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# SESSION Weekly

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MINNESOTA STATE OFFICE BUILDING

In this issue:

TRANSPORTATION FINANCE BILL PASSES

HOUSE SENDS OMNIBUS BILLS TO SENATE, AND MORE

HF3160-HF3170

# SESSION Weekly

*Session Weekly* is a nonpartisan publication of the Minnesota House of Representatives Public Information Services. During the 2003-2004 Legislative Session, each issue reports daily House action between Thursdays of each week, lists bill introductions and upcoming committee meeting schedules, and provides other information. The publication is a service of the Minnesota House. No fee.

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**On the cover: Spring finally settled on the State Office Building April 6 with warm temperatures and sunny weather. Ionic columns adorn the building built in 1932, under the administration of Gov. Floyd Olson.**

—Photo by Tom Olmscheid

# Funding formula

Transportation finance bill cuts revenue levels for transit, provides no privatization study or transit strike solution

By **MIRANDA BRYANT**

**A**n omnibus transportation finance bill that would reduce Metro Transit funds by \$5.7 million during the next 15 months passed the House April 7, but without measures calling for the privatization of transit or a specific solution to the current Twin Cities metropolitan area transit strike.

The vote was 83-50.

The 3 percent Metro Transit operations cut in HF3141, sponsored by Rep. William Kuisle (R-Rochester), is in keeping with Gov. Tim Pawlenty's supplemental budget proposal. The reduction would equal \$1.7 million in the current biennium.

A second measure would cut \$4 million to Metro Transit and \$264,000 to Greater Minnesota transit services in the current biennium. This would result from freezing motor vehicle sales tax revenues appropriated for transit at the projected 2004 collection levels.

With DFL members chiding the governor and the Metropolitan Council for failing to act to end the month-old Metro Transit strike, Rep. Karen Clark (DFL-Mpls) unsuccessfully introduced an amendment that would order the council to reinstate the labor contract that existed prior to negotiations.

"We need to send a message that the contract that was originally in place should continue in place," Clark said. "That's what the union has asked."

In total, 28 amendments were offered on the House floor; 12 were successful.

Defeated was an amendment by Rep. Mark Buesgens (R-Jordan) that would have moved toward privatizing the metropolitan transit system. The amendment directed the Transportation Department to prepare a proposal by Dec. 15, 2004 allowing the transit system to be operated by nongovernmental entities.

The proposal would have included a process for soliciting bids from private entities and transferring transit contracts and assets to the successful bidders by July 1, 2006. It would have also included a plan to permit the Metropolitan Council to continue serving as the Twin Cities metropolitan area transit operator.

Buesgens, responding to objections brewing for several days, said voting against the amendment constituted approval of a system paralyzed by a labor strike.

"There is no (proposed) policy change," Buesgens said. "What this does, though, is it gathers information from now over the interim so we can indeed have that policy discussion next year."

Rep. Tim Mahoney (DFL-St. Paul) disagreed, saying the amendment sent a message to striking transit workers to "sit down, take the offer, shut up."

"What do you have against working people?" he said. "I don't understand."

Addressing the absence of a dedicated

transit fund in the state budget, Rep. Frank Hornstein (DFL-Mpls) offered an amendment to create a transit financing task force. Alternative sources for secure and stable funding would have been required for the study, including taxes on motor vehicle sales and commercial-industrial property, as well as state and regional sales taxes on goods and services.

Year after year, Hornstein said, it's the same: "Cut, cut, cut."

"We're going to have to deal with a permanent source sometime soon."

The amendment failed 73-58.

Rep. Alice Hausman (DFL-St. Paul) also offered a failed amendment to reverse the proposed freeze on transit appropriations from motor vehicles sales taxes.

Under current law, 21.5 percent of such revenues, which come from the general fund, are dedicated to Metro Transit and 1.43 percent to Greater Minnesota transit. This method of funding arose in 2001 when lawmakers disallowed continued use of property taxes for transit services.

The bill would change the percentages to dollar amounts of \$130.7 million and \$8.7 million, respectively. These amounts equal the projected 2004 collection amounts.

"Without this amendment we are starving the system out into the future and it's against the advice of virtually all transportation groups watching us," Hausman said.

Generating the most debate, however, was the failed amendment offered by Rep. Marty Seifert (R-Marshall) that mandated English-only driver's license tests. Debate began April 5 and continued April 7.

Seifert said an individual sent him an e-mail describing how a person who had taken the



PHOTO BY TOM OLMSCHIED

Funding for Metro Transit and transit services in Greater Minnesota would be reduced under the omnibus transportation bill approved by the House. An idea for ending the Metro Transit bus strike and a proposal to study the privatization of metropolitan transit were defeated.





## Promoting Minnesota

**Immigration board created in 1907 to attract immigrant settlers**

driver's exam with the aid of a translator later drove through a "Road Closed" sign. Seifert said Minnesota administers the test in six languages and allows for translators to assist non-native English speakers. South Dakota and other states administer the test only in English, he said.

"If we were to go to a country where we had no idea what the language was, how would we be able to read the road signs?" said Seifert.

Kuisle, the bill's sponsor, supported the amendment. He said more electronic "scrolling" signs are being used at accident scenes and construction sites. Unlike traditional road signs, scrolling signs contain complex instructions that change with the situation.

"People have to know how to read in English in order for the change in technology that is coming," Kuisle said.

Dozens of legislators spoke passionately against the amendment, citing Minnesota's growing immigrant population as well as native English speakers who are illiterate. Several suggested that people would begin driving illegally if unable to receive a driver's license and corresponding automobile insurance because of the language requirement.

A recent U.S. Census counted 38,297 people employed in Minnesota who are not fluent in English, said Rep. Rebecca Otto (DFL-Marine on St. Croix). "We want people to work and not sit on welfare," she said.

Rep. Joe Mullery (DFL-Mpls) said current law requires all drivers to understand road signs. The Minneapolis deputy police chief, Mullery said, finds no correlation between English language skills and accidents.

"So do we stick our heads in the sand and say we don't want the facts to get in the way of prejudice?" Mullery said.

Rep. Cy Thao (DFL-St. Paul), who was born in Laos, spoke against the amendment.

"I think we're going backward," Thao said. "This is not the Minnesota that I love."

HF3141 also contains 3 percent operations cuts of \$118,000 to the Department of Public Safety and of \$15,000 to the Minnesota Department of Transportation.

The bill includes a directive to the Transportation Department to study the possible alignment of a second beltway outside Interstates 494 and 694 in the Twin Cities metropolitan area. In keeping with HF2247, sponsored by Rep. Andrew Westerberg (R-Blaine), a report — including timetables and right-of-way needs — would be due to the Legislature by Jan. 15, 2005.

An amendment to remove the study from the bill, offered by Rep. Ann Lenczewski (DFL-Bloomington), was defeated. A second beltway is estimated to cost between \$5 billion and \$8 billion, and Lenczewski said the beltway alone would require a \$1.10 gas tax hike.

The bill now goes to the Senate.

Early in the 20th century, Minnesota's leaders were eyeing the number of immigrants to the United States and a potential boon to the state's economic development.

And in order to attract immigrants, particularly farmers, to Minnesota rather than surrounding states or further west, they passed a law to sponsor a concerted effort to promote the state's virtues to immigrant populations.

The State Board of Immigration was created in 1907 to disseminate information regarding the "general and special resources of the State of Minnesota, and the advantages of the state as a place of residence." The law further authorized letters, speaking tours, and legitimate advertising of the state "throughout the civilized world" in an attempt to "facilitate immigration of such persons of good moral character as may desire a change of domicile."

To achieve this goal, the board commissioned a railroad car and equipped it with crops, goods, and other natural resources that displayed the bounties of the state. The board also had a similar traveling display that made appearances at fairs, cultural events, and other similar functions.

In addition, the board prepared and distributed several publications and pamphlets about the state, land available, and other benefits to individuals. Its first year it received a \$25,000 appropriation, got a bump to \$35,000 shortly thereafter, and the budget dropped to \$25,000 per year before being reduced to \$18,000 in 1921. Attempts to increase the budget to \$100,000 with each biennial report were unsuccessful.

Each report also attempted to track how its efforts translated to individuals moving to Minnesota from neighboring states.

"In addition to seeking new settlers for Minnesota," wrote the commissioner in the 1912 report, "the department has paid special attention to the matter of inducing Minnesota people to stay in Minnesota, rather than go to Canada and other western countries.

"It seems to be the general consensus (sic) of opinion that Minnesota should not lag behind other sections in presenting her claims to the world. This is an age of great

competition between states and countries. The west is offering most inviting propositions to the land seeker."

Many times, the board contended that attracting settlers was essentially a business proposition, which benefited all regions and taxpayers.

"Every time a new settler is brought to Minnesota and placed on the land, the taxable value of the state receives a substantial addition," said a 1922 report. A new settler "not only adds to the resources of the state, but he

helps lift a portion of the burden of taxation from the shoulders of the other taxpayers of the state."

Reports indicated that the board responded to thousands of requests for information about the state's opportunities, and the traveling displays were always popular features, attracting thousands of spectators.

In addition to its promotional activities, the board collected statistics regarding trust lands, land sales, land use, crop production, and other such details. Those figures were used to show the prosperity the state's lands could offer someone new.

And the board ultimately became an advocate for real estate licensing, having discovered evidence that land was being sold for far more than its fair market value to inexperienced buyers.

In 1922, the board's report called the unscrupulous dealer "the land shark," advertising themselves as government homestead locators and selling the same piece of land to different settlers. The report detailed how the dealers preyed on poorer settlers who already came to Minnesota with limited means.

"Minnesota can ill afford to continue to carry these heavy liabilities, to say nothing of losing the settler, who, with a fair deal, would in due time have become an asset."

A government reorganization effort in 1925 transferred the duties of the immigration board and the commissioner to the Department of Conservation, which later became the modern-day Department of Natural Resources.



The Minnesota Exhibit Car.

(M. KIBIGER)

*Editor's Note: The House has passed all of its omnibus bills, except for the bonding and taxes bills, which may be forthcoming. The Senate has also passed supplemental budget bills, but it combined all of its measures into two bills. The first contains all the reduced appropriations necessary to balance the biennial budget – those measures were amended into HF2028, the House judiciary finance bill. The other bill (HF956) deals with supplemental budget and policy issues. The differences must now be settled by conference committees.*

## ★ AGRICULTURE

### Omnibus provisions

Across the board 3 percent budget cuts to the Department of Agriculture and Board of Animal Health are included in a bill passed 81-48 by the House April 5.

Under the omnibus agriculture and rural development finance bill (HF2755), sponsored by Rep. Elaine Harder (R-Jackson), a combined \$390,000 would be cut from the entities operating budgets, as recommended by Gov. Tim Pawlenty.

The bill also calls for an additional \$191,000 to be appropriated from the general fund for control of tree-damaging gypsy moths and other non-native "invasive species."

The governor recommended \$200,000 for combating insects and other pests harming plants and vegetation.

The bill, which now moves to the Senate, includes \$77,000 in proposed fee increases for grain producers, elevator operators, and licensed public grain warehouses and would expand farmer access to a number of public/private loan programs coordinated by the Rural Finance Authority.

"Using existing money, this bill improves (farmers') access to capital," said Rep. Dean Urdahl (R-Grove City). "We lose a dairy farm every day in Minnesota. There is an impending disaster in the pasture."

The bill would increase the maximum state share of loans and the property base value that loan applicants declare to be eligible for the private sector initiated loans. State bonding proceeds and some general fund revenue primarily fund the finance authority's loan programs for beginning and established farmers.

Much of the House debate centered on a proposed change that would make it more difficult to bring a "nuisance" lawsuit against a farm.

As initially proposed in HF2658, sponsored by Rep. Howard Swenson (R-Nicollet), a farm

would have "an affirmative defense to a private or public nuisance claim" if it was in a properly zoned area; met federal, state, and county regulations; and operated under "generally accepted agricultural practices."

An amendment by Rep. Mary Ellen Otremba (DFL-Long Prairie) that would keep the existing state statute on nuisance claims was defeated.

Otremba said protections in law are necessary regarding potential injuries, health and safety, and environmental issues. "It's the small farmers who are jeopardized," she said. "It's the large farmers that sometimes go a little over the edge."

Countered Swenson, "The issues you brought up are completely irrelevant to the nuisance law."

Members defeated an amendment by Rep. Carlos Mariani (DFL-St. Paul) that would have ended state funded ethanol production credits for the Gopher State Ethanol plant in St. Paul.

"Why don't we take these credits and put (the plant) out in rural Minnesota," Mariani said. The ethanol plant — the only one located in an urban area — has been the subject of a number of odor and pollution complaints from nearby residents.

The bill would also change a number of requirements in ownership disclosure reports ethanol plant producers file with the Agriculture Department. The reports would be required annually, rather than quarterly, and would not be linked to state payment of ethanol production credits.

"This is more workable language," Harder said. The owner disclosure reports were enacted by the 2003 Legislature as a condition of ethanol plants receiving the 13-cents-per gallon production credit.

A companion bill (SF2731), sponsored by Sen. Jim Vickerman (DFL-Tracy), has been rolled into SF2428, also sponsored by Vickerman. It awaits action on the Senate floor.

## ★ BUSINESS

### Registration, titles for vehicle dealers

A bill heard by the House Taxes Committee April 1 would allow motor vehicle dealers to register and apply for titles for vehicles in their inventory, without paying for a full year of registration tax. In addition, certain dealers would be allowed to keep their title information in a central location, under the bill.

HF2024, sponsored by Rep. Michael Beard

(R-Shakopee), will be considered for inclusion in the committee's omnibus bill.

Under the bill:

- dealers could register a vehicle — meaning they may obtain license tabs — they are holding for resale as long as it has a Minnesota title,
- motor vehicle dealers may apply for a vehicle title and pay one month's registration tax rather than the tax for the full year, and
- three or more dealers under common management may designate a central location to keep vehicle title records more than a year old.

At issue is an administrative change within the Department of Public Safety's Division of Driver and Vehicle Services. Pat McCormack, acting director of the division, said that officials found a discrepancy in the law governing whether dealers were required to pay one month of registration tax or 12 months when registering a vehicle.

Alyssa Schlander, director of government affairs for the Minnesota Auto Dealers Association, said the bill reflects practice prior to the department change requiring 12 months of registration tax to obtain a title.

In addition, she said, the association supports the bill because it's "bad business practice to offer vehicles for sale with expired license tabs."

A bill summary provided by the Department of Revenue indicated it would result in a loss of \$850,000 in revenue to the highway user tax distribution fund. However, members and witnesses had trouble determining whether the money would indeed be lost or if its collection would simply be delayed until the vehicles were sold, at which time the purchaser would pay registration taxes.

McCormack said the items are not tracked by the Public Safety Department, which makes the estimates "uncertain."

"At the end of the day, the state will get its money, it's just a matter of when," Beard said.

The bill's Senate companion (SF1957), sponsored by Sen. Mee Moua (DFL-St. Paul), awaits action in the Senate Finance Committee.

### Regulating Internet tobacco sales

A bill being considered by the House Taxes Committee for inclusion in its omnibus bill would impose restrictions on delivery sales of tobacco products, such as when individuals purchase the items on the Internet and they are delivered to an individual's home.

The bill (HF2912), sponsored by Rep. Kurt

Zellers (R-Maple Grove), was heard April 1 by the committee. Zellers described the essence of the bill as keeping cigarettes out of the hands of youth and making sure cigarette sales are reported so that the proper taxes are being paid and collected.

Specifically, the bill would require sellers to collect the following information from a consumer:

- copy of government-issued identification that verifies an individual's age,
- signed statement by purchasers that verify they are old enough to purchase the goods and willingly chose to receive solicitations, and
- e-mail address of purchaser, if the solicitation was Internet-based.

In addition, upon delivery of goods, the sellers must:

- provide the delivery service, such as United Parcel Service or Federal Express, with the age of the purchaser;
- mark the outside of the package to show that it contains tobacco products subject to age verification; and
- indicate any special requirements – including that individuals must sign for the package, must be the same person indicated on the package, and must show government ID to receive the package – to the delivery entity.

Many of the requirements aim to avoid situations where an underage person claims the item is for their parent who is unavailable or similar situations. Jeremy Hanson, public policy director for the Minnesota Smoke-Free Coalition, cited a report from the William Mitchell College of Law which showed a number of Internet tobacco sellers are allowing tobacco products to be purchased and delivered without verifying age.

One instance in the report, Hanson said, showed an 8-year-old receiving a package containing tobacco products.

Toby Spangler, a lobbyist for Phillip Morris USA, testified in support of the bill, saying estimates indicate states will lose at least \$1.4 billion in tax revenue in 2005 due to Internet tobacco sales. The organization is concerned with improper collection of excise taxes, illegal importation of tobacco products, and greater access to underage smokers.

Members expressed concern regarding how the taxes would be collected. Researchers explained that taxes are collected under the same procedures used for remote sellers, or companies and businesses whose place of business is not located in the state, but sales that involve Minnesota consumers are subject to Minnesota taxes.

The bill's Senate companion (SF1175), sponsored by Sen. Ellen Anderson (DFL-St. Paul), awaits action in the Senate Taxes Committee.

## ★ CRIME

### Graffiti ramifications

A new law aimed at reducing the amount of graffiti on Minnesota walls, fences, and train cars was signed by Gov. Tim Pawlenty April 2.

Effective Aug. 1, 2004, the law will allow individuals whose properties are vandalized by graffiti to collect up to three times the actual property damages from the offender in civil court. Courts may order offenders to clean up the graffiti as an alternative to paying damages. If the offender is a minor, the law holds parents liable for up to \$1,000 in damages, plus attorney's fees.

Supporters told the House Civil Law Committee in 2003 that the law would bring more offenders to justice because of the lower standards of evidence required in civil courtrooms. Graffiti vandalism is punishable in criminal courts, but police must obtain an eyewitness or a confession.

The Minnesota Defense Lawyers' Association opposed the provision that makes parents liable for their children's graffiti. The group said attorney's fees and the \$1,000 fine punish parents for activities beyond their knowledge or control. And, the association said, criminal courts should maintain jurisdiction in ordering clean-up duties.

Sponsors of the new law are Rep. Jim Davnie (DFL-Mpls) and Sen. Linda Berglin (DFL-Mpls).

HF339/SF40\*/CH149

## ★ DEVELOPMENT

### JOBZ exclusion for retail

Retail businesses would be excluded from the businesses qualified to receive benefits through the job opportunity building zones (JOBZ) passed during the 2003 session under a bill heard April 1 by the House Taxes Committee.

HF2316, sponsored by Rep. Tim Mahoney (DFL-St. Paul), will be considered for possible inclusion in the omnibus tax bill.

According to Louis Jambois, director of the business and community development division of the Department of Employment and Economic Development, the bill would formalize in law the current practice of the department in the program.

The program, Mahoney said, was "designed and proposed to create \$10, \$15 per-hour jobs" which are not typical in retail establishments.

The JOBZ program established zones in Greater Minnesota to encourage economic

development. Within zones, businesses are eligible for a number of tax exemptions, including: corporate franchise tax, income tax for operators or investors, sales tax on goods and services, property tax on commercial and industrial improvements but not on land, wind energy production tax, and employment tax credit for high paying jobs.

Jambois said the current minimum wage for jobs in the zone is \$9.72 per hour, which equals 110 percent of federal poverty guidelines. He said it will increase as federal poverty guidelines increase.

Rep. Joe Mullery (DFL-Mpls) questioned why retail businesses weren't initially excluded in law if the intent was to exclude them eventually anyway.

Jambois said the department wanted to see what kind of retail establishments would apply for the program. In the department's experience, either "Main Street" retail businesses within zones are applying or large retailers that wish to compete with those businesses. He said the law was intended to stimulate manufacturing development and other such businesses, which attract workers and build communities.

Buzz Anderson, president of the Minnesota Retailers Association, said his organization opposes the bill because of the benefits retailers provide to a community – particularly small-town retailers – and the general negative attitude toward retail businesses the bill reflects.

"We object to the tone of this bill," Anderson said.

In response, Rep. Laura Brod (R-New Prague) said she understands the importance of strong retail businesses, but that the intent of the JOBZ program was to stimulate the local economy with high-paying, manufacturing-type jobs, which would put money in people's pockets they could spend on the local economy, including retail businesses.

The bill's Senate companion (SF2478), sponsored by Sen. Mee Moua (DFL-St. Paul), awaits action in the Senate Taxes Committee.

## ★ EMPLOYMENT

### Omnibus bill approval

An omnibus jobs and economic development finance bill that its author said is not perfect, "but it's about as good as we can get under the circumstances," passed the House 91-40 April 7.

The measure balances the budget without getting in the way of private sector job growth, said Rep. Bob Gunther (R-Fairmont), the sponsor of HF3090.

Included in the bill is a \$1.1 million cut to state agency budgets under the jurisdiction of



the House Jobs and Economic Development Finance Committee to fulfill a 3 percent reduction that the governor requested. It would also authorize an \$8.9 million shift from several accounts, including the 21st Century Minerals Fund, into the general fund to help balance the budget and it restores monies to some programs that received cuts in last year's budget cutting measures.

Minority Leader Rep. Matt Entenza (DFL-St. Paul) said, he and many of his colleagues, would be voting against the bill "because this is a jobless jobs bill." Many of the programs that help small businesses would receive cuts and it wouldn't develop many jobs for Minnesotans who want to work, he said.

Among the programs Entenza referred to were: WomenVenture, the Minnesota Film Board, and the Metropolitan Economic Development Association.

Other provisions in the bill include:

- an increase in petroleum inspection fees for costs of inspections performed,
- manufactured home park owners who install measuring devices would be required to charge residents for actual water and sewer usage,
- the Minnesota Housing Finance Authority would be permitted to participate in refinancing long-term mortgages for low- and moderate-income families or individuals, and
- the transfer of cosmetology regulations to the Board of Barber Examiners, which, under the bill, would be renamed the Board of Barber Cosmetologist Examiners. Currently, cosmetology regulation is done by the Department of Commerce.

The Minnesota Historical Society would receive a one-time appropriation of \$664,000 for the operation of seven historical sites, while making a base budget reduction of \$300,000. An additional \$368,000 per year base reduction for fiscal years 2006 and 2007 is included in the bill. The society would also be prohibited from charging a fee for general tours of the State Capitol.

Rep. Lynne Osterman (R-New Hope) said the bill positions the state for a better economy and job growth. She urged members to look at the "big picture job growth opportunity" the bill creates.

The only reason a person could vote in favor of the bill, said Rep. Tim Mahoney (DFL-St. Paul), was because of a provision that would give 38 reservists serving in Iraq unemployment compensation benefits upon their return.

A failed amendment by Rep. Tony Sertich (DFL-Chisholm) would have eliminated non-compete contracts for broadcast employees. Such provisions prohibit employees from working in a specific geographic area after the termination of employment.

For the Legislature to inject itself into the debate of non-compete contracts for one profession "doesn't seem good at all," said Rep. Jeff Johnson (R-Plymouth).

The bill now goes to the Senate, where Sen. Dallas Sams (DFL-Staples) is the sponsor.

## ★ ENVIRONMENT

### Adjusting environmental budgets

The House passed a supplemental environment finance measure April 7 that aims to help cancel a forecasted budget deficit and improve the efficiency of the state's approach to cleaning up polluted waters.

The bill (HF1867), sponsored by Rep. Dennis Ozment (R-Rosemount), would reduce environmental agency budgets for fiscal years 2004 and 2005 by nearly \$3.6 million. The vote was 81-50.

The bill is closely aligned with the 3 percent overall agency reductions proposed by Gov. Tim Pawlenty, said Ozment.

Under the bill, general fund reductions to the Pollution Control Agency budget would be \$281,000. However, the agency would receive \$70,000 from the Environmental Fund to coordinate work on impaired waters through a Clean Waters Council that is established in the bill.

The council establishment was recommended by a recent impaired waters group

convened by the agency to reach consensus on policy and funding approaches to meet federal polluted waters cleanup requirements.

The bill places water as the number one priority, Ozment said, and it also includes provisions to extend shoreland protection efforts, provide loans for septic system repairs, and encourage the use of innovative technologies in septic systems.

Minnesota currently spends \$289 million per year on water pollution reduction and clean up, he said, and the council will provide for greater efficiency and focus of these efforts.

"A council is a lovely thing but we need action," said Rep. Jean Wagenius (DFL-Mpls).

The bill would make a budget reduction for the Department of Natural Resources of approximately \$2.6 million, including \$240,000 from metropolitan regional parks grant funding.

Other notable provisions would direct the department to study construction aggregates on school trust fund lands, snowmobile use in the state, as well as new concepts for local lake management funding.

The bill would modify the current forestry funding structure by creating a forest management investment fund in the state treasury to collect timber sale receipts from certain lands administered by the department's forestry division. Those dollars would be rededicated to forestry management.

Also under the bill, the Legislative Commission on Minnesota Resources is directed to

## TARTAN DAY



PHOTO BY LISA MARIE SANDERS

Jack Campbell of Stillwater places his clan's flag among the many others representing Scottish clans that gathered on the State Capitol steps April 6 to celebrate Tartan Day. Designated by the U.S. Senate as April 6 each year, the day recognizes the contribution made by generations of Scots-Americans to the foundation and prosperity of modern America. The Scottish Declaration of Independence was signed on April 6, 1320.

review funding, examine funding inequities between regional parks in the metropolitan area and those in Greater Minnesota and the appropriation for certain commission initiatives would be extended.

Another provision would require auto recyclers to remove all mercury switches from vehicles before they are crushed, rather than merely make a good faith effort as is stated in current law. Under the bill, the penalty for the first violation would be a petty misdemeanor and a subsequent violation would be a misdemeanor.

Ozment successfully amended the bill to remove a number of all-terrain vehicle management provisions that would reverse some restrictions enacted in 2003 on off-highway vehicle use on certain types of wetlands, give the department the option to leave a state forest classified as managed, and create a vehicle safety and conservation grant program.

“There is a desire in this state not to retreat from an agreement that was made just last year,” said Rep. Alice Hausman (DFL-St. Paul) in support of the amendment.

The provisions will be brought forward next week in a separate all-terrain vehicle bill, said Rep. Tom Hackbarth (R-Cedar). “Look forward to the battle,” he said.

The House plan matches the governor’s recommended budget cuts for the following agencies: \$132,000 from the Environmental Assistance Office, \$127,000 from the Board of Water and Soil Resources, and \$197,000 from the Minnesota Zoological Garden.

The bill now moves to the Senate, where Sen. Dallas Sams (DFL-Staples) is the sponsor.

## ★ GOVERNMENT

### Funding state government

The House passed an omnibus state government finance bill April 6 that would cut several state agency budgets by 3 percent, as recommended by the governor, appropriate funds to three military affairs programs, and make changes to the functions of the Campaign Finance Disclosure Board.

The vote was 90-41.

Sponsored by Rep. Bill Haas (R-Champlin), HF2684 would raise general revenue funds by \$8.1 million through the sale of state lands, unclaimed prize money from the Minnesota State Lottery, and filing fees from fair campaign practices. Combined with the agency reductions, as recommended by Gov. Tim Pawlenty, the net savings to the general fund equals about \$12.8 million.

The Department of Military Affairs faces a general operating budget reduction of \$222,000; however, additional appropriations

for fiscal year 2005 are included for the tuition and textbook reimbursement program (\$3.1 million), re-enlistment bonus program (\$1.5 million), and National Guard Youth Camp at Camp Ripley (\$50,000).

The bill would also increase the size of the Campaign Finance and Public Disclosure Board by three members and gives the board, instead of county attorneys, the primary responsibility for handling complaints for violations of the Fair Campaign Practices Act and campaign finance reporting requirements for local elections.

Several amendments were added to the bill on the House floor.

One sponsored by Rep. Eric Lipman (R-Lake Elmo) combined several House bills (including HF1119, HF1703, HF1868, and HF2989) related to elections that Lipman said would “help break the log jam” in the Senate where the bills are not moving through committees.

One provision would create a uniform statewide system during elections that would entail the use of new voting machines to verify votes, to change or correct votes before ballots are counted, to produce a permanent paper record of a ballot, and to preserve the records in case of a recount. Dollars to do this would come from federal funds appropriated to the Minnesota Secretary of State’s Office that are part of the federal Help America Vote Act of 2002.

Another portion creates uniform election days for both state and local elections, except for special elections to fill a vacancy, and requires that voting hours match those as the general election in each location for each election.

Rep. Lynne Osterman (R-New Hope) sponsored a successful amendment that would give the State Board of Investment the ability to invest in business opportunities without being required to disclose certain types of information. Originally introduced as HF3061, the provision provides for protection of proprietary information, which upon its release could cause competitive harm for a business or the board itself.

An amendment offered by Rep. Jim Rhodes (R-St. Louis Park) and added to the bill would permit sports tipboards to be added to the list of lawful gambling. A tipboard is defined as “a board or placard that is not required to contain a seal, but for which the winning numbers are determined in whole or in part by the outcome of one or more professional sporting events.”

Other provisions amended to the bill include: allowing local units of government to opt out of unfunded mandates, giving schools the authority to erect and maintain electric windmills, and reinstating a child-care program for state employees.

Rep. Karen Clark (DFL-Mpls) failed to amend the bill to grant state employees sick

leave with pay for absences including the illness, disability, or death of a regular family member of the employee’s immediate household.

## ★ HOUSING

### Proof of a paid mortgage

A new law that will ensure homeowners who are paying off mortgages receive certificates of satisfaction — despite any multiple refinancing efforts — was signed by Gov. Tim Pawlenty April 6.

The law addresses a problem stemming from today’s climate in which finance companies frequently change names and homeowners refinance mortgages multiple times in search of lower interest rates. As frequently happens, transferring documents are not filed with the county records office. This makes it difficult to clear the mortgage.

Effective Aug. 1, 2004, the law will require that the satisfaction certificate list the name of the broker, the mortgage provider and the property owner, as well as the date of the mortgage, the date of the recording of the document, and the volume and page number or document number of the mortgage in the real property records where the mortgage is recorded.

Sponsors of the new law are Rep. Thomas Pugh (DFL-South St. Paul) and Sen. Thomas Neuville (R-Northfield).

HF1805/SF1621\*/CH153

Signed  
by  
the  
governor  
★ ★ ★

## ★ HUMANITIES

### State observance

A new law signed by Gov. Tim Pawlenty April 2 declares October 16 as Dr. Norman E. Borlaug World Food Prize Day in honor of his contributions to humanity through work in agriculture.

Borlaug, one of only four living Nobel Peace Prize winners in the United States, is credited with saving millions of lives by averting famine and alleviating hunger and malnutrition through his invention of a high yielding, disease resistant variety of wheat available in more than 20 nations. He won the prize in 1970.

A University of Minnesota graduate, Borlaug, who celebrated his 90th birthday March 25, continues to fight hunger by helping farmers in several countries increase their production.

Signed  
by  
the  
governor  
★ ★ ★



The new law, sponsored by Rep. Alice Hausman (DFL-St. Paul) and Sen. Ellen Anderson (DFL-St. Paul), says that public schools may offer instruction and programs in observance of his contributions.

Hausman quoted Borlaug on the House floor: "Have you ever been hungry? Hungry for three or four days? One needs to have that experience. When people are hungry, it disrupts everything."

The celebratory date was chosen because it coincides with the United Nations World Food Day, said Hausman.

HF2878\*/SF2537/CH148

## ★ INSURANCE

### Life insurance premium tax

A bill heard by the House Taxes Committee April 1 would reduce the tax that life insurance companies pay on premiums from 2 percent to 1.5 percent.

The move would bring Minnesota in line with 16 other states.

Under current law, when a life insurance company sells a policy, it pays a tax on premiums to the state where the insured individual resides. However, if that life insurance company is located in Minnesota, the premium tax rate in Minnesota is applicable.

The practice is called a "retaliatory tax" in the industry, said Leslie Chapman, tax director for Minnesota Life, a St. Paul-based insurance company.

Even though the rate in Iowa is less than 2 percent, Minnesota companies pay a 2 percent tax on premiums sold there, Chapman said.

According to information distributed to the committee, life insurance premium taxes are higher than 2 percent in 18 states, 2 percent in 16 states, and less than 2 percent in 16 states.

Bob Johnson, executive vice president of the Insurance Federation of Minnesota, said that a number of companies have relocated to states that have lower premium taxes, including Aflac, which moved from Georgia to Nebraska recently.

HF2501, sponsored by Rep. Ron Abrams (R-Minnetonka), the committee chair, will be considered for inclusion in the committee's omnibus bill. Its Senate companion (SF2406), sponsored by Sen. Mee Moua (DFL-St. Paul), awaits action in the Senate Taxes Committee.

Property and casualty companies would also be subject to the 1.5 percent rate, under the bill.

According to a summary provided by the Department of Revenue, enacting the change for fiscal year 2005 would result in \$7.2 million in lost revenue and \$8.4 million in 2006.

Several members discussed the fiscal implications of the bill and suggested that the change be phased in and asked that department officials examine the potential costs of that plan.

## ★ LOCAL GOVERNMENT

### Electronic payments, receipts

Township governments may pay bills and accept payments via electronic funds transfer, under a new law signed by Gov. Tim Pawlenty April 6.

Signed  
by  
the  
governor  
★ ★ ★

Effective April 7, 2004, the new law provides townships the same authority cities and counties were granted by the 2001 Legislature to process business transactions electronically.

Township governments can make payments by electronic or wire funds transfer, and accept payments by credit or debit card, and other forms of electronic or wire funds transfer.

A representative of the state's township association testified before the House Local

## RESORT REPORT

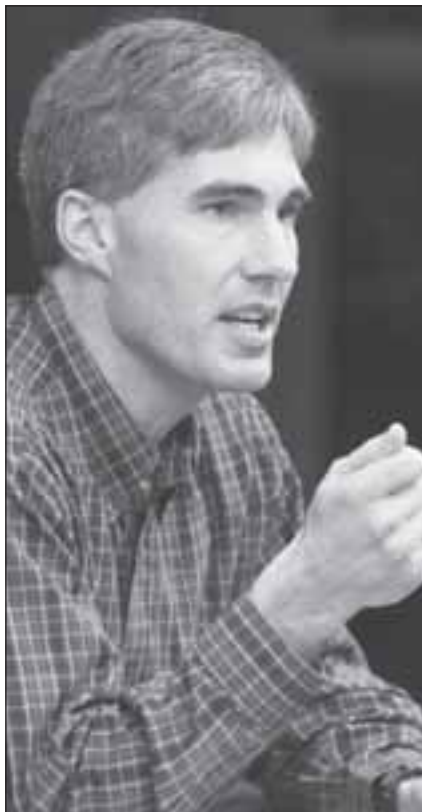


PHOTO BY TOM OLMSCHIED

**David Burd of Fair Hills Resort in Detroit Lakes testifies before the House Taxes Committee April 1 in support of a bill that would modify the first-year inclusion calculations of resort property subjected to limited market value property tax provisions.**

Government and Metropolitan Affairs Committee in February that the bill would help town governments reduce service costs.

Sponsors of the new law are Rep. Loren Solberg (DFL-Grand Rapids) and Sen. David Tomassoni (DFL-Chisholm).

HF2033/SF1958\*/CH152

## Frequently called numbers

(Area code 651)

### Information, House

175 State Office Building ..... 296-2146

Toll free ..... 1-800-657-3550

**TTY, House** ..... 296-9896

Toll free ..... 1-800-657-3550

### Chief Clerk of the House

211 Capitol ..... 296-2314

### Index, House

211 Capitol ..... 296-6646

### Sergeant-at-Arms, House

45 State Office Building ..... 296-4860

**Committee Hotline, House** ..... 296-9283

### Information, Senate

231 Capitol ..... 296-0504

Toll free ..... 1-888-234-1112

**TTY, Senate** ..... 296-0250

Toll free ..... 1-888-234-1112

### Secretary of the Senate

231 Capitol ..... 296-2344

Voice mail/order bills ..... 296-2343

### Index, Senate

110 Capitol ..... 296-5560

### Sergeant-at-Arms, Senate

Senate Chamber ..... 296-7514/296-1119

**Committee Hotline, Senate** ..... 296-8088

### Legislative Reference Library

645 State Office Building ..... 296-3398

### Governor's Office

130 Capitol ..... 296-3391

### Attorney General's Office

102 Capitol ..... 296-6196

### Secretary of State's Office

180 State Office Building ..... 296-2803

### Capitol Security

B-5 Capitol ..... 296-6741

**Emergency** ..... 296-2100

## Where to find information

### House Public Information Services

175 State Office Building

(651) 296-2146 or 1-800-657-3550

House Public Information Services is a nonpartisan office that provides committee meetingschedules; legislator information; and publications, including the *Session Weekly* newsmagazine, educational brochures for all ages, and member directories. All information is available at no charge.

Most of what this office publishes can be viewed on the Legislature's World Wide Web page. To connect, point your web browser at: <http://www.leg.mn>

# 'Ambitious goal'

Report assesses phosphorus in water treatment facilities and surface waters, recommends pollution prevention methods

By NICOLE WOOD

**P**hosphorus, a naturally occurring element in all living cells, is the primary nutrient polluting Minnesota's waters, according to the Pollution Control Agency. As an additive in fertilizers and detergents, phosphorus can help keep lawns green and dishes sparkling. But if an overabundance of this nutrient reaches lakes and streams, it can cause algae bloom, effectively choking other aquatic plants and depleting the oxygen supply.

The application of phosphorus fertilizers on most Twin Cities area lawns was restricted by law beginning Jan. 1, 2004. However, lawmakers continue to look at reducing other sources of phosphorus pollution.

Legislation introduced by Rep. Ray Cox (R-Northfield) in 2003 would limit the amount of phosphorus in dishwasher detergents sold in Minnesota to 0.5 percent by weight or less after Aug. 1, 2005. HF1401 has no Senate companion and did not advance from the House Environment and Natural Resources Finance Committee prior to House committee deadlines.

The current phosphorus limit is 11 percent by weight, and several leading brands range between 6 percent and 8 percent content by weight, according to the Minnesota Environmental Partnership. Cox said phosphorus-free detergents are available on the market for consumers to purchase.

While some cleaning agent industry representatives argued during committee discussion that phosphates are needed to soften water and perform a significant portion of cleaning during the wash cycle, others said those functions could be performed by auxiliary materials, such as sodium citrate, at comparable costs.

The Pollution Control Agency took a neutral approach toward the bill because they did not yet have enough scientific data on detergents or chemicals that could be used as alternatives.

Instead, a 2003 law gave the agency the responsibility to study the correlation between reduced-phosphorus dishwasher detergents and improved water quality and then report back to the Legislature and recommend how best to assist local governments with removing phosphorus at the

wastewater treatment stage.

The 2003 legislation also set a state goal for reducing phosphorus from sources, other than human waste products entering municipal wastewater treatment systems, of at least 50 percent based on a timeline developed by the agency, under the study, and a reasonable estimate of the amount of phosphorus from those sources entering the systems in 2003.

Preliminary findings from the study, released in March 2004, recognize that phosphorus con-

sources: residential, commercial, and institutional automatic dishwasher detergents; commercial and industrial process wastewater; and water treatment chemicals.

The study finds that automatic dishwashing detergents contribute 19 percent of phosphorus pollution in water going into municipal wastewater treatment facilities and, on the other end, approximately 3 percent of the total phosphorus contributions to surface waters in the state.

"Public education about the use of (automatic dishwasher detergents) based on (relative water) hardness and the availability of no- and low-phosphorus content products should be encouraged," according to the report.

The study also finds that a 50 percent phosphorus reduction goal at the treatment plants

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***"Because of the general nature of this analysis, it can be true that sources of phosphorus, which are deemed minor at the basin scale, may actually contribute the majority of phosphorus to specific surface water bodies. ... Because of this there is still a need to complete individual assessments of specific watersheds to evaluate specific loading conditions."***

— Conclusion from a Pollution Control Agency report titled "Detailed Assessment of Phosphorus Sources to Minnesota Watersheds."

View the full report on the Internet at [www.pca.state.mn.us/hot/legislature/reports/phosphorus-report.html](http://www.pca.state.mn.us/hot/legislature/reports/phosphorus-report.html)

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tributions to Minnesota waterways from point and nonpoint sources vary geographically and under diverse climates.

Point sources include municipal wastewater treatment and industrial facilities where the source of pollution is easily discernible at the end of a discharge pipe.

Major nonpoint phosphorus sources to surface waters include cropland and pasture runoff, deposits from the atmosphere (blowing soil, for example), and stream bank erosion.


The study concludes that under average flow conditions, the total phosphorus contribution from point sources represents 31 percent of the loadings to surface waters statewide versus 69 percent attributable to nonpoint sources.

The report's overall recommendations for reducing phosphorus loads to publicly owned water treatment facilities suggest that efforts should focus on the following incoming

"appears to be an ambitious goal." To reach that figure, phosphorus from automatic dishwasher detergents and water treatment chemicals would need to be eliminated completely and commercial and industrial process wastewater would need to be reduced by more than 64 percent.

But, according to the report, removing phosphorus discharges from industrial and commercial sources would be a difficult task.

"In most cases, reduction would have to come from resource/product substitution, improvements in technology, through recycling and reuse, and through pretreatment of wastewater prior to discharge to the (treatment facility)."

The agency has rulemaking authority over phosphorus standards, but a letter accompanying the report states it has no intention to adopt rules to remove additional phosphorus from cleaning agents and water conditioners without a legislative public policy decision and further direction. 

# Tight budget

Health and human services finance bill provides additional cuts, new policy and cost containment measures

By MARY KAY WATSON

**L**awmakers wrestled with their differences for almost five hours April 2 before passing HF1681, the omnibus health and human services finance bill.

The bill, as amended, would cut \$63.8 million from the 2004-05 general fund for health and human services spending and transfer \$71 million from the Health Care Access Fund to the general fund for 2004-05. It passed 83-46.

“The health care cost explosion is a huge problem,” said Rep. Fran Bradley (R-Rochester), the bill’s sponsor. “This bill addresses smart portfolio management and builds toward a better future.”

Rep. Thomas Huntley (DFL-Duluth) lamented the “raid” last year on the Health Care Access Fund, which funds MinnesotaCare, a health insurance subsidy program.

“Some parts of this bill are good,” said Huntley. “But there’s nothing in the bill that will do anything about the 38,000 people who have lost their health insurance because of cuts last year.

“Those 38,000 people are still going to be there, they’re still going to get treated, and the hospitals will have a shortfall, and when the hospitals don’t get paid, they raise the rates,” he said.

“This is a bill only the Sheriff of Nottingham would love, said Rep. Cy Thao (DFL-St. Paul). “First you steal from the poor, and then, if that isn’t bad enough, you steal from the working poor.”

“Minnesota’s per capita spending on health care is \$379 – the highest in the nation, Bradley said. “We are taking the lead in trying to help with health care costs.”

Bradley praised Minnesotans for their compassion toward people in need. He said the difference between the DFL and Republican sides of the House was not one of compassion but one of strategy.

Among the bill’s features is an amendment successfully offered by

Rep. Gregory Davids (R-Preston) that would mandate health insurance coverage for ovarian cancer screening procedures for women who are at risk. The amendment reflected the language of a bill (HF2685) sponsored by Davids and approved by the House Commerce, Jobs, and Economic Development Policy Committee.

“This is a cost saving, life saving amendment,” said Rep. Karen Clark (DFL-Mpls) in support of the measure. “Ovarian cancer is the deadliest gynecological cancer.”

Ovarian cancer is often misdiagnosed because its symptoms are similar to many common complaints, Dr. Patricia Judson, from the University of Minnesota Gynecologic Oncology Department told the committee in March. When detected in stage one, the chance of survival is 95 percent, she said. However, with later diagnoses, it drops to 25 percent.

Clark said the cost of the test is \$106, whereas the cost of treating late-stage ovarian cancer is in the millions.

Bradley opposed the amendment on the grounds that the bill contains a moratorium

on mandates. “Every time we take action to mandate something we risk that people will not be given insurance,” he said.

“We provided a mandate for men with prostate cancer screening,” Clark said. “Should we do less for women? Let’s get some equity here.”

Mandates are going to be the “straw that breaks the camel’s back,” said Rep. Denny McNamara (R-Hastings). He said, as a small business owner, he has seen health care insurance costs quadruple since 1996.

The bill makes cuts in the Minnesota Family Investment Program, a reduction that caused many DFL legislators to express concern.

“We continue to balance the budget on the backs of those who can least afford it,” said Rep. Frank Hornstein (DFL-Mpls).

Among the welfare-related provisions, the bill would cut welfare grants to people who live in subsidized housing by as much as \$150 a month. It would also place a one-year limit on postsecondary education or training as an approved work activity under the program. Current law imposes a two-year limit.

“We should be investing in people and helping them to have stable lives,” Clark said. “If women don’t have educational opportunities, they will remain stuck.”

Rep. Mary Ellen Otremba (DFL-Long Prairie) offered a failed amendment that would repeal a family cap placed on the program last year. She said a New Jersey study showed when family caps put a ceiling on welfare assistance, the abortion rate increased by 14 percent.

Under the bill, family planning grant funds could not be paid to any organization that, directly or indirectly, subsidizes abortion services or administrative expenses or refers patients to organizations that provide those services.

“The obvious way to stop abortions is to prevent unintended pregnancies, and the best way to prevent unintended pregnancies is through increasing family planning efforts,” said Rep. Katie Sieben (DFL-Newport). For every dollar spent on family planning, the state saves \$4, she noted. The Legislature cut 25 percent of family planning funding last year.


“All we’re saying is abortion is not a family planning method,” Bradley said. 



PHOTO BY TOM OLMSCHIED

Members debated the House Health and Human Services Finance bill for nearly five hours before passing it on to the Senate April 2. Included was an amendment to mandate insurance coverage for ovarian cancer screening. Speaking against the additional mandate was the bill’s sponsor, Rep. Fran Bradley, right, and speaking for it was Rep. Phyllis Kahn, left.





# DOME IN CHROME

The State Capitol is reflected in the chrome of the nearly 50 collector cars brought by members of the Minnesota Street Rod Association to the Capitol grounds April 7 as part of the association's Annual Run to the Hill.

Photos by Tom Olmscheid and Andrew VonBank





# Financing the Metrodome

A combination of sources used 25 years ago could be mirrored to create new homes for Twins, Vikings

By **TOM LONERGAN**

It took 10 years of deals and disagreements in city halls, regional councils, the Legislature, and the courts before ground was broken in December 1979 for the Hubert H. Humphrey Metrodome.

If that time span is any barometer, 2004 could be a key year in the latest multiyear stadium debate that began in 1997 with consideration of a new publicly funded baseball stadium for the Minnesota Twins.

Since then, the Minnesota Vikings have jumped into the stadium ring of controversy. Both professional franchises say that due to changing sports industry economics, they need more stadium-based fan and related commercial revenue than the 22-year-old Metrodome can generate.

A bill (HF3089) to establish a Minnesota Stadium Authority that would negotiate with the teams and prospective host local governments to locate, plan, finance and build two stadiums, awaits a hearing before the House Taxes Committee.

Rep. Doug Stang (R-Cold Spring) is the sponsor of the House bill. Its companion (SF2536), sponsored by Sen. Steve Kelley (DFL-Hopkins), is set to next be heard by the Senate State and Local Government Operations Committee.

The Metropolitan Sports Facilities Commission, the regional agency that owns and operates the Metrodome, boasts in a 1995 report on the stadium's history that it's "the only public stadium in the country that does not rely on a continuous tax subsidy."

The commission levies a state-required 10 percent admission tax on tickets to all Metrodome events.

Public sector financing covered 70 percent of the \$123.7 million cost to build and initially operate the downtown Minneapolis multi-use stadium.

The Metropolitan Council issued \$55 million in revenue bonds for stadium construction, a Minneapolis lodging/liquor tax provided \$15.8 million, and a seven-county metropolitan area liquor tax provided \$8 million. Minneapolis also provided a \$4.5 million share of parking revenues and spent \$4 million to move sewer and water lines and re-route streets for the stadium.

Interest income on bond proceeds provided \$13.2 million for Metrodome construction. Private corporations — through gifts of land, funding the relocation of a juvenile jail, and other contributions — provided about \$23.1 million. The latter total included \$5.5 million from the Vikings and \$855,000 from the Twins.

When the sports facilities commission was

1984. Lodging/liquor tax revenue ended that year but could be re-activated if stadium revenues and reserves failed to cover remaining debt service and other obligations.

For 10 years, the city provided a portion of parking revenues from three city-owned structures. The Metrodome continues to receive \$75,000 annually from city parking meter revenues.

Dan McElroy, Gov. Tim Pawlenty's chief of staff, told a House committee in March that the Metrodome was the "model" for proposed legislation creating a new stadium authority.

In such areas as requiring 30-year lease agreements with the teams, setting a maximum public investment toward stadium project costs, and requiring that a "no strike" project labor agreement be negotiated with the building trades unions before any construction bonds are issued, the legislation is similar.

The proposed new authority, however, would have more leeway than its predecessor to negotiate the structure of the teams' one-third contribution to stadium construction costs, as well as setting the terms of new potential funding streams like "stadium tax increment financing" and investing bond proceeds in an arbitrage model endowment account.

In addition, the bill would allow a host local government to impose local user taxes on tickets, alcoholic beverages, food, restaurants, and lodging, as well as a general sales and use tax on goods and services within the host community's jurisdiction.

Citing the Metrodome, the former Metropolitan Stadium in Bloomington, and recent publicly financed new stadiums across the United States, McElroy said, "but for use of a public financing mechanism, we can't build these public facilities." But public officials backing new stadiums for the Twins and Vikings are

also aware that political support for publicly financing a privately owned professional team's home base can be unpredictable.

"The political dialogue from the left and the right have made it much tougher," said Steve Novak, manager of governmental services for Anoka County, which, with the City of Blaine, is a potential site for a new Vikings stadium.


"It has to work for the taxpayers and work for the teams or you've got no deal," Novak said. 



PHOTO BY TOM OLMSCHIED

**Twenty-five years after legislators approved a funding package for the Hubert H. Humphrey Metrodome in Minneapolis, they are again discussing developing a plan for new stadiums for professional baseball and football.**

created by the Legislature in 1977, a 2 percent metro-wide tax on liquor, beer, and wine sales was also enacted to fund a new stadium. Legislators repealed that tax in 1979 following the commission's decision to build a domed stadium in downtown Minneapolis.

The Legislature, however, provided the city with authority to levy a 3 percent tax on hotel/motel accommodations and liquor sales, which it collected over four years. The lodging/liquor tax was reduced to 2 percent in



# Fare share

Legislators propose new solutions to old dilemma of dedicated funding for transit on par with dedicated highway funds

By **MIRANDA BRYANT**

**W**hether businesses statewide should pay more property taxes to provide for transit buses and commuter rail systems in order to reduce metropolitan traffic jams is the notion behind a bill offered by Rep. William Kuisle (R-Rochester), House Transportation Finance Committee chair.

The bill is controversial and unlikely to receive a hearing this session, Kuisle noted. But its aim — that of creating a dedicated fund for transit — is provocative because it points to a problem that transit advocates and transportation planners alike acknowledge: transit has no dedicated funding source through the Minnesota state budget and highways do.

State funds allocated to transit are drawn from the general fund and are subject to cuts during difficult economic times. For instance, the omnibus transportation finance bill (HF3141) calls for a \$5.7 million reduction in 2005 to the Metropolitan Council, which operates Metro Transit, the largest transit system in the state.

Greater Minnesota's 72 transit systems are funded through a combination of federal, state, and local funds. Seven counties in Greater Minnesota have municipal bus service only, while another seven counties have no transit service at all. In the 2002-03 biennium, the state appropriated \$34 million for such systems.

As of fiscal year 2003, local property taxes can no longer be used for the local share of transit operating costs. This funding has been replaced by money from a dedication of 1.25 percent of revenues from the motor vehicle sales tax.

Legislators have debated whether to dedicate funds specifically for transit since the mid-1990s.

"I do not support it," said Rep. Alice Hausman (DFL-St. Paul), regarding Kuisle's property tax proposal (HF3137). "I think, frankly, it's a little bit of a get-even bill."

Hausman said the business community has not always been willing to contribute toward solving larger transportation and transit problems, but now major business advocacy groups are supporting changes to the system.

The bill is a method of generating discussion, Kuisle said. "Everything should be on the table. We have to come up with something."

Using the state general fund for transit funding is not prudent, he said. The larger problem is funding pending transit additions such as the Northstar high-speed commuter rail and the Hiawatha light-rail systems.

"The business community comes into hearing after hearing looking especially for transit funding," Kuisle said.

But even Kuisle isn't convinced that increasing commercial-industrial taxes is the right idea. "Would I vote for it? Probably no."

Other ideas either get "bogged down," he said, or have problems. For instance, without a constitutional amendment, a gas tax increase

Until 2001 the majority of Metro Transit funds were generated through a property tax in the metropolitan transit taxing area. However, the Legislature replaced the property tax with dedication of 20.5 percent of motor vehicle sales tax revenues, a general fund revenue stream. Today, 65 percent of transit funds come from the state, with fare box revenues contributing 23 percent and the federal government 8 percent.

Kuisle's transit proposal specifically would dedicate to transit 11.36 percent of revenues from the proposed \$660 million state levy on commercial-industrial property and the \$40 million levy on resort property in 2005. Eighty percent of revenues would be allocated for capital and operating expenses for Metropolitan Council commuter rail service and light-rail transit, and 20 percent would be spent on Greater Minnesota transit systems.

Kuisle said he has received little input on the bill. However, he said he anticipates transit advocates would support it while businesses would object.


According to the Minnesota Chamber of Commerce Web site, the organization supports the notion that long-term revenue sources are necessary.

"The state should rely on transportation user fees when considering new state funding options, including: a gas tax increase, constitutionally dedicating the motor vehicle sales tax, a change in the vehicle tab fee depreciation schedule, and voluntary toll lanes."

Hausman said she supports broad-based taxes to pay for transit. It is in her interest, she said, to advocate for good rural roads for the trucking of agricultural products.

Likewise, she said, rural legislators should endorse metropolitan transportation upgrades because the Twin Cities region generates the majority of taxes.

"So I think we're all in this together," Hausman said. "Broad-based taxes ... are still the way to go."

Metro Transit has about 950 buses and in 2001 provided about 73 million rides. There are 72 public transit systems in Greater Minnesota communities. 



PHOTOILLUSTRATION BY PAUL BATTAGLIA

**Legislators are debating ways to dedicate funding for transit projects and operations. Currently, those items are funded through the general fund, though highway funding is constitutionally dedicated.**

— proposed several times in recent years as a potential solution — wouldn't help, Kuisle said, because gas tax revenues must be dedicated to roads, not to transit. The gas tax has not been increased for 16 years.

Efforts to fund transit through a metro-wide sales tax increase never advance, Kuisle added, and increasing rider fees raises objections. He said he opposes increasing motor vehicle sales taxes and license tab fees, because he believes automobile owners shouldn't pay for transit services.

# Shifting costs

Legislators, health care professionals among people examining ways to keep health care costs in check

By MARY KAY WATSON

Among the many provisions of the omnibus health and human services finance bill (HF1681) passed by the House April 2 are several that take aim at a phenomenon known as cost shifting.

References to cost shifting are frequent in talk of health care cost containment, but definitions are rare. Most often discussed in relation to Medicare, Medicaid, and various state health programs, cost sharing is an elusive term defined by Paul B. Ginsburg, president of the Center for Studying Health System Change, as “the phenomenon in which changes in administered prices of one payer

Assistance payment rates were reduced, hospitals and other providers would raise prices to private payers to cover the gap. Ultimately, individuals who are not covered by state and federal programs would pay more, either directly or through increased insurance premiums.

There has been considerable discussion among economists as to whether cost shifting actually occurs and, if it does, to what degree. The advent of managed care in the 1990s reduced the ability of providers to shift costs, according to Ginsburg. However, due to hospital mergers and the creation of provider networks, the market power of hospitals and some

providers by acting as a gatekeeper between patients and providers. It encompasses an array of organizations, partnerships, and payment and review mechanisms. For example, a health maintenance organization contracts for services with certain providers that members of the plan are required to use to receive benefits.

The term “provider” usually refers to a hospital or doctor who offers care. A health plan, managed care company, or insurance carrier is not a healthcare provider but a “payer.” However, the lines are sometimes blurred between the two.

The question of who bears the burden of Medical Assistance payment reductions is a central concern in evaluating state and federal payment policies, according to Jason Lee, a former health policy counsel for the House of Representatives and principal senior adviser at the Washington D.C. office of the National Organization for Research at the University of Chicago.

As the cost of health insurance continues to soar, data indicate that businesses are shifting more of the portion they once paid to their employees.

Had employers not shifted some of the burden for health care costs to their employees, they would have averaged a 17 percent increase in 2003, according to the Kaiser Family Foundation. As it was, the increase was 14 percent.

In 2003 workers paid higher premiums, higher co-payments, and had higher deductibles than in the previous year, according to a study by Mercer Human Resource Consulting.

The American Medical Association opposes changes in the Medicare and Medicaid hospital reimbursement systems that would result in shifting costs to private patients. The association’s official policy supports efforts to publicize the “deleterious effects on the private sector of cost shifts in efforts to save dollars for federal programs.”

This concern on the part of the medical establishment regarding cost shifting has not been lost on government policy makers, who worry about the long-term effects on health care costs in general and government spending in particular.

The degree to which cost shifting occurs is important information for legislators, they say, because they need to know the full impact of their decision making, which often goes beyond budgetary impact. It is important to know, for example, to what extent cost shifting contributes to increasing health insurance



PHOTOILLUSTRATION BY PAUL BATTAGLIA

Lawmakers are trying to curb a phenomenon known as “cost shifting” where changes in the prices for health care charged to one payer or group results in a compensating change charged to another group. Of particular concern is when underpayments by publicly funded health care such as Medicare or Medicaid result in costs being shifted to private payers.

lead to compensating changes in prices charged to other payers.”

Ginsburg’s analysis was cited as part of an October 2003 article in the journal *Health Affairs*.

Hypothetically, if Medicare or Medical

physician specialties has increased since the mid-1990s, he says, giving providers an ability to increase prices they did not previously have.

Broadly speaking, “managed care” is a system that controls the use of health care ser-

premiums. Among other things, higher premiums could lead to more uninsured or underinsured people who might then turn to government for health care assistance.

Instead of focusing on the symptoms of cost shifting, public discussion should focus on its cause, according to Michael Morrissey, a professor at the University of Alabama and the director of its Lister Hill Center for Health Policy. The real cause of cost shifting, he says, is a lack of competition in the health care system, and the way to prevent it is to increase competition.

The House bill offers several strategies designed to put the brakes on health care spending and to discourage cost shifting.

First, it would prohibit budget proposals re-

questing new or increased funding for state health care programs, such as MinnesotaCare, unless state health care reimbursement rates at the time are sufficient to cover provider costs.

Second, it would require the commissioner of health to carry out a study evaluating the extent to which state health care program reimbursement rates result in health care providers shifting costs to private payers.

The study would include determinations as to how much state health care program reimbursement rates vary from private sector reimbursement rates, how well they cover provider costs, and how much they would need to be increased to match average private sector reimbursement rates and still cover provider costs.

The intent of the study is to arrive at

recommendations on how to increase state reimbursement rates, over a six-year period, to match the average private sector reimbursement rate and get to a level that covers average provider costs.

The commissioner would be required to present the results and recommendations to the Legislature by Dec. 15, 2004.

Third, the bill would increase the opportunities for competition in the health care system by permitting for-profit health maintenance organizations to operate in Minnesota.

HF1681, sponsored by Rep. Fran Bradley (R-Rochester), awaits action in the Senate where Sen. Michelle Fischbach (R-Paynesville) is its sponsor. 

## Minnesota House and Senate Membership

<b>1</b> A Rep. Maxine Penas-(R) B Rep. Bernie Lieder-(DFL) Sen. LeRoy A. Stumpf-(DFL)	<b>15</b> A Rep. Jim Knobloch-(R) B Rep. Joe Opatz-(DFL) Sen. Dave Kleis-(R)	<b>29</b> A Rep. Randy Demmer-(R) B Rep. Fran Bradley-(R) Sen. David H. Senjem-(R)	<b>43</b> A Rep. Jeff Johnson-(R) B Rep. Ron Abrams-(R) Sen. David Gaither-(R)	<b>57</b> A Rep. Katie Sieben-(DFL) B Rep. Denny McNamara-(R) Sen. Sharon Marko-(DFL)
<b>2</b> A Rep. Kent Eken-(DFL) B Rep. Doug Lindgren-(R) Sen. Rod Skoe-(DFL)	<b>16</b> A Rep. Sondra Erickson-(R) B Rep. Mark Olson-(R) Sen. Betsy L. Wergin-(R)	<b>30</b> A Rep. Carla Nelson-(R) B Rep. William Kuisle-(R) Sen. Sheila M. Kiscaden-(IP)	<b>44</b> A Rep. Jim Rhodes-(R) B Rep. Ron Latz-(DFL) Sen. Steve Kelley-(DFL)	<b>58</b> A Rep. Joe Mullery-(DFL) B Rep. Phyllis Kahn-(DFL) Sen. Linda Higgins-(DFL)
<b>3</b> A Rep. Irv Anderson-(DFL) B Rep. Loren A. Solberg-(DFL) Sen. Tom Saxhaug-(DFL)	<b>17</b> A Rep. Rob Eastlund-(R) B Rep. Peter (Pete) Nelson-(R) Sen. Sean R. Nienow-(R)	<b>31</b> A Rep. Gene Pelowski Jr.-(DFL) B Rep. Gregory M. Davids-(R) Sen. Bob Kierlin-(R)	<b>45</b> A Rep. Lynne Osterman-(R) B Rep. Lyndon R. Carlson-(DFL) Sen. Ann H. Rest-(DFL)	<b>59</b> A Rep. Len Biernat-(DFL) B Rep. Keith Ellison-(DFL) Sen. Lawrence J. Pogemiller-(DFL)
<b>4</b> A Rep. Doug Fuller-(R) B Rep. Larry Howes-(DFL) Sen. Carrie L. Ruud-(R)	<b>18</b> A Rep. Scott Newman-(R) B Rep. Dean Urdahl-(R) Sen. Steve Dille-(R)	<b>32</b> A Rep. Arlon Lindner-(R) B Rep. Kurt Zellers-(R) Sen. Warren Limmer-(R)	<b>46</b> A Rep. Michael Nelson-(DFL) B Rep. Debra Hilstrom-(DFL) Sen. Linda Scheid-(DFL)	<b>60</b> A Rep. Margaret Anderson Kelliher-(DFL) B Rep. Frank Hornstein-(DFL) Sen. D. Scott Dibble-(DFL)
<b>5</b> A Rep. Tom Rukavina-(DFL) B Rep. Anthony (Tony) Sertich-(DFL) Sen. David J. Tomassoni-(DFL)	<b>19</b> A Rep. Bruce Anderson-(R) B Rep. Dick Borrell-(R) Sen. Mark Ourada-(R)	<b>33</b> A Rep. Steve Smith-(R) B Rep. Barb Sykora-(R) Sen. Gen Olson-(R)	<b>47</b> A Rep. Bill Haas-(R) B Rep. Stephanie Olsen-(R) Sen. Leo Foley-(DFL)	<b>61</b> A Rep. Karen Clark-(DFL) B Rep. Neva Walker-(DFL) Sen. Linda Berglin-(DFL)
<b>6</b> A Rep. David Dill-(DFL) B Rep. Mary Murphy-(DFL) Sen. Thomas M. Bakk-(DFL)	<b>20</b> A Rep. Aaron Peterson-(DFL) B Rep. Lyle Koenen-(DFL) Sen. Gary Kubly-(DFL)	<b>34</b> A Rep. Paul Kohls-(R) B Rep. Joe Hoppe-(R) Sen. Julianne E. Ortman-(R)	<b>48</b> A Rep. Tom Hackbarth-(R) B Rep. Jim Abeler-(R) Sen. Michael J. Jungbauer-(R)	<b>62</b> A Rep. Jim Davnie-(DFL) B Rep. Jean Wagenius-(DFL) Sen. Wesley J. Skoglund-(DFL)
<b>7</b> A Rep. Thomas Huntley-(DFL) B Rep. Mike Jaros-(DFL) Sen. Yvonne Pretzner Solon-(DFL)	<b>21</b> A Rep. Marty Seifert-(R) B Rep. Brad Finstad-(R) Sen. Dennis R. Frederickson-(R)	<b>35</b> A Rep. Michael Beard-(R) B Rep. Mark Buegens-(R) Sen. Claire A. Robling-(R)	<b>49</b> A Rep. Chris DeLaForest-(R) B Rep. Kathy Tingelstad-(R) Sen. Debbie J. Johnson-(R)	<b>63</b> A Rep. Paul Thissen-(DFL) B Rep. Dan Larson-(DFL) Sen. Jane B. Ranum-(DFL)
<b>8</b> A Rep. Bill Hilty-(DFL) B Rep. Judy Soderstrom-(R) Sen. Becky Lourey-(DFL)	<b>22</b> A Rep. Doug Magnus-(R) B Rep. Elaine Harder-(R) Sen. Jim Vickerman-(DFL)	<b>36</b> A Rep. Mary Liz Holberg-(R) B Rep. Steve Strachan-(R) Sen. Pat Pariseau-(R)	<b>50</b> A Rep. Barbara Goodwin-(DFL) B Rep. Char Samuelson-(R) Sen. Satveer Chaudhary-(DFL)	<b>64</b> A Rep. Matt Entenza-(DFL) B Rep. Michael Paymar-(DFL) Sen. Richard J. Cohen-(DFL)
<b>9</b> A Rep. Morrie Lanning-(R) B Rep. Paul Marquart-(DFL) Sen. Keith Langseth-(DFL)	<b>23</b> A Rep. Howard Swenson-(R) B Rep. John Dorn-(DFL) Sen. John C. Hottinger-(DFL)	<b>37</b> A Rep. Chris Gerlach-(R) B Rep. Dennis Ozment-(R) Sen. David L. Knutson-(R)	<b>51</b> A Rep. Andrew Westerberg-(R) B Rep. Connie Bernardy-(DFL) Sen. Don Betzold-(DFL)	<b>65</b> A Rep. Cy Thao-(DFL) B Rep. Carlos Mariani-(DFL) Sen. Sandra L. Pappas-(DFL)
<b>10</b> A Rep. Bud Nornes-(R) B Rep. Dean Simpson-(R) Sen. Cal Larson-(R)	<b>24</b> A Rep. Bob Gunther-(R) B Rep. Tony Cornish-(R) Sen. Julie Rosen-(R)	<b>38</b> A Rep. Tim Wilkin-(R) B Rep. Lynn Wardlow-(R) Sen. Mike McGinn-(R)	<b>52</b> A Rep. Ray Vandever-(R) B Rep. Rebecca Otto-(DFL) Sen. Michele Bachmann-(R)	<b>66</b> A Rep. John Lesch-(DFL) B Rep. Alice Hausman-(DFL) Sen. Ellen R. Anderson-(DFL)
<b>11</b> A Rep. Torrey Westrom-(R) B Rep. Mary Ellen Otremba-(DFL) Sen. Dallas C. Sams-(DFL)	<b>25</b> A Rep. Laura Brod-(R) B Rep. Raymond Cox-(R) Sen. Thomas M. Neville-(R)	<b>39</b> A Rep. Thomas W. Pugh-(DFL) B Rep. Joseph Atkins-(DFL) Sen. James P. Metzgen-(DFL)	<b>53</b> A Rep. Philip Krinkie-(R) B Rep. Doug Meslow-(R) Sen. Mady Reiter-(R)	<b>67</b> A Rep. Tim Mahoney-(DFL) B Rep. Sheldon Johnson-(DFL) Sen. Mee Moua-(DFL)
<b>12</b> A Rep. Dale Walz-(R) B Rep. Greg Blaine-(R) Sen. Paul E. Koering-(R)	<b>26</b> A Rep. Connie Ruth-(R) B Rep. Lynda Boudreau-(R) Sen. Dick Day-(R)	<b>40</b> A Rep. Duke Powell-(R) B Rep. Ann Lenczewski-(DFL) Sen. William V. Belanger Jr.-(R)	<b>54</b> A Rep. Mindy Greiling-(DFL) B Rep. Carl Jacobson-(R) Sen. John Marty-(DFL)	
<b>13</b> A Rep. Bud Heidgerken-(R) B Rep. Al Juhnke-(DFL) Sen. Dean E. Johnson-(DFL)	<b>27</b> A Rep. Dan Dorman-(R) B Rep. Jeff Anderson-(R) Sen. Dan Sparks-(DFL)	<b>41</b> A Rep. Ron Erhardt-(R) B Rep. Alice Seagren-(R) Sen. Geoff Michel-(R)	<b>55</b> A Rep. Scott Wasiluk-(DFL) B Rep. Nora Slawik-(DFL) Sen. Charles (Chuck) W. Wiger-(DFL)	
<b>14</b> A Rep. Daniel Severson-(R) B Rep. Doug Stang-(R) Sen. Michelle L. Fischbach-(R)	<b>28</b> A Rep. Jerry Dempsey-(R) B Rep. Steve Sviggum-(R) Sen. Steve Murphy-(DFL)	<b>42</b> A Rep. Peter Adolphson-(R) B Rep. Erik Paulsen-(R) Sen. David Hann-(R)	<b>56</b> A Rep. Eric Lipman-(R) B Rep. Karen Klinzing-(R) Sen. Brian LeClair-(R)	

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# Where have all the bills gone?

Each legislative session, members introduce as many as 2,500 bills, many of which receive hearings. Some advance on their own, some are rolled into omnibus bills, and others simply die in committee. However, only about 10 percent of those bills become law and the others wait their turn or never resurface.

If you've been wondering what happened to many of the measures discussed during 2004, the editors

have compiled an unofficial list of selected bills and their status as of April 7.

A note on bonding provisions: if you're searching for the status of your favorite bonding project, hang tight. Each finance committee has forwarded its bonding recommendations to the House Capital Investment Committee for review. That committee has not yet formulated and approved a bonding bill this session.

Watch future issues of Session Weekly for updates.

Please note: this is not a complete list of all bills heard and introduced. It merely reflects some of the issues that received hearings, votes, and other attention this year.

For complete status of all 2003-04 session bills, point your browser to [www.house.mn](http://www.house.mn) and click on "Legislation and Bill Status."

Bill Number	Description	Status (through April 7)
HF97/SF58*	0.08 percent blood-alcohol limit for DWI	Passed by House and Senate, conference committee appointed
HF227	Voting rights for felons restored	Awaits action by the full House
HF250	Initiative and referendum process provided through proposed constitutional amendment	Awaits action by the House Ways and Means Committee
HF307*/SF497/CH142	Noncommercial sign ordinance exemption provided during state general election years	Signed into law by Gov. Pawlenty
HF327	Shooting range generally accepted practices defined	Awaits action by the full House
HF352	Parental consent for certain medical treatments required and parental access to minor's medical records permitted	Awaits action by the full House
HF480*/SF837/CH137	Job reference information disclosure protections provided, schools required to disclose data relating to acts of violence or inappropriate sexual contact with students, and employee right to inspect personnel records regulated	Signed into law by Gov. Pawlenty
HF530	Mourning dove hunting season authorized and report required	Awaits action by the full House
HF532	Snowmobile use of highway right-of-way provisions modified	Passed by the House, awaits action by the Senate
HF580	Abstinence until marriage premised curriculum and instruction required	Awaits action by the full House
HF1071	Speed limits on Greater Minnesota highways raised	Passed by the House, awaits action by the Senate
HF1166	Sales tax proceeds dedicated to natural resources purposes	Awaits action by the House Taxes Committee
HF1210	State government reorganization and cabinet level positions combined	Awaits action by House committee, subject to deadlines
HF1437	Telephone polling organization disclosure required upon request	Awaits action by the full House
HF1593	Dangerous animal ownership limited	Awaits action by the full House
HF1602	Death penalty for first degree murder with aggravating circumstances	Awaits action by House committee, subject to deadlines
HF1661	Falsely reporting police misconduct penalized	Awaits action by the full House
HF1667	Dairy equipment modernization grant program	Passed by the House as part of omnibus agriculture finance bill (HF2755), awaits action by the Senate
HF1681	Omnibus health and human services finance bill (includes Bradley health care cost containment legislation)	Passed by the House, awaits action by the Senate
HF1683	Restricting traffic signal override devices and imposing penalties	Passed by the House, awaits action by the Senate
HF1692	Wireless consumers allowed to opt out of significant service changes within 60 days	Awaits action by the full House
HF1703	Uniform voting systems, federal Help America Vote Act compliance	Awaits action in the House Ways and Means Committee
HF1710	Minnesota Humanities Commission employees granted state employee benefits	Passed by the House, awaits action by the Senate
HF1717	Local government contracting flexibility allowed	Awaits action by the full House
HF1719	Roseville allowed to use alternative voting (including instant runoff voting) in city election	Bill failed on a House floor vote
HF1721	Criminal booking fees authorized for arrests, regardless of whether defendant is retained in jail prior to court proceedings	Passed by the House, awaits action by the Senate
HF1730	Rioting penalties, including loss of state grant eligibility and higher tuition, for post-secondary students	Passed House, in part, as part of education omnibus bill (HF1793), awaits action in the Senate
HF1732	Penalties for exposing domestic animals to disease and trespassing on agricultural land	Awaits action in the House Ways and Means Committee
HF1737	Lake Elmo long-term comprehensive plan	Passed by the House, awaits action by the Senate
HF1744	Directs the Metropolitan Council to use a percentage of funding to support taxi use as alternative to Metro Mobility	Passed by the House as part of the omnibus transportation finance bill (HF3134), awaits action by the Senate

**Bill Number**

**Description**

**Status (through April 7)**

HF1759	Compensation limit eliminated for local government employees	Defeated in the House Local Government and Metropolitan Affairs Committee
HF1766	Ethanol producer payment disclosure requirements eliminated	Passed, in part, by the House as part of the omnibus agriculture finance bill, awaits action by the Senate
HF1783	Employers prohibited from asking National Guard status of job applicants	Awaits action in a House committee, subject to deadlines
HF1790	Excellence in teaching language arts and mathematics recognized	Passed House, in part, as part of education omnibus bill (HF1793), awaits action in the Senate
HF1793	Omnibus education finance (including early childhood and family education, K-12 education, higher education) bill	Passed by the House, awaits action by the Senate
HF1794*/SF1615/CH136	Local contribution for federally funded airport improvement projects decreased	Signed into law by Gov. Pawlenty
HF1798	Secretary of State filing procedures changing, requiring certain business filings to be done electronically	Awaits action by the House Ways and Means Committee
HF1801	Provides legal recourse for homeowners whose homes sustained damage due to faulty building techniques	Awaits action by full House
HF1805/SF1621*/CH153	Mortgage satisfaction certificates provided	Signed into law by Gov. Pawlenty
HF1814	Teacher training program for professionals from other fields	Passed House, in part, as part of education omnibus bill (HF1793), awaits action in the Senate
HF1817/SF1614*	Criminal penalties established for allowing animals to harm service animals	Passed by the Senate, awaits action by the full House
HF1819	National Guard personnel exempted from civil and criminal liability when using reasonable force while performing duties	Awaits action by the full House
HF1820	National Guard tuition reimbursement increased	Passed by the House as part of the omnibus state government finance bill (HF2684), awaits action by the full Senate
HF1822/SF1814*/CH140	Metropolitan Council allowed to use electronic funds transfers	Signed into law by Gov. Pawlenty
HF1831	Prohibits school districts from entering agreements that limit reassigning of teachers to other schools within the district	Passed House, in part, as part of education omnibus bill (HF1793), awaits action in the Senate
HF1832	Adds lakes to the list of places where grants for snowmobile trails are allowed and grants immunity from personal injury actions to grant recipients	Awaits action by House committee, subject to deadlines
HF1835	Lawful gambling expenditures allowed to cover expenses for individuals to attend World War II memorial ceremony in Washington, D.C.	Passed by the House, awaits action by the Senate
HF1836	Depositing mineral tailings into certain mine pits	Passed both the House and the Senate, awaits governor's approval
HF1851	Removes requirement that Metropolitan Council or regional development commission review bridge repair projects before grants are made	Passed by the House, awaits action by the Senate
HF1852	Regional park funding provided for statewide parks	Passed, in part, as a study by the House as part of omnibus environment finance bill (HF1867), awaits action by the Senate
HF1864	Home-canned food allowed for sale at farmer's markets and similar venues without labeling, if gross sales equal less than \$5,000	Awaits action by House committee, subject to deadlines
HF1867	Omnibus environment and natural resources finance bill	Passed by the House, awaits action by the Senate
HF1868	Uniform election days for state and local contests	Awaits action by full House
HF1901	Attorneys fees awarded to landowners when land is taken for transportation purposes by eminent domain	Passed, in part, by the House as part of the omnibus transportation finance bill, awaits action by the Senate
HF1913	County approval of certain development plats abutting county road	Awaits action by the House Rules and Legislative Administration Committee
HF1915	Allows children to carry non-syringe injectors of epinephrine	Awaits action by the full House. Also in omnibus education finance bill (HF1793)
HF1921	Charter school board of directors and extracurricular activities provisions	Passed House, in part, as part of education omnibus bill (HF1793), awaits action in the Senate
HF1926	Presidential electors designated according to congressional districts	Awaits action by House committee, subject to deadlines
HF1944	Domestic abuse orders for protection allowed when defendant is set to be released from prison	Passed by the House, awaits action by the Senate
HF1947	Online learning funded at the same rate for all students	Not included in omnibus education finance bill
HF1961	Child abuse resulting in murder considered first-degree murder	Passed by the House, awaits action by the Senate
HF1968	Tax credit adjusted for purchase of long-term care insurance	Awaits action by the House Taxes Committee
HF1977	Compulsive gambling education and prevention funding	Passed by the House as part of omnibus health and human services finance bill (HF1681), awaits action by the Senate
HF1980/SF1799*/CH139	Conflicts of interest clarified for watershed and soil and water conservation district officials	Signed into law by Gov. Pawlenty
HF1982	Funding for basic community education programs restored	Passed House, in part, as part of education omnibus bill (HF1793), awaits action in the Senate

**Bill Number**

**Description**

**Status (through April 7)**

HF1986	Minors required to attend school to obtain driver's license	Passed House, in part, as part of education omnibus bill (HF1793), awaits action in the Senate
HF1989	Methamphetamine penalties increased, disclosures and cleanup fund established	Passed House as part of omnibus judiciary finance bill (HF2028), awaits action by the Senate
HF1999	Planning grants provided for districts interested to combine administrative functions, instructional, and noninstructional functions	Passed House, in part, as part of education omnibus bill (HF1793), awaits action in the Senate
HF2005	Phosphorus fertilizer ban extended	Awaits action by the full House
HF2028	Omnibus judiciary finance bill, including sex offender and methamphetamine regulations	Passed by the House, awaits action in the Senate
HF2032	State required to locate a chemical assessment team in International Falls	Passed House as part of omnibus judiciary finance bill (HF2028)
HF2033/SF1958*/CH152	Townships authorized to make payments by electronic transfer	Signed into law by Gov. Pawlenty
HF2044	Tourism functions separated from Department of Employment and Economic Development	Awaits action in the House Ways and Means Committee
HF2058	Campaign Finance Board membership and staff expanded	Passed House as part of the omnibus state government finance bill (HF2684), awaits action in the Senate
HF2071	Provides search firms exemptions from employment agency regulations if it meets certain criteria	Passed by the House, awaits action by the Senate
HF2083	Clarifies direct ore production tax rate	Awaits action by the House Taxes Committee
HF2093	Public bodies allowed to close meetings when discussing real estate transactions	Awaits action by full House
HF2094	Modifies child-care center licensing fees	Passed House, in part, as part of health and human services omnibus bill (HF1681), awaits action in the Senate
HF2095	Regulates process known as "equity stripping" that involves foreclosure consultants and mortgage conveyances	Awaits action by the full House
HF2127	Regulates outpatient surgical centers and diagnostic imaging facilities	Awaits action by the House Ways and Means Committee
HF2135	Authorizes the state lottery to operate gaming machines at a gaming facility	Awaits action by the House Ways and Means Committee
HF2136	Composition of the Metropolitan Radio Board changed	Awaits action by full House
HF2187	Requires registration, rather than licensing, of debt collection personnel	Passed by the House, awaits action by the Senate
HF2195	Telecommunications and Internet equity aid provided	Passed House, in part, as part of education omnibus bill (HF1793), awaits action in the Senate
HF2199	State lottery director provisions adjusted, budget oversight changed, and task force created	Awaits action by the House Ways and Means Committee
HF2200	Child-care centers in homes allowed to claim homestead property status	Awaits action by the House Taxes Committee
HF2212	Department of Natural Resources technical bill	Awaits action by the House Ways and Means Committee
HF2214	Requires that individuals be notified of a state-funded health insurance program if their insurance is about to be canceled	Awaits action by the full House
HF2217	Vehicles required to wait at railroad crossings until way is clear	Awaits action by the full House
HF2227	Requires that manufactured home park operators may install meters for water and sewer usage, but must also bill for actual usage	Passed by the House, awaits action by the Senate; Also in omnibus economic development bill
HF2231	Predatory sex offenders from other states subject to Minnesota disclosure and registration requirements	Passed House as part of omnibus judiciary finance bill (HF2028), awaits action by the Senate
HF2235	Technical changes made to state unemployment insurance laws	Passed by the House, awaits action by the Senate
HF2242	Resolution to exhort that Congress allocate reservation fee increase in the Boundary Waters Canoe Area Wilderness to the permanent school fund	Awaits action by the full House
HF2246	Modifies survey process for nursing home facilities	Awaits action by the House Ways and Means Committee
HF2247	Provides planning and study for second beltway around Twin Cities metropolitan area	Passed House, in part, as part of omnibus transportation finance bill (HF3141), awaits action in the Senate
HF2267	Increases base value of farmers eligible for rural finance authority loans	Passed House as part of omnibus agriculture finance bill (HF2755), awaits action in the Senate
HF2272	Requires each county to have an extension service office	Not included in omnibus agriculture finance bill
HF2308	Indeterminate sentencing provided for sex offenders, review board established, mandatory life sentences allowed	Passed House as part of omnibus judiciary finance bill (HF2028), awaits action by the Senate
HF2337	Minnesota State Colleges and Universities campuses allowed to develop doctoral degree programs	Passed House as part of education omnibus bill (HF1793), awaits action in the Senate
HF2363	Provides for control of invasive and non-native species	Passed by the House, awaits action in the Senate
HF2383	Modifications made to provisions governing sale of timber on state lands	Passed by the House, awaits action in the Senate
HF2416	High performance teacher reward pilot project	Passed House, in part, as part of education omnibus bill (HF1793), awaits action in the Senate



**Bill Number**

**Description**

**Status (through April 7)**

HF2417	School readiness program supporting early literacy	Passed House as part of education omnibus bill (HF1793), awaits action in the Senate
HF2455	Five-level corrections classification system provided	Passed by the House, awaits action in the Senate
HF2491/SF2498*/CH145	Ex parte orders for protection and temporary restraining orders effective upon a referee's signature	Signed into law by Gov. Pawlenty
HF2500/SF2422*	Regulation of PCB wastes	Passed by the Senate, awaits action by the full House
HF2503	Mental health screening provided for students suspended from school for more than 10 days	Passed House, in part, as part of education omnibus bill (HF1793), awaits action in the Senate
HF2533	Increases the tobacco tax, reduces the MinnesotaCare tax on health care providers and eliminates Minnesota Comprehensive Health Association assessment	Awaits action in the House Taxes Committee
HF2571	Casino authorized, with proceeds to pay for a merit-based scholarship program for post-secondary education	Awaits action by House committee, subject to deadlines
HF2586	Immunity from liability provided for officials informing district employees of students regarding prior violent behavior	Passed House, in part, as part of education omnibus bill (HF1793), awaits action in the Senate
HF2602	Mercury switch removal required by vehicle recyclers	Awaits action by the House Rules and Legislative Administration Committee; Passed the House, in part as part of omnibus environment finance bill (HF1867)
HF2678	Off-highway vehicle operation provisions and forest classification review status	Awaits action by the House Ways and Means Committee
HF2684	Omnibus state government finance bill	Passed by the House, awaits action by the Senate
HF2692	Property tax refund early payment authorized on returns filed electronically	Awaits action by the House Taxes Committee
HF2704	Cigarettes; fire-resistant standards rule adoption required	Awaits action by House committee, subject to deadlines
HF2718	Toll collection on highways limited to collection until all construction costs of the facility have been paid	Passed the House, in part, as part of the omnibus transportation finance bill (HF3141)
HF2749	Foreclosure consultants and equity purchasers regulated	Awaits action by House committee, subject to deadlines
HF2755	Omnibus agriculture and rural development finance bill	Passed by the House, awaits action by the Senate
HF2767	Water and soil resource management program pilot project funding provided, and money appropriated	Awaits action by the House Ways and Means Committee
HF2798	Marriage defined as a union between one man and one woman, and constitutional amendment proposed	Passed by the House, awaits action by the Senate
HF2806	Renewable energy working group established to study renewable energy development in the state	Awaits action by the full House
HF2816	Omnibus liquor bill	Awaits action by the full House
HF2831	Refugees and asylees exempted from participating in the diversionary work program	Awaits action by House committee, subject to deadlines
HF2832	Internet access software filtering or blocking technology required in schools and libraries	Awaits action by the full House, also included in omnibus education bill (HF1793)
HF2839	Biomass electric generation facility property tax exemption provided	Awaits action by the House Taxes Committee
HF2855	Shoreland protection program expiration extended, and water level controls established for public waters with an outlet	Passed by the House as part of omnibus environment finance bill (HF1867), awaits action by the Senate
HF2894	Dairy upgrade pilot loan program provided	Passed by the House as part of omnibus agriculture finance bill (HF2755), awaits action by the Senate
HF2915	Workers' compensation technical changes provided, definition of personal injury clarified, and qualifying employees authorized to opt for alternative benefits	Awaits action by the House Rules and Legislative Administration Committee
HF2923	Methamphetamine laboratory cleanup revolving fund established	Passed House as part of omnibus judiciary finance bill (HF2028), awaits action by the Senate
HF2930	Flags in the Capitol area required to be flown at half-staff following the death of a public safety officer or Minnesota military personnel killed in the line of duty	Passed by the House, awaits action by the Senate
HF2945	Historical sites operated by the Minnesota Historical Society reopened	Passed by the House as part of omnibus jobs and economic development finance bill (HF3090), awaits action by the Senate
HF3002	Snowmobile use study funding provided	Passed by the House as part of omnibus environment finance bill (HF1867), awaits action by the Senate
HF3009	Executive branch employees prohibited from receiving cash payments for discussing the work of an executive agency	Awaits action by House committee, subject to deadlines
HF3089	Minnesota stadium authority	Awaits action by the House Taxes Committee
HF3090	Omnibus jobs and economic development finance bill	Passed by the House, awaits action by the Senate
HF3141	Omnibus transportation finance bill	Passed by the House, awaits action by the Senate

## Tracking new laws, vetoes

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

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

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

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

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

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

during the final three days of the session, or within three days after the governor receives the bill at any other time.

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

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

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

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

Key:

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

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

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

**Friday, April 2**

**HF3160—Erickson (R)  
Governmental Operations &  
Veterans Affairs Policy**

Mille Lacs Band of Ojibwe Reservation tribal boundaries established in 1855 not recognized by the state, Mille Lacs County reimbursed for legal expenses, and money appropriated.

**HF3161—Kahn (DFL)  
Governmental Operations &  
Veterans Affairs Policy**

Poet laureate appointment provided, and money appropriated.

**Monday, April 5**

**HF3162—Westrom (R)  
Taxes**

County aid program tax base equalization aid formula adjusted.

**HF3163—Cox (R)  
Education Finance**

Independent School District Nos. 394, Montgomery-Lonsdale, and 721, New Prague, joint powers agreement authorized to govern and manage the Lonsdale Elementary School.

**HF3164—Urdahl (R)  
Civil Law**

Obesity and weight gain civil actions prohibited.

**Wednesday, April 7**

**HF3165—Sieben (DFL)  
Taxes**

School buses exempted from the motor vehicle sales tax.

**Thursday, April 8**

**HF3166—Peterson (DFL)  
Regulated Industries**

Wind power producer credit; Congress memorialized by resolution to reauthorize the wind power producer credit.

**HF3167—Murphy (DFL)  
Commerce, Jobs &**

**Economic Development Policy**  
Broadcast employers prohibited from including non-compete provisions in employee agreements.

**HF3168—Kohls (R)  
Civil Law**

Child maltreatment report notice to subject required.

**HF3169—Kelliher (DFL)  
Health & Human Services Policy**

Parents as scholars pilot project established, and money appropriated.

**HF3170—Abrams (R)  
Taxes**

Tax increment financing technical and minor policy changes provided.

**2004 Minnesota Senate Members**

District/Member/Party	Room*	Phone (651) 296-	District/Member/Party	Room*	Phone (651) 296-
66 Anderson, Ellen (DFL)	120 Cap.	5537	54 Marty, John (DFL)	323 Cap.	5645
52 Bachmann, Michele (R)	141 SOB	4351	38 McGinn, Mike (R)	G-19 SOB	7-8073
6 Bakk, Thomas (DFL)	301 Cap.	8881	39 Metzen, James (DFL)	322 Cap.	4370
40 Belanger, William (R)	113 SOB	5975	41 Michel, Geoff (R)	151 SOB	6238
61 Berglin, Linda (DFL)	309 Cap.	4261	67 Moua, Mee (DFL)	235 Cap.	5285
51 Betzold, Don (DFL)	111 Cap.	2556	28 Murphy, Steve (DFL)	306 Cap.	4264
50 Chaudhary, Satveer (DFL)	317 Cap.	4334	25 Neuville, Thomas (R)	123 SOB	1279
64 Cohen, Richard (DFL)	121 Cap.	5931	17 Nienow, Sean (R)	105 SOB	5419
26 Day, Dick (R)	147 SOB	9457	33 Olson, Gen (R)	119 SOB	1282
60 Dibble, D. Scott (DFL)	111 Cap.	4191	34 Ortman, Julianne (R)	G-21 SOB	4837
18 Dille, Steve (R)	103 SOB	4131	19 Ourada, Mark (R)	145 SOB	5981
14 Fischbach, Michelle (R)	129 SOB	2084	65 Pappas, Sandra (DFL)	120 Cap.	1802
47 Foley, Leo (DFL)	G-24 Cap.	4154	36 Pariseau, Pat (R)	117 SOB	5252
21 Frederickson, Dennis (R)	139 SOB	8138	59 Pogemiller, Lawrence (DFL)	235 Cap.	7809
43 Gaither, David (R)	107 SOB	4314	63 Ranum, Jane (DFL)	120 Cap.	7-8061
42 Hann, David (R)	G-27 SOB	1749	53 Reiter, Mady (R)	132D SOB	1253
58 Higgins, Linda (DFL)	328 Cap.	9246	45 Rest, Ann (DFL)	205 Cap.	2889
23 Hottinger, John (DFL)	317 Cap.	6153	35 Robling, Claire (R)	143 SOB	4123
13 Johnson, Dean (DFL)	208 Cap.	3826	24 Rosen, Julie (R)	G-23 SOB	5713
49 Johnson, Debbie (R)	135 SOB	3219	4 Ruud, Carrie (R)	109 SOB	4913
48 Jungbauer, Michael (R)	115 SOB	3733	11 Sams, Dallas (DFL)	328 Cap.	7-8063
44 Kelley, Steve (DFL)	205 Cap.	7-8065	3 Saxhaug, Tom (DFL)	124 Cap.	4136
31 Kierlin, Bob (R)	127 SOB	5649	46 Scheid, Linda (DFL)	303 Cap.	8869
30 Kiscaden, Sheila (IP)	G-15 SOB	4848	29 Senjem, David (R)	G-17 SOB	3903
15 Kleis, Dave (R)	G-25 SOB	6455	2 Skoe, Rod (DFL)	124 Cap.	4196
37 Knutson, David (R)	133 SOB	4120	62 Skoglund, Wesley (DFL)	124 Cap.	4274
12 Koering, Paul (R)	131 SOB	4875	7 Solon, Yvonne Prettner (DFL)	303 Cap.	4188
20 Kubly, Gary (DFL)	306 Cap.	5094	27 Sparks, Dan (DFL)	G-24 Cap.	9248
9 Langseth, Keith (DFL)	122 Cap.	3205	1 Stumpf, LeRoy (DFL)	G-24 Cap.	8660
10 Larson, Cal (R)	153 SOB	5655	5 Tomassoni, David (DFL)	321 Cap.	8017
56 LeClair, Brian (R)	149 SOB	4166	22 Vickerman, Jim (DFL)	226 Cap.	5650
32 Limmer, Warren (R)	121 SOB	2159	16 Wergin, Betsy (R)	125 SOB	8075
8 Lourey, Becky (DFL)	G-24 Cap.	0293	55 Wiger, Charles (DFL)	226 Cap.	6820
57 Marko, Sharon (DFL)	G-24 Cap.	7-8060			

\*Capitol or State Office Building, St. Paul, MN 55155  
For phone numbers, contact Senate Information at 651-296-0504



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

# MINNESOTA INDEX

## Immigration and ethnicity

Immigrants admitted to Minnesota in fiscal year 2002 .....	13,522
In 2001 .....	11,166
In 1996 .....	8,977
In 1988 .....	4,665
Of those coming to Minnesota in 2002, number from Asian countries .....	4,288
African nations .....	4,277
European countries .....	2,597
Countries in North America .....	1,736
2002 immigrants to Minnesota that were born in Somalia .....	1,588
India .....	1,001
Ethiopia .....	918
Mexico .....	756
Minnesota's share of total immigration to the United States in 2002, as percent .....	1.3
Percent of total Somalis coming to this country .....	35
Liberians, as percent .....	13.5
Approximate percent of Laotians .....	12.5
Ethiopians, as percent .....	12
All immigrants to Minnesota in 2002, as percent, who settled in the Twin Cities, Rochester, or St. Cloud metropolitan areas .....	91
Mexicans, as percent, who settled outside those areas .....	24
Canadians, as percent .....	20
Somalis, as percent .....	12
Estimated number of Minnesota Hispanic/Latinos in 2003 .....	159,000
Anticipated percent increase in two years .....	10.7
Minnesota population in 2000, in millions .....	4.92
Those who are Hispanic/Latino .....	143,382
Number in 1990 .....	54,000
Anticipated number of Hispanic/Latinos in 2025 .....	296,000
Number of Minnesotans in 2000 who were of Asian and Pacific island descent ....	172,166
In 1990 .....	140,997
Of those, largest group represented, as percent (Hmong) .....	26.4
Second-largest group, as percent (Vietnamese) .....	11.9

Sources: U.S. Citizenship and Immigration Services; U.S. Census Bureau; Department of Administration; Minnesota Chicano Latino Affairs Council; Hispanic Advocacy and Community Empowerment through Research (HACER); Council on Asian-Pacific Minnesotans.

## FOR MORE INFORMATION

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