groups often want to do projects that are much larger than they can provide funding for.

But for people like Wardlow, honoring the service of Minnesota's soldiers is worth the time and effort. While researching the state's Medal of Honor recipients, Wardlow, a retired Marine, said he came across some almost superhuman stories of courage under fire.

"I just think it's a good thing to make people remember what some of the most supreme sacrifices were, and the efforts that were given," he said. 

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MINNESOTA INDEX

Under the old oak tree

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Number of tree species native to Minnesota	52
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In the Twin Cities metropolitan area	69.4
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**Sources: The National Arbor Day Foundation; Department of Natural Resources;
DNR' Old-growth Forests Guideline Implementation Results 2002; The Blandin Foundation.**

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