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In this issue:

SEX OFFENDER LAWS

MARRIAGE DEFINITION, CASINOS, AND MORE

HF2803-HF2975

SESSION Weekly

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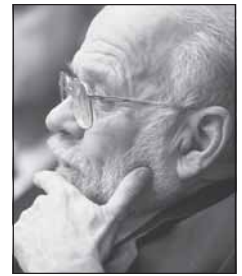
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On the cover: The snow covered statue of former Gov. Knute Nelson as a young Civil War soldier stands guard over the wet snow that hit the Capitol Complex March 5. Nelson was governor from 1893-1895, before serving in the U.S. Senate for 28 years.

—Photo by Tom Olmscheid

Life in prison

Longer sentences, better tracking, review board provisions among House proposals to change sex offender laws

By MIRANDA BRYANT

Sex offenders would be locked up for longer periods — in some cases for life without chance of parole — under a bill approved March 10 by the House Judiciary Policy and Finance Committee.

The bill passed with relatively little public testimony and was forwarded to the House Civil Law Committee. It was one of a handful of bills related to tracking and sentencing sex offenders heard recently by the judiciary committee.

Sponsored by Rep. Kurt Zellers (R-Maple Grove), HF2308 creates a mandatory life sentence without parole for most first-degree sex

next year. By then the emotional nature of the bill, spurred, he said, by the disappearance of a college student, will have subsided.

Dru Sjodin, a Minnesota college student attending the University of North Dakota in Grand Forks, was abducted in November 2003 and is still missing. A Crookston sex offender recently released from a Minnesota prison has been charged with her kidnapping. Several of Sjodin's family and friends testified in a Senate hearing regarding a similar provision.

White said he has regularly paid visits to a sex offender for the past three and a half years at the Stillwater prison through a group he declined to name.

The prisoner admits his guilt, White said, and acknowledges the need for his prison sentence. However, he is deeply sorry for his actions and says he will never commit another sex crime.

"There still is the possibility for redemption somehow, no matter how small it may be," White said.

Rep. Keith Ellison (DFL-Mpls) said the Sjodin case brought the issue of sex offender sentencing to the public forefront like never before.

"I have my own doubts about whether we'd be here" had the man accused in the Sjodin case been civilly committed to a mental hospital following the completion of his prison sentence, Ellison said.

Strachan said Minnesota's civil commitment process for high-risk sex offenders has many problems, some of which are constitutional. Zellers added that the courts have indicated

they would rule civil commitments as unconstitutional if they continue.

According to nonpartisan House researchers, more than half of the states have life sentences, and in some cases mandatory life sentences, for sex offenders.

The bill would not stop any individual from committing a sex offense, Zellers said in response to a question from Rep. Mary Murphy (DFL-Hermantown).

"As public servants our first and foremost job is public safety," Zellers said. "In some cases we just need to put them in jail."

To be discussed by the committee at a later date is the bill's cost to the state, estimated at between \$17 million and \$18 million in 2007 and 2008, respectively. If approved, the bill would require the work of 180 state employees in 2007 across the corrections department, the court system, and the public defender's office.

Primarily, the bill would impose a life sentence without parole for most first-degree sex crimes, defined as sexual penetration or crimes involving certain sexual contact with victims less than 13 years old. The current maximum penalty is 30 years in prison.

It would also establish that life sentences can be issued for the most serious second-, third-, and fourth-degree criminal sexual conduct crimes, as well as for sexual predatory conduct. The minimum sentence any offender could serve would be two-thirds of the sentence presumed for such a crime, as laid out in guidelines. Individuals released from prison after serving the appropriate sentence would be subject to recommitment for additional offenses. (Second- and fourth-degree sex crimes involve sexual contact while third-degree involves sexual penetration. The current sentences vary from 10 years to 25 years).

The bill would also create the crime of "criminal sexual predatory conduct" in cases where the predatory crime (murder, manslaughter, assault, robbery, kidnapping, false imprisonment, incest, or first-degree burglary) was motivated by the offender's sexual impulses or has criminal sexual conduct as its goal.

A five-member sex-offender review board would also be created, under the bill, to evaluate whether individual sex offenders sentenced under the above-mentioned crimes could be released from prison. The board would be comprised of the state commissioners of corrections and human services and three gubernatorial appointees — a retired judge, a sex offender treatment professional not employed



PHOTO BY TOM OLMSCHIED

James White, left, told the House Judiciary Policy and Finance Committee March 10 that he regularly visits a remorseful sex offender at the Stillwater prison. He urged the committee to delay any action on a bill that would toughen prison sentences for sex offenders. Rep. Kurt Zellers, right, the bill sponsor, listens to his testimony.

crimes, and increases the maximum sentence to life in prison for the most serious first-through fourth-degree sex crimes.

"This is not an over-reaction," said Rep. Steve Strachan (R-Farmington), a career police officer and one of several bill co-sponsors. "This is simply a recognition that sex offenders are as dangerous as murderers."

Strachan's remarks followed testimony by the only member of the public to appear before the committee. James White of St. Paul urged the committee to forgo action on the bill until at least

by the state, and a member of the public.

The bill would also formally expand the types of cases the Department of Corrections must review in deciding whether to refer cases to the counties for possible civil commitment as a sexually dangerous person following completion of a prison sentence.

The bill's Senate companion (SF2484), sponsored by Sen. Dave Kleis (R-St. Cloud), awaits committee action.

A number of other bills, that would also change laws dealing with the state's sex offenders, were also considered and approved by the committee.

Ensuring that high-risk sex offenders moving to Minnesota from other states are subject to risk assessment and community notification laws is the aim of a bill approved March 9.

Sponsored by Rep. Morrie Lanning (R-Moorhead), HF2231 now moves to the House Civil Law Committee. It lacks a Senate companion.

Lanning said 106 registered sex offenders have moved to Minnesota from North Dakota, while only 72 have moved in the opposite direction. He suspected the reason was that Minnesota often doesn't assess the risk status of sex offenders moving here and offenders can evade community notification procedures.

HF2104, sponsored by Strachan, would clarify how homeless sex offenders are to register their whereabouts with law enforcement. It is in response to a 2003 Minnesota Supreme Court case that found a homeless sex offender is not required to register unless the individual resides at a place where mail can be received.

It was approved and sent to the House Civil Law Committee. Its Senate companion (SF1911), sponsored by Sen. Mike McGinn (R-Eagan), awaits committee action.

HF2219, sponsored by Rep. Debra Hilstrom (DFL-Brooklyn Center), would allocate \$500,000 for bracelet tracking devices to monitor high-risk sex offenders on supervised release or probation. The bill will be considered for inclusion in the committee omnibus bill. Its Senate companion (SF1893), sponsored by Sen. Wesley Skoglund (DFL-Mpls), awaits committee action.

HF2061, also sponsored by Hilstrom, would allow use of polygraph tests for sex offenders under community supervision as part of their treatment. It too will be considered for inclusion in the committee omnibus bill. Its Senate companion (SF1833), sponsored by Sen. Jane Ranum (DFL-Mpls), awaits committee action.



Correction

An employment story in the March 5 issue of *Session Weekly* misidentified a story related to unemployment insurance as dealing with workers' compensation. We regret any inconvenience this may have caused.



Plowed under

Highway department duty to clear roads during winter evolved over time

In the early 1920s when the state's road system was first developing, transportation officials and engineers learned quickly about maintaining road infrastructure and making sure those roads were usable for the state's residents and businesses.

In that context, the highway snow plowing policies grew largely out of public demands for clear, passable roads and through the need to maintain public safety.

A constitutional amendment passed by voters in 1920 created the state's trunk highway system. It was then left up to Highway Commissioner Charles Babcock, who was also the mastermind behind the trunk highway amendment, and the other officials in the department to manage that system.

Though the roads were being built, there was no budget for snowplowing, according to early reports from the highway department. As a result, snow removal was balanced with summer road maintenance, and the commissioner sided with the summer maintenance plan because traffic counts were down during the winter months.

"In view of the fact that the maintenance funds are barely sufficient to provide for the additional upkeep and maintenance of the roads during the open season," said the 1922 department report, "it soon became evident that following the establishment of the trunk highway system, that the state could not engage in a general or extensive campaign of snow removal work during the winter seasons."

As a result, in the early days, the department only provided snow removal when it needed to smooth the road surface during the freeze-and-thaw months and in situations where a snowy section of highway obstructed travel to other cleared roads.

The only exception involved Highway 1 from Two Harbors to Grand Marais along the North Shore, which served as the main supply route for the residents of Cook and Lake counties.

This policy continued until 1925 when

traffic counts in the winter dictated the need for more removal.

"This (traffic) count shows that the time has arrived and we have now undertaken to keep the entire trunk highway system open throughout the year," wrote Babcock in the 1926 report. Windstorms were the biggest problem.

In that report, Babcock acknowledged that costs for snow removal may be excessive at first, but as officials learned about the best methods, plowing would become more efficient and less costly.

Two years later, the commissioner reported, "The keeping of highways open in winter is not as difficult as might be expected."

By the late 1930s, the growing road system also led to more demands for winter maintenance. So did the shifting weather patterns. The state was paying about \$750,000 per year to remove snow and treat the roads at the end of the decade.

"Public demands are requiring that no matter what the weather conditions are, all highways should be kept open and summer driving conditions should be affected as far as possible," wrote Commissioner M.J. Hoffmann in the 1940 department report.

As the federal government began plans for an interstate highway system and automobiles were able to travel faster and farther, the commissioner again reported that the public demanded more snow removal. And it was more and more expensive. By the winter of 1955-56, snow removal and road treatment cost \$3.6 million and aimed to remove the snow as quickly as possible.

Today, snowplow operators aim to clear the roads within four hours of a storm in the Twin Cities metropolitan area and 11 hours statewide. The state spends \$407 million per biennium on overall maintenance, a small portion of which involves snow removal.

(M. KIBIGER)



A snowplow at the State Highway Department in 1935.



Editor's Note: With the first House committee deadline March 12, *Session Weekly* staff have been working day and night to cover all of the important work taking place in the House. However, 24 pages fill up fairly quickly, and a number of those stories did not fit in this week's issue.

We encourage you to visit the *Session Weekly Extra* page at <http://www.house.leg.state.mn.us/hinfo/swx.asp> to view the stories that didn't make it in this week and every week. This week's features include stories about trespassing laws, biodiesel mandate regulations, kosher foods, higher education concerns, state park boundaries, Asian carp, business registration, governing with common sense, local government costs, corporate income taxes, alternative minimum taxes, and other tax policy issues.

★ AGRICULTURE

Bonding recommendations

The House Agriculture and Rural Development Finance Committee approved bonding requests totaling \$45.9 million March 9 and forwarded the recommendation to the House Capital Investment Committee.

The committee's proposal exceeds Gov. Tim Pawlenty's bonding recommendation by \$5.3 million, primarily by adding the University of Minnesota's \$5.1 million request to renovate a 1907 dairy barn on the St. Paul campus for veterinary school classrooms and an alumni center.

The top priority is \$18 million for Rural Finance Authority loans for beginning and small farmers, livestock expansion, and agricultural improvements.

The committee's second-ranked priority is \$22 million to finance the state's participation in the federal Conservation Reserve Enhancement Program. The voluntary program removes marginal farmland from production near river basins to improve soil erosion and water quality.

Mirroring a bill (HF2294), sponsored by Rep. William Kuisle (R-Rochester), the committee recommendation would increase the proposed conservation acreage to 120,000, and place a 20 percent cap on permanent easements.

The governor's proposal covers 100,000 acres including watersheds from basins in southeastern and southwestern Minnesota and the Red River Valley. It proposes no limit on the number of 35-year or permanent easements.

The length of easements "is a big topic in the countryside," said Thom Petersen, director of government relations for the Minnesota Farmers Union, who testified in support of the committee recommendation.

"A lot of farmers oppose (the program)," he

said, because of potential loss of grazing land, as well as tax base and local economic impacts.

Under a program started during the Ventura administration, the state enrolled 100,000 acres along the Minnesota River watershed in the conservation enhancement program.

The state's second federal application to continue the program is "more targeted to take marginal land," said Chris Radatz, director of government relations for the Minnesota Farm Bureau, "not to take whole farms out." The Farm Bureau also supports the committee recommendation.

The scope and details of the state's application will be determined by Pawlenty.

The recommendation also differs from the governor by proposing \$245,000 for a plant pathology research "growth chamber" to be jointly developed by the University of Minnesota and the state Agriculture Department.

★ CHILDREN

Fee reduction

The House Health and Human Services Finance Committee considered a bill March 4 that would reduce child-care center licensing fees by one-third.

Last year the Legislature increased those fees by 250 percent to 300 percent as one of many measures to reduce the deficit.

The 2003 legislation had "unintended consequences" said Rep. Bud Nornes (R-Fergus Falls), sponsor of HF2094. License fees are based on the number of children cared for by a center, and some centers tried to save money by accepting fewer children.

"These fee increases were mostly passed on to customers," said Ray Frost, a lobbyist for the Minnesota Child-Care Association. He gave as an example New Horizon Child Care, for which annual fees increased by \$40,000 overall.

License fees per facility currently range between \$300 and \$2,000 a year, depending on licensed capacity. The bill would modify that to start at \$200 and top out at \$1,335. If the bill becomes law, the impact on the state government would be \$296,000 per year.

HF2094 will be considered for inclusion in the committee's omnibus bill.

A companion measure (SF2124), sponsored by Sen. Becky Lourey (DFL-Kerrick), awaits action by the Senate Health and Family Security Committee.

Child-care assistance changes

The Health and Human Services Finance Committee considered a bill March 4 that would modify the maximum rate paid for child-care assistance and would limit the number of absent days reimbursed by the state.

"The taxpayers of Minnesota are extraordinarily generous" when it comes to subsidizing childcare, said Committee Chair, Rep. Fran Bradley (R-Rochester), sponsor of HF2241. He said disparities in the current system allow people who receive state aid access to more expensive care than families paying full price can afford.

The bill would limit child-care assistance subsidies to a maximum of the 75th percentile rate in each county, regardless of the type of childcare. In addition, it would limit the number of reimbursable days for absence to 25 per child in a 12-month period, unless the child has a documented medical condition related to the absences.

Rep. Mary Ellen Otremba (DFL-Long Prairie) expressed concern that parents in rural areas would have to travel farther to find child-care at the lower price. She also said the limit on absences will be a burden for some families.

Ray Frost, a lobbyist for the Minnesota Child-Care Association, said the group was agreeable to the 25-day limit on absentee reimbursement but could not accept "rate compression."

"For-profit centers have overhead costs that family daycare providers do not," Frost said. "For the most part, you will have child-care centers no longer taking on sliding fee students."

While only 10 percent of daycare statewide is subsidized, according to nonpartisan House fiscal analysts, the percentages are much higher in the inner city. Mary Anderson, child-care manager with the Minneapolis-Saint Paul YMCA said as many as 90 percent of the children in urban daycare centers are on a sliding fee scale.

"If we cannot be reimbursed at a rate proportionate with our costs, more centers will close," Anderson said. In fact, she said, the child-care center in the downtown St. Paul YMCA is scheduled to close in mid-March.

"The bill would reduce rates to the point that centers like ours could no longer provide safe, effective childcare," said Katie Williams, director of early childhood programs for the YWCA of Minneapolis.

"I see both sides," said Casey Green, director of Child-Care Resource and Referral for Anoka County Community Action. "It bothers us that there are people on the waiting list when there are those who are absent."

The bill, was tabled to await clarification on its fiscal effect. Its Senate companion (SF2723), sponsored by Sen. Sheila Kiscaden (IP-Rochester) awaits action.

★ CONSUMERS

Protection from equity stripping

The House Commerce, Jobs, and Economic Development Policy Committee approved a bill March 9 that would protect people facing home foreclosure from scam artists.

HF2749, sponsored by Rep. Andrew Westerberg (R-Blaine), would regulate “foreclosure consultants” and “equity purchasers,” provide remedies for homeowners, and provide criminal penalties for violators. The bill moves next to the House Civil Law Committee.

In a practice known as “equity stripping,” scam artists, who represent themselves as foreclosure consultants and equity purchasers, prey on people whose homes are in mortgage foreclosure. They promise to find financing and help people stay in their homes. In practice, they keep people waiting until they have no other option, then they get them to sign complicated agreements that result in their losing whatever equity they have built in the home.

In the end, the homeowners no longer own their home, are soon evicted, and the scammer, who now owns the home, sells it at a profit, keeping the homeowners’ equity.

“We were willing to try whatever we could to get our house back,” said Sharon Carpenter, who lost her home through equity stripping. “We did everything wrong.”

Carpenter and her husband fell behind in mortgage payments after he lost his job. She said a “foreclosure consultant” promised to help by buying the house from them, renting it to them, then selling it back after a couple of years. In actuality, he evicted them after they fell behind in payments, and they were forced to move with only 20 minutes notice. She left many of her belongings behind because she had no time to pack them before being evicted.

“The guy sold the house for \$149,900. He bought it from me for \$75,000,” Carpenter said. “I feel taken advantage of.”

Gary Lavasseur, assistant commerce commissioner, said it is almost impossible to unwind one of these transactions after it has taken place. “You’re out of luck,” he said. Homeowners can sue in civil court but it is “very, very difficult.”

John Engelking, a homeowner from Cold Spring, asked lawmakers not to “throw out the baby with the bathwater.” He said after a divorce and a serious illness he fell behind in mortgage payments and used the services of a foreclosure consultant.

“I had no other option,” Engelking said. “I did give up a huge amount of equity. But the point is, I’m still in my home.”

SF2707, sponsored by Sen. Ellen Anderson, (DFL-St. Paul) awaits committee action.

Local liquor lingo

Under current law, liquor licenses are restricted from establishments within 1,000 feet of a state hospital, training school, reformatory, prison, or other institutions supervised by the corrections and human services departments.

The language has caused some confusion over exactly which institutions are included under the liquor control law.

Rep. Andrew Westerberg (R-Blaine) is sponsoring a bill (HF2816) that aims to clarify local liquor laws when they bump up to state prisons.

The House Regulated Industries Committee approved the measure March 10. It now moves to the House floor.

The bill would specify that the restrictions apply to establishments near state training schools, state reformatories, or state prisons.

Municipal jails were not intended to be within the purview of the law, said Steven Michel, Walker city administrator/treasurer.

But without clarification, he said, at least four establishments in the city of Walker could be found to be operating illegally “with some clever lawyering.”

The confusion could affect bars and restaurants across the state, he said, adding that even the Metrodome in Minneapolis has a juvenile facility located within 1,000 feet.

The bill also includes a provision, sponsored by Rep. Mike Jaros (DFL-Duluth) as HF1866, that would allow Wade Stadium in Duluth, with the approval of the Department of Public Safety alcohol enforcement division, to expand their existing liquor license by extending the serving area from enclosed beer stands to the entire stadium.

Another provision, originally offered by Rep. Mark Buesgens (R-Jordan) as HF2004, would allow Elko Speedway to serve liquor on Sundays with local approval.

Senate companion bills to all the bills await committee action.

★ CRIME

Methamphetamine penalties

A debate about whether first-time offenders charged with methamphetamine manufacturing should be automatically sentenced to prison was sparked March 4 by a bill that would strengthen current penalties and introduce new crimes and programs.

The House Judiciary Policy and Finance Committee approved HF1989. It must be presented to numerous other committees with jurisdiction over its subject matter, beginning with the House Civil Law Committee, before returning to the judiciary committee for

possible inclusion in its omnibus bill.

Sponsored by Rep. Doug Fuller (R-Bemidji), the bill would require a mandatory minimum sentence of two years for a first offense of possessing substances with intent to manufacture methamphetamine. Most substances used to “cook” methamphetamine — such as acetone, drain cleaners, batteries, salt, and cold medications containing ephedrine — can be purchased at any retail store.

Rep. Michael Paymar (DFL-St. Paul) objected to the mandatory minimum sentence, stating that no other drugs have such criminal provisions. He referenced one young woman who testified before another House committee about how she changed her life for the better after recovering from methamphetamine addiction. Under this bill, Paymar said, she would have been sent to prison automatically.

“Does that seem like justice to you?” he asked.

The committee voted down his amendment calling for the removal of the mandatory minimum sentence.

The bill would also do the following:

- require criminal restitution when the crime requires an emergency response due to the presence of dangerous chemicals,
- require notification to county health officials of clandestine lab sites in order that dwellings being used as meth labs not be occupied until assessment and remediation has been conducted,
- criminalize certain methamphetamine-production activities that could harm children or vulnerable adults,
- create a meth lab cleanup revolving fund, allowing counties and cities to apply for loans to remediate contaminated sites, and
- create criminal penalties for purchasing more than three packages or more than nine grams of any methamphetamine precursor drugs, such as those including pseudoephedrine or phenylpropanolamine. Such drugs are often found in cold medications.

According to the Minnesota Department of Health, there were 18 methamphetamine labs reported in 1999. That number skyrocketed to 425 in 2003.

The bill’s Senate companion (SF1580), sponsored by Sen. Julie Rosen (R-Fairmont), awaits committee action.

Prison guard safety

A procedure to draw blood samples from uncooperative jail and prison inmates who have exposed guards to their bodily fluids would be created, under a bill approved March 10 by the House Judiciary Policy and Finance Committee.

HF2339 would allow a blood sample to be

taken from an inmate to test for blood borne pathogens without going through a lengthy court procedure.

Robert A. Johnson, a lobbyist for Teamsters Local 320, said inmates often fight with, spit at, bite, and throw feces at corrections employees. "Working in jail facilities has become more and more of a volatile environment," he said.

Under current law, a blood sample may be drawn from an incarcerated individual to test for disease, such as Hepatitis C and HIV, if a corrections employee were exposed to a significant degree. If the inmate refuses to allow the sample, the court may be petitioned to allow the draw. However, Johnson said, the procedure can take five to six months.

"Psychologically, this officer is going through a lot of anguish as a result of not knowing," Johnson said.

Under the bill, an expedited method could be employed to obtain the blood sample. The correctional facility administrator would be required to attest that a voluntary sample was solicited; a doctor determined a significant exposure occurred; the corrections employee provided a blood sample for testing; and that a blood sample is necessary to determine the proper course of treatment for the employee.

Furthermore, the administrator would need to find that the interests of the state and the employee are greater than those of the inmate in such cases.

A successful amendment offered by Rep. Eric Lipman (R-Lake Elmo) clarified that the sample may be used only to determine proper treatment for the employee. It may not be used to prosecute additional crimes, for example, if drug use was indicated by the inmate's blood sample.

However, any findings of HIV is required to be reported to the state Department of Health, according to Mary McComb, with the Department of Corrections' legal services division.

The bill, sponsored by the committee chair, Rep. Steve Smith (R-Mound), now moves to the House floor. Its companion, SF2640, sponsored by Sen. Leo Foley (DFL-Coon Rapids), awaits committee action.

Protecting service animals

Individuals whose dogs harm service dogs, commonly used by people with disabilities, would be charged with a crime and ordered to pay restitution, under a bill approved March 5.

Sponsored by Rep. Paul Kohls (R-Victoria), HF1817 was approved by the House Judiciary Policy and Finance Committee. It applies to service animal dogs that are trained or are being trained to work or perform tasks for an individual with a disability. It does not apply to police dogs, which are covered under separate statutes.



Phil Kragnes, president of Minnesota Guide Dog Users, accompanied by his seeing-eye dog, Wanetta, testifies before the House Judiciary Policy and Finance Committee March 5 in support of a bill that would provide criminal charges for individuals whose dogs harm service animal dogs, commonly used by people with disabilities.

Twenty-seven states, including Minnesota, have laws providing service animals with protection against harm by humans, Kohls said. But there are no laws addressing injuries to a service dog imposed by another canine.

An individual with a disability may not be able to recognize a pending attack or be able to stop it once an attack commences, Kohls explained.

Phil Kragnes, president of Minnesota Guide Dog Users, accompanied by his seeing-eye dog, Wanetta, said that his organization's members are very concerned about dogs interfering with their service animals.

Costs resulting from injuries could include veterinarian bills, lost wages due to recovery and care for the injured dog, and in some cases the replacement of the canine, which involves further training. At times the damage to the service animal is psychological, requiring that the dog be retired, Kragnes added.

"The cost to the individual can be enormous," Kragnes said.

As originally written, the bill would not have included a criminal component. But in order

to seek restitution, that provision was required, Kohls said.

The criminal provision applies when a dog owner intentionally or negligently permits the dog to run uncontrolled off the owner's premises or fails to keep the dog properly confined and controlled.

The bill now moves to the House floor. The Senate companion bill (SF1614), sponsored by Sen. Chuck Wiger (DFL-North St. Paul), was approved by one committee and awaits action by a second.

Orders for protection

A bill (HF1944) that would extend protection orders for domestic violence victims when their abusers are about to be released from jail or prison passed the House 129-0 March 4.

"Personal safety is a prime concern," said sponsor Rep. Steve Smith (R-Mound) on the House floor.

Under current law, protection orders may only be extended for three reasons: violation of a past order, fear of physical harm, or actual acts of harassment or stalking. Orders are valid for a set period of time, which is often one year, and occasionally two years.

However, courts cannot extend orders indefinitely. And they are limited in extending or granting orders when the abuser is released from jail or prison because the victim can't establish that there has been contact necessitating protection.

Smith said the bill is supported by the Minnesota Coalition for Battered Women, the Domestic Abuse Project in Minneapolis, the St. Paul Domestic Abuse Intervention Project, and the Watch Project in Minneapolis.

The bill now goes to the Senate where Sen. Don Betzold (DFL-Fridley) is the sponsor.

★ DEVELOPMENT

Additional tax-free zone

A new tax-free zone would be created to spur international air cargo transportation in Minnesota, under a bill approved March 10.

HF2298, sponsored by Rep. Ron Abrams (R-Minnetonka), would create an international economic development zone somewhere within 60 miles of the Minneapolis-St. Paul International Airport. Rosemount was mentioned before the House Transportation Finance Committee as a possible location.

Qualifying businesses within the zone could forgo many taxes, including commercial and industrial property taxes, individual income taxes, and corporate franchise taxes.

Modeled after legislation passed in 2003 to create tax-free business zones in Greater

Minnesota, the international economic development zone would increase and restore competitiveness in global markets, according to supporters.

Morrie Anderson, representing the Greater Metropolitan Area Foreign Trade Zone, said that air cargo in Minnesota represents only 1 percent of the weight of all products shipped, but 50 percent of the value. However, while Chicago has 52 weekly international freighter flights, Minnesota's largest airport has none.

Gov. Tim Pawlenty said in his 2004 State of the State address that access to the global market for Minnesota businesses must be improved through the creation of a large-scale regional distribution center.

"Too many businesses have to ship through Chicago, which drives up their transportation costs," Pawlenty said.

Some legislators wondered whether the demand exists for a regional distribution center, referring to a study by the Metropolitan Airport Commission. Anderson said some businesses interviewed for that study were likely reluctant to admit what they have already done — moved their distribution activities elsewhere to access international air cargo routes.

Abrams said he's convinced there are developers willing to build the necessary 1 million square-foot building. "But for these incentives, the opportunity goes away," he said. "I'm willing to take the chance that it actually works."

Rep. Al Juhnke (DFL-Willmar) said that regional airports such as those in Willmar, St. Cloud, and Rochester should be consulted and considered as "feeder" hubs for the proposed regional distribution center.

The bill moves next to the House Taxes Committee. Its Senate companion (SF1801), sponsored by Sen. Ann Rest (DFL-New Hope), passed one committee and awaits action by a second.

★ EDUCATION

Setting educational standards

The House Education Policy Committee approved proposed K-12 public school academic standards in science and social studies March 4.

Sponsored by Rep. Barb Sykora (R-Excelsior), HF2558 would require the education commissioner to adopt standards identical to drafts the Education Department issued for science on Dec. 19, 2003, and for social studies on Feb. 17, 2004.

The bill now moves to the House Governmental Operations and Veterans Affairs Policy Committee.

Education committee members, many of whom are current and former teachers, debated

the social studies standards — which include history, geography, economics, government, and citizenship — for nearly two hours. There was no debate on the science standards.

An amendment by Rep. Jim Davnie (DFL-Mpls) to totally redraft the social studies standards was defeated.

"The existing draft can't be saved," Davnie said. "This was made with political goals in mind, not education goals in mind."

Rep. Lynn Wardlow (R-Eagan), who supported the amendment, said he was "conflicted" by proposed knowledge testing benchmarks in the standards. "There are still some attitudes, values, and beliefs in there," he said. "You can't test those."

An amendment by Rep. Ron Latz (DFL-St. Louis Park) to delay the standards for a fiscal impact note on school district implementation costs was also defeated.

The state should fully fund class curriculum

changes, including textbook purchases, Latz said. "It ought not to come out of already severely stressed school district budgets."

"There's a lot of flexibility," Sykora said regarding school district integration of the standards in existing curricula. "The science standards will be the only ones implemented in this biennium (2004-05)," she said.

Under the bill, social studies standards would be implemented in the 2005-06 school year. The proposed standards will replace Profile of Learning graduation requirements, which the 2003 Legislature repealed.

Statewide tests, based on the science standards, are required by federal law beginning in the 2007-08 school year. Students must take science tests once during each grade span between 3 and 5, 6 and 9, and 10 and 12.

There is no federal or state test required for social studies.

SF2780, sponsored by Sen. David Hann, (R-Eden Prairie), awaits committee action.

Bonding recommendations

The House Education Finance Committee March 4 approved six bonding requests totaling \$30.3 million and forwarded the recommendation to the House Capital Investment Committee.

The request for local education building and renovation projects is \$4.2 million less than Gov. Tim Pawlenty's proposal.

The largest project, ranked fifth by the committee, is \$16.7 million for a new Red Lake Middle School, \$5.4 million less than the governor, and half of the Red Lake School District's \$33.4 million request for the middle school, a high school addition, and renovations.

"I don't see the fairness of it," said Rep. Scott Newman (R-Hutchinson), who questioned the amount of bonding money the Red Lake district has received in recent years. "There are very significant amounts of money to that particular school district, and others are getting nothing."

"Red Lake has no tax base," said Rep. Alice Seagren (R-Bloomington), the committee chair.

Since 1992, Red Lake — the only public school district in the state on an Indian Reservation — has received \$33.5 million for new school construction and building improvements. The district has extremely low property values, according to an Education Department analysis of the district's bonding request. Most of the district land is owned in common by tribal members.

The committee approved an amendment by Rep. Len Biernat (DFL-Mpls) to add \$4.2 million to its recommendation for the proposed Colin Powell Youth Center in south Minneapolis.

The state funding, backed by Pawlenty, would

KINDERGARTEN FOR ALL



PHOTO BY TOM OLMSCHIED

JoAnne McCabe, right, a Madelia School Board member and president of the Minnesota School Boards Association, testifies for a bill that would require children under age 7 to complete kindergarten before being admitted to first grade. Her testimony came before the House Education Policy Committee March 9. Grace Schwab, governmental relations director for the association, left, also answered questions from the committee.

partially finance a \$12.7 million after-school recreation and training center to be operated by a collaborative of seven publicly and privately funded youth-serving organizations.

Ranked first among the committee recommendations is \$4.2 million to finance building and maintenance improvements at the Minnesota State Academies for blind and deaf students in Faribault. A building roof replacement, classroom and dining hall air quality improvements, and a gymnasium fire protection sprinkler system are among planned projects.

The second ranked bonding request is \$1 million to complete land acquisition for the existing Crosswinds Middle School in Woodbury, part of the East Metro Integration District.

Ranked third is \$3 million for library capital improvement grants. Half of the bonding money must continue to be used to improve access to library buildings for handicapped individuals. The remaining \$1.5 million could be used toward library building construction or renovations.

School funding geographic differential

Providing public education costs more in the Twin Cities metropolitan area, a fact one legislator believes the state should recognize in its basic funding formula for school districts.

That's the idea behind an "education price index," a measure of relative wage rates across the state, as proposed in HF581, sponsored by Rep. Barb Sykora (R-Excelsior).

Heard March 9 by the House Education Finance Committee, the bill was held over for possible inclusion in the committee's omnibus bill.

The bill would increase school district revenue for those districts located in regions with higher wage rates by applying the proposed index to the state's basic education aid formula of \$4,601 per pupil.

The Education Department and Department of Employment and Economic Development would annually determine the index. School districts would be placed in an education price index region.

The bill, which has no Senate companion, would not eliminate any existing state school aid formulas, Sykora said. "We would add this to our water tank full of special formulas."

"Higher labor costs are not recognized" in state education funding, said Scott Croonquist, executive director of the Association of Metropolitan School Districts, a group that represents 26 districts.

Housing costs and higher overall wage rates in the private sector mean it's expensive to live and work in the Twin Cities metropolitan area, Croonquist said. That drives a higher cost differential that af-

fects the price of public education.

"The cost differential is the missing piece of the (state funding) puzzle," said Ken Dragseth, Edina Public Schools superintendent. "It directly affects how we deliver services."

When all state formulas are considered, he said Edina ranks 77th among more than 340 school districts in the state receiving \$5,977 per pupil funding.

"Our dollar won't go as far as one for an outstate district," said Dennis Peterson, Minnetonka Public Schools superintendent.

Several Greater Minnesota representatives challenged the suburban superintendents.

"Rural districts are pinched, too," said Rep. Bud Heidgerken (R-Freeport). Tax reform enacted by the 2001 Legislature removed high value lake property and some farmland from school district property tax rolls, he said.

Incomes aren't adequate in rural areas to support schools, and "housing is not an investment," said Rep. Kent Eken (DFL-Twin Valley). "We get hit much harder."

Money for schools

Congress should increase a user reservation fee in a popular canoe wilderness area that would raise an estimated \$93,000 annually for Minnesota public schools.

That would at least begin addressing federal compensation for 87,000 acres of school trust lands located in the Boundary Waters Canoe Area Wilderness, according to a resolution approved March 9 by the House Education Policy Committee.

Sponsored by Rep. Barb Sykora (R-Excelsior), the committee chair, HF2242 urges the federal government to work with the state toward a permanent solution regarding compensation for school trust lands, which became part of the federal wilderness area more than 25 years ago.

The bill, also approved by the House Environment and Natural Resources Policy Committee March 11, goes to the House floor.

"This is a small drop of water in the pond," Sykora said, referring to a proposed \$3 increase in the wilderness area's \$12 reservation fee.

Friends of the Boundary Waters Wilderness, a group supporting the bill, estimated that the \$3 increase could yield \$93,000 annually for the state's Permanent School Fund.

The fund provides annual financial support for public school districts from lease and fee revenues generated on 3.5 million acres of state-held school trust and mineral rights lands.

The Department of Natural Resources manages the school trust lands that Minnesota has held since statehood.

The bill urges the state's congressional delegation to initiate a federal land trade with the

state, a payment for the school trust acreage, or a combination of the two, Sykora said.

Sarah Strommen, political director of the wilderness friends group, said a federal payment of \$10 million discussed in 1997 for the trust lands was stopped by "some state legislators who wanted to discuss more options."

Neither a "massive exchange" of state land within the wilderness area for federal land outside of it, nor a federal buyout are "good, feasible options," Strommen said. "The land exchange carries enormous transaction costs, and the lack of federal acquisition funds hinders a timely purchase."

Memorial resolutions passed by the Legislature don't require the governor's signature and are sent directly to the state's congressional delegation if passed by both the House and Senate.

The Senate version (SF2222), sponsored by Sen. Steve Kelley (DFL-Hopkins), awaits action on the Senate floor.

★ EMPLOYMENT

Affirmative action provisions

State affirmative action provisions would become more in line with federal law, under a bill approved by the House Governmental Operations and Veterans Affairs Policy Committee March 8.

Sponsored by Rep. Paul Thissen (DFL-Mpls), HF2609 calls for the commissioner of employee relations to establish goals for each of the federal Equal Employment Opportunity categories applicable to state employment. However, it reduces the number of factors used in setting state affirmative action goals from five to two.

The remaining factors would be the percentage of members of each protected class in the recruiting area who have necessary skills, and the availability for promotion or transfer of members of protected classes in the recruiting area population.

Areas that would be omitted include:

- the extent of unemployment of members of protected classes in the recruiting area population,
- the existence of training programs in needed skill areas offered by employing agencies and other institutions, and
- the expected number of available positions to be filled.

Thissen said the bill is an attempt to streamline paperwork and reporting for the Department of Employee Relations.

The bill also defines "goal unit" for the purposes of affirmative action as "the group of jobs in an agency or agency subdivision to one of the federal Equal Employment Opportunity occupation categories applicable to state employment."

There was no opposition to the bill, which now goes to the House floor.

A Senate companion, SF2376, sponsored by Sen. Chuck Wiger (DFL-North St. Paul), awaits action on the Senate floor.

Contract negotiations

A bill that would prohibit teacher contract negotiations during the school year was initially defeated March 9 by the House Education Policy Committee but approved on a second vote.

Sponsored by Rep. Randy Demmer (R-Hayfield), HF2786 would prohibit a school board from negotiating an employment contract with the teachers' union between the first day and last day of the school year.

The bill, which now moves to the House Education Finance Committee, would also eliminate a Jan. 15 agreement deadline for teacher contracts. That deadline was suspended for the 2004-05 biennium by the 2003 Legislature.

The bill, which has no Senate companion, initially failed on a tie vote, but Demmer moved later in the meeting to reconsider the vote. It then advanced.

"I really see (the bill) as a pro-kid initiative," said Demmer, a former school board member. "It's bad policy to have this stuff going on while school's going on."

Rep. Dean Urdahl (R-Grove City), a high school history teacher, opposed the bill.

"If (teachers) don't settle, they go to next June," he said. "You'd never recapture (any wage increase) in a settlement. In this system, everything would be with the school board."

Grace Schwab, director of government relations for the Minnesota School Boards Association, said the group supported repeal of the Jan. 15 contract deadline, but was neutral on the bill as a whole.

Jan Alswager, manager of government relations for Education Minnesota, the state teachers union, also opposed the bill. Without a contract deadline, she said, settlements are "pushed back and back and back."

Summer scheduling conflicts, and the inconsistent date districts learn of state aid allocations would squeeze the time needed to reach a contract, Alswager said, if bargaining were restricted as the bill proposed.

At the beginning of the 2003-04 school year, 19 local teacher agreements had been settled, but 321 had not yet been, she said.

Two years earlier, when there was also no Jan. 15 deadline, just 89 of the state's 341 districts had reached settlements by that date. In 2000, 98 percent of school districts had settled their contracts when there was a deadline.

★ ENERGY

Hope for hydrogen

The University of Minnesota recently began a \$20 million renewable energy research initiative. Scientists, engineers, and industry personnel are advocating for a way to boost collaborative efforts between the university and state, federal, and private partners.

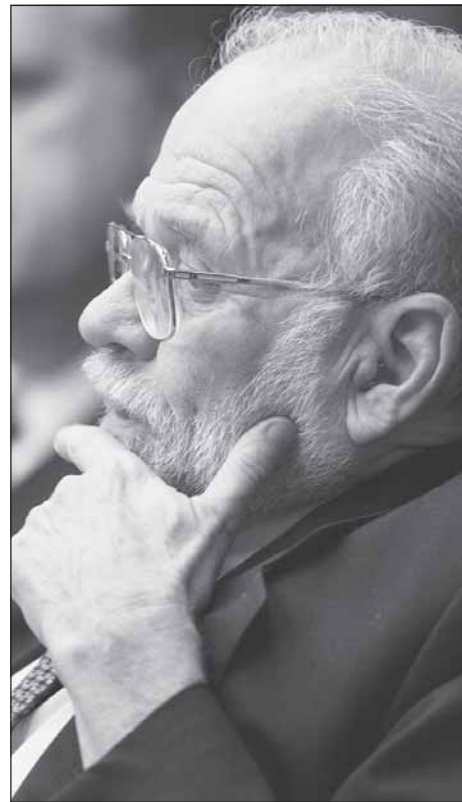
Rep. Al Juhnke (DFL-Willmar) is sponsoring a bill (HF2229) that would provide funding for research into creating hydrogen from ethanol to be used to produce affordable energy.

The bill would direct an as-yet undetermined sum to the Department of Agriculture for grants to the University of Minnesota or other eligible entities to continue research on making hydrogen from ethanol and ultimately create a demonstration project using the hydrogen to supply electricity to selected Minnesota consumers.

The House Agriculture Policy Committee approved the measure March 10. It now moves to the House Agriculture and Rural Development Finance Committee.

Lawmakers heard an overview of the science behind the ethanol conversion process from Lanny Schmidt, a chemical engineering professor at the university.

The initiative is organized into different



Lanny Schmidt, a chemical engineering professor at the University of Minnesota, testifies before the House Agriculture Policy Committee March 10 in support of a bill that would provide funding to research the production of hydrogen from ethanol to be used to create affordable electricity.

groups to examine hydrogen, energy efficiency, bio-products and bio-energy, and environmental policy, Schmidt said.

The timeline of a total switch from fossil fuels to renewable sources is unclear, he said, but the state does have an abundance of organic material from which to eventually derive renewable energy.

"Somebody has said the Upper Midwest is the Saudi Arabia of biomass," Schmidt said. "I think that's a cool phrase."

In order to make renewable energy successful, he said, you need an available resource, a solid supply infrastructure, a distributed rather than centralized system, and an affordable product at the end.

The university should involve itself solely in pre-competitive research, Schmidt said, and the collaborative partners should take it from there.

A companion bill (SF2521), sponsored by Senate Majority Leader Dean Johnson (DFL-Willmar), awaits committee action.

Reviewing renewable energy

The House Regulated Industries Committee has reviewed several renewable energy initiatives this year that the committee chair, Rep. Torrey Westrom (R-Elbow Lake), has bundled into intellectual fodder for an interim advisory group.

Westrom is sponsoring a bill (HF2806) that would create a renewable energy working group to advise lawmakers on a number of policy and funding issues facing the Legislature, regulators, and the energy industry.

The committee approved the measure March 10. It now moves to the House Governmental Operations and Veterans Affairs Policy Committee.

The 18-member task force would include one representative from the following groups: investor-owned utilities, municipal electric utilities, cooperative electric associations, environmental advocates, developers of large-scale wind energy projects, community energy developers, local governments, business customers, biomass or other renewable energy projects, the residential utility unit of the Minnesota Attorney General's Office, the Department of Commerce, and the Midwest Independent System Operator.

Under the bill, members would be appointed by the chairs of the Legislative Electric Energy Task Force and the chairs of the House and Senate committees with primary jurisdiction over energy policy. Staff would be supplied by the House and Senate research department employees who assist the legislative energy task force with bill drafting and policy analysis.

The working group's expenses not subject to task force approval would be capped at \$10,000.

The group would be charged with the following tasks:

- compile an inventory of existing and developing renewable energy projects in the state,
- determine the extent to which current and future electric transmission capacity in Minnesota may be a constraint to the development of both conventional and renewable electricity production, and
- recommend how existing state policies and programs to develop renewable energy could be amended, coordinated, and integrated.

The bill, which has no Senate companion, requests the report from the group by Dec. 1, 2004.

★ ENVIRONMENT

Bonding recommendations

The House Environment and Natural Resources Finance Committee finalized a bonding proposal March 4 that would direct nearly \$144.4 million toward the state's environmental efforts.

The request, which matches the bottom line of the governor's recommendations with a few shifts in priorities, now moves to the House Capital Investment Committee. It includes the following agencies and capital investment levels.

The Department of Natural Resources would receive the largest portion, \$70.2 million.

Some of the larger budget items include \$23.6 million for flood hazard mitigation grant projects, \$12 million for critical habitat acquisition, and \$5.8 million for state park building development. The department's capital investment outlays also include myriad other items such as science and natural area acquisition, stream protection, state park reforestation, and a grant to the Lake Superior Zoo in Duluth.

The Board of Water and Soil Resources would receive nearly \$24.4 million plus \$2 million from the general fund to enroll 100,000 acres from three watersheds, including basins in southeastern and southwestern Minnesota and the Red River Valley, in a Conservation Reserve Enhancement Program. The program is a voluntary arrangement aimed to reduce sedimentation and soil erosion by encouraging landowners to set aside marginal or environmentally sensitive agricultural land along waterways.

The board also would receive nearly \$4.4 million for local government road wetland replacement projects.

A little more than \$20 million is earmarked for the Minnesota Zoological Gardens, including \$18 million for new exhibits, \$2 million for scheduled repairs and maintenance, and

approximately \$1 million in fiscal year 2005 as the state assumes debt service on the zoo's marine education center.

The Pollution Control Agency would receive \$14 million to keep on track with remedial design and construction work at 11 sites involved in the Closed Landfill Program.

Under the program, the state assumes responsibility for the clean-up process at qualified closed, publicly owned, solid waste landfills in an attempt to protect groundwater and air quality and reduce liability exposure for landfill owners, operators and waste generators.

Remedial construction work includes designing and building covers, gas release prevention systems, and ground water treatment systems.

The Metropolitan Council would receive \$7 million to put toward the acquisition, rehabilitation, and development of metropolitan regional parks and trails.

And, the Office of Environmental Assistance is slated to receive \$5.8 million to provide grants to help cities, counties, solid waste management districts, and sanitary districts implement integrated solid waste management systems.

★ FAMILY

Defining marriage

A bill that could ultimately let state voters decide whether to limit the definition of marriage in Minnesota to that between a man and a woman cleared its first hurdle March 9.

The House Civil Law Committee approved HF2798 as did the House Ways and Means Committee March 11. It now moves to the House rules committee.

The bill, sponsored by the committee chair, Rep. Mary Liz Holberg (R-Lakeville), proposes

that an amendment to the state constitution be placed before voters in November.

The question would read: "Shall the Minnesota Constitution be amended to provide that marriage or its legal equivalent is limited to only the union of one man and one woman?" The bill would preclude civil unions in Minnesota without a separate constitutional amendment.

With hundreds of people interested in attending the committee meeting, unusual measures were taken to control access. Admission tickets were issued and overflow seating was arranged in a separate room equipped with a television monitor. Public testimony was strictly limited to give each side equal time.

Teresa Collett, a law professor at the University of St. Thomas, briefed legislators on marriage legislation in other states and countries, stating that the "current attack" on the Defense of Marriage Act has accelerated at an unprecedented pace. Legislation has been introduced in more than 35 states to define marriage in the traditional way, according to stateline.org.

"I do not want this state in the business of issuing love licenses," Collett said.

Ann DeGroot, executive director of Outfront Minnesota, said that prohibiting gay marriage disallows all but heterosexuals from the 1,138 civil benefits for married couples.

"We are asking you to not put our families and our relationships in harm's way," DeGroot said.

Mike Fry of Minneapolis testified that he and his partner, George, were married in February in San Francisco. "Whether our relationship is sin or is sacrament ... is not up to you," he said.

Brian Walker of Brooklyn Center said that without the bill, the state's constitution would most certainly be challenged, leaving the matter to the state Supreme Court. "This cannot be left up to the whims of court justices," Walker said.

The bill's Senate companion (SF2715), sponsored by Sen. Michele Bachmann (R-Stillwater), awaits committee action.



Before a packed committee room, the House Civil Law Committee approved a bill March 9 proposing a constitutional amendment that, if approved at the polls in November, would limit the definition of marriage to that between a man and a woman.

★ GAMBLING

Helping problem gamblers

The House Health and Human Services Finance Committee considered a bill March 9 intended to “jump start” a program to increase public awareness of problem gambling and the resources available to those affected by it.

HF1977, sponsored by Rep. Laura Brod (R-New Prague), would make a one-time appropriation of \$75,000 from the state lottery prize fund to the commissioner of human services for a grant to the Northstar Problem Gambling Alliance.

The bill will be considered for inclusion in the committee finance bill. A companion bill (SF2146), sponsored by Sen. Thomas Neville (R-Northfield), awaits a hearing in the Senate Agriculture, Veterans, and Gaming Committee.

The bill would require the alliance to:

- increase public awareness of problem gambling,
- promote the widespread availability of treatment for problem gamblers and their families, and
- encourage education, research, and prevention.

The \$75,000 grant would be contingent on an equal amount of matching funds from other sources.

The University of Minnesota has one of the finest research programs in the country for dealing with problem gambling, said Lance Holthusen, executive director of the alliance. “But it’s mostly under-funded.”

The alliance, located in the Sibley County community of Arlington, is a non-profit organization that represents all those with a vested interest in gambling, those who provide help for problem gamblers, and researchers examining problem gambling.

“Given their differences, the commonality that brings all these people to the same table is a concern for the problem gambler,” Holthusen said.

“Gambling addiction hasn’t been addressed as much as alcohol and other addictions,” said Marjorie Rapp, an attorney with Bridgport Family Law Center in St. Paul. She said the effects of untreated gambling addiction are similar to other addictions. They include divorce, child neglect and abuse, depression, suicide, and crime.

Among the efforts of the alliance, Rapp said, is the formation of a judicial task force that will work toward creation of a gambling court.

The Department of Human Services has also been working on gambling addiction. Its Compulsive Gambling Treatment Program was established in 1989. It also has a hotline for problem gamblers.

“This bill is not meant to duplicate what’s being done at the department but to supplement it,” Brod said.

Rep. Fran Bradley (R-Rochester), the committee chair, asked for a specific breakdown of how the funds were to be used. Holthusen said he would provide those details.

Tribal casino plan

A proposed casino that would be a partnership between the state and one or more American Indian tribal governments was approved by the House Governmental Operations and Veterans Affairs Policy Committee March 5.

Sponsored by Rep. Bill Haas (R-Champlin), HF2135 would permit the Minnesota State Lottery to operate gaming machines at a facility in the Twin Cities metropolitan area and would also allow the operation of a card club. Currently, Canterbury Park in Shakopee is the only facility on non-Indian lands allowed to have a card club.

Haas said the bill is about equity and economic development.

Doyle Turner, chair of the White Earth Reservation, told members of the poverty-like conditions on the Indian reservation. He said a casino would provide the funds to build infrastructure and provide economic development. Haas added that proceeds would help move people off welfare dependence and provide skilled jobs.

Opponents of the bill include the Mille Lacs Band of Ojibwe, who operate Grand Casino Mille Lacs and Grand Casino Hinckley. Tribal

representatives claim that the majority of the clientele visit from the Twin Cities metropolitan area and a new casino would reduce the number of visitors.

Under the plan state revenue from the machines would come from a 20 percent tax on gross revenue, with the Red Lake Nation and White Earth Band of American Indians receiving 60 percent of the revenues.

A gaming fund in the state treasury would be established, under the bill, with the monies divided as follows:

- 3 percent deposited in a gaming facility proceeds fund, to be equally divided between the city and county where the casino is located;
- 1.5 percent to the Department of Education for the Indian education program and for schools in Minneapolis, St. Paul, Bemidji, and Duluth;
- 1.5 percent to the Department of Human Services for programs and services for minorities and urban American Indians;
- 1.5 percent to the Department of Employment and Economic Development for a grant to a nonprofit organization that provides loans and business education to minorities and urban Indians;
- 1.5 percent to the housing finance agency for affordable housing for minorities and urban American Indians;
- 1 percent to the Department of Human Services for a compulsive gambling treatment program, with the department



Gordy Adams, Jr. left, from the Boise Fort Reservation, testifies before the House Governmental Operations and Veterans Affairs Policy Committee March 5 in opposition to a number of bills that would provide for a state-run casino. Doyle Turner, right, chair of the White Earth Reservation, spoke in favor of one such measure.

required to provide culturally sensitive approaches to gambling treatment for minorities and American Indian communities, and

- 90 percent to the general fund.

The bill now goes to the House State Government Finance Committee. A companion bill (SF2015), sponsored by Sen. Sandra Pappas (DFL-St. Paul), awaits action in the Senate Agriculture, Veterans, and Gaming Committee.

Simulcasting and a card room

Minnesotans wanting to bet on the ponies or legally play some poker could have a new place to go, under a bill approved by the House Governmental Operations and Veterans Affairs Policy Committee March 5.

Sponsored by Rep. Jim Abeler (R-Anoka), HF1208 would permit a proposed harness racing facility in Anoka County to offer simulcasting of any type of horse racing and operate a card club.

Originally the bill called for a constitutional amendment to allow casinos at racing facilities, but Abeler amended the bill to include only simulcasting and a card club.

The card room would allow for additional purses, in the first year, of approximately \$823,000, with an additional \$704,000 from simulcasting, said Greg Budach, representing Minnesota Harness Racing, Inc. Additionally, the new track would give standardbred horses, used in harness racing, a venue to show their product.

Budach said harness racing isn't given an opportunity to race at Canterbury Park in Shakopee, and he "doesn't believe it's going to hurt Canterbury at all."

Currently, harness racing occurs at county fairs and similar events, because purses are not large enough to support Canterbury-type races, he said.

Cort Holten, representing the Minnesota Horsemen's Benevolent and Protective Association, testified against the proposal. He said the direct competition of standardbred versus thoroughbred racing at a new track would be a "fatal blow" to thoroughbred racing in Minnesota.

Also testifying against the measure were representatives from the Mille Lacs Band of Ojibwe. A card club would create a direct competitor to the gaming business at the two Grand Casinos it operates and take away patrons. And allowing the new facility could lend itself to further gaming expansion down the road.

Rep. Phyllis Kahn (DFL-Mpls) successfully offered an amendment that would allow for a taxation study by the revenue commissioner.

The study would include:

- types of revenue received by card clubs and amounts,

- current uses of revenue,
- taxation of card club and pari-mutuel wagering revenues in other states, and
- alternative methods of taxing card club revenues, and the effect of each on state revenues, card club and racetrack operations, and the racing and breeding industry in Minnesota.

The bill now moves to the House State Government Finance Committee. A Senate companion (SF909), sponsored by Sen. Linda Scheid (DFL-Brooklyn Park), awaits action in the Senate Agriculture, Veterans, and Gaming Committee.

Lottery oversight

Several changes to state lottery operations would occur under a bill approved by the House Governmental Operations and Veteran's Affairs Policy Committee March 8.

Rep. Tim Wilkin (R-Eagan), the sponsor of HF2199, said the bill is in response to a recent legislative auditor's evaluation of the lottery. That report found concerns in a number of areas, including: promotional spending, the amount of leased space, and staffing levels.

One change, under the bill, would give the governor the responsibility for appointing the state lottery director.

The bill also would require the director to submit a budget in compliance with the rules, format, and instructions established by the commissioner of finance and would create a task force to study and make recommendations regarding the future organization of the lottery.

Additionally, the bill lowers the operating expenses for fiscal years 2004 and 2005 to \$27.4 million from \$43.5 million. The expenses must not come from a direct function of lottery sales, which include the cost of lottery prizes, monies paid to lottery retailers as sales commissions or other compensation, costs to produce and deliver scratch game tickets, and amounts paid to an outside vendor to operate and maintain an online gaming system.

Rep. Phyllis Kahn (DFL-Mpls) successfully offered an amendment, suggested by the Minnesota Center of Environmental Advocacy, that added two items — the intent that the lottery maximize proceeds to state beneficiaries as identified by the constitution and the Legislature and that the director is accountable for returning the maximum proceeds to the state.

The bill now goes to the House State Government Finance Committee. A Senate companion (SF2181), sponsored by Sen. Ann Rest (DFL-New Hope), awaits action on the Senate floor.

Private casino proceeds

A plan that would propose a change to the state constitution and provide scholarship money for college students from private casino proceeds was heard March 5 by the House Governmental Operations and Veterans Affairs Policy Committee.

The committee deferred action on HF2571, sponsored by Rep. Lynda Boudreau (R-Faribault), with no firm plans on when the bill might be taken up again.

The bill would establish \$2,500 scholarships for all students with a 3.0 grade-point average attending four-year schools, and annual vocational technical school scholarships of \$2,000 would be available for students with a 2.0 grade-point average.

Additionally, Boudreau told committee members her proposal is one of the few casino proposals before the Legislature this session that would also provide strict oversight of casino operations. That would be accomplished through the establishment of a casino control commission and a casino control board.

The commission would issue one private casino license through an application process. A license would be good for up to 20 years, with renewal available every 10 years thereafter.

However, before any of this could occur, voter approval would be needed.

The proposal calls for voters in the 2004 general election to decide whether the state constitution should be changed to allow for the Legislature to license, tax, and regulate a non-Indian private gaming casino with revenues dedicated to scholarships and other purposes.

Under the bill, the casino must be built in the Twin Cities metropolitan area, within one mile of an interstate highway, and could be as large as 200,000 square feet.

Testifying against the measure were representatives from the Mille Lacs Band of Ojibwe, who operate Grand Casino Mille Lacs and Grand Casino Hinckley. Tribal representatives claim that the majority of their clientele visit from the Twin Cities metropolitan area and a casino there would reduce the number of visitors to their gaming facilities.

Boudreau's bill has no Senate companion.

★ GAME & FISH

Managing Lake Mille Lacs

Under a federal court order to share in resource management, the 1837 Ceded Territory Fisheries Committee comprised of state and tribal biologists meets to determine the appropriate harvest levels for Lake Mille Lacs.

Some resort owners and other local anglers have objected to those meetings being closed

to the public, saying the fisheries committee is violating state open meeting laws.

A bill (HF2069), sponsored by Rep. Sondra Erickson (R-Princeton), would require that the fisheries committee open its doors for observation to a limited number of people.

The House Environment and Natural Resources Policy Committee approved the measure March 4. It now moves to the House floor.

Under the bill, those permitted to attend the meetings would be:

- three representatives from the media, including one from the Lake Mille Lacs area and two others chosen by the Department of Natural Resources through a lottery process;
- two members of the Lake Mille Lacs Fisheries Input Group, a group comprised of local business interests and anglers;
- House and Senate environment and natural resources policy committee chairs; and
- a biologist who is not an employee of the department.

The department biologists do not have the appropriate negotiating skills, said Linda Eno, a Mille Lacs resort owner. "They're negotiating my livelihood and the state of Minnesota's resources away."

Opponents expressed concerns that the open meeting requirements could infringe upon the federal court order or sovereign treaty rights.

A Senate companion bill (SF1998), sponsored by Sen. Betsy Wergin (R-Princeton), awaits committee action.

Data privacy for habitat management

The Department of Natural Resources collects a variety of information on the state's plant and animal species in the course of daily habitat management and ecological services work.

A bill, sponsored by Rep. Tom Hackbarth (R-Cedar), would classify as nonpublic specific data relating to the location of protected or endangered animals and plants if disclosure would hinder management or species survival.

The House Environment and Natural Resources Policy Committee approved the measure March 9. It now moves to the House Civil Law Committee.

Under the bill (HF2596), the department is granted authority to use the classification on so-called "specific location data" that identifies the sites of protected wild animals and endangered or threatened plants and animals, or those of special concern.

These species could include game and fish that are protected by certain hunting and angling seasons or by the manner in which they are taken. The department maintains a list of threatened and endangered plants and animals

that currently includes eastern spotted skunks, paddlefish, and prairie milkweed.

The bill specifies that the department could release nonpublic data if disclosure would aid the environmental review process, research, education, conservation planning, or provide information to landowners that promotes plant and animal protection.

The bill also would allow the department to ask people to include a justification for receiving specific location data.

Richard Neumeister, a citizen lobbyist interested in data privacy issues, expressed concerns about handing the department discretionary power to decline a request without putting in place an appeals process.

A companion bill (SF2589), sponsored by Sen. Don Betzold (DFL-Fridley), awaits Senate Judiciary Committee action.

★ HEALTH

Smoke-free facilities

A ban on smoking in state treatment facilities that went into effect on Jan. 1, 2004 has been upheld. The House Health and Human Services Policy Committee voted March 8 against a bill that would have rescinded the 2003 legislation.

HF2312, sponsored by Rep. Connie Ruth (R-Owatonna), would have allowed patients at state-owned chemical dependency and mental health facilities to smoke in designated areas in accordance with policies that would be set by program administrators.

Calling the ban imposed by the 2003 Legislature "ill-advised," Dr. Joseph Wilson, a psychiatrist from Owatonna, said he was concerned by evidence that some patients who need treatment avoid it when they find out they can't smoke in the facility.

"I'm somewhat sheepish about testifying in favor of smoking," said Dr. Thomas Keul, a Minneapolis psychiatrist, "but I feel I'm testifying in favor of my patients." He said the ban has been counterproductive and has brought new problems such as contraband and a black market for cigarettes.

Rep. Bud Nornes (R-Fergus Falls) said he supported "reasonableness" in the matter of smoking in state facilities. He said the ban has created additional work for the staff of these facilities, who have had to become "policemen."

Dr. Maureen Hackett, a Minneapolis forensic psychiatrist, called the 2003 law "a giant step forward." She reminded the committee that it was supported by the Minnesota Medical Association, the Minnesota Psychiatric Society, and the Minnesota Department of Human Services.

"Unfortunately, less than two months since implementation of the change, there is a rush to judgment about its worthiness," Hackett said.

The Department of Human Services supports retaining the 2003 law, according to Mike Tessner, the department's chief executive officer.

Aggie Leitheiser, an assistant health commissioner said the department is "anti-smoking," although it has no formal position on this particular bill.

"At some point you have to make your facilities safe," Hackett said. "Whatever medical condition (patients) are in there for is going to be exacerbated by smoking."

A companion bill (SF1827), sponsored by Sen. Don Betzold (DFL-Fridley), awaits committee action.

Giving life

For Melissa Roberts, the issue was a "no-brainer": her mother needed a kidney transplant to stay alive and she knew it was the right thing for her to do.

But if it weren't for the support of her family, employee benefits she receives through Hennepin County, and a grant to offset costs, she said she wouldn't have been able to afford the costs associated with paying the bills while she was out of work for six weeks following the procedure.

To answer these concerns, the House Taxes Committee heard two bills March 4 that would allow individuals to deduct up to \$10,000 for travel, lodging, and lost wages related to organ donations for transplantation. Valid donations, under the bills, include all or part of an individual's liver, pancreas, kidney, intestine, lung, or bone marrow.

The bills will be considered for inclusion in the omnibus tax bill.

The first (HF2048), sponsored by House Majority Leader Erik Paulsen (R-Eden Prairie), would allow a deduction of up to \$10,000. The other (HF2278), sponsored by Rep. Joe Atkins (DFL-Inver Grove Heights), would allow a maximum deduction of \$7,500. The proposal would allow an income subtraction for expenses that are not deducted under the federal medical expense deduction.

Recipients and donors asked committee members to consider the cost associated with the donation, which sometimes is more difficult to withstand than the physical setbacks associated with organ donation.

Cheryl Jacobs, a social worker with the donor program at Fairview-University Medical Center, said the financial concerns and time away from employment is often a disincentive to donation. She said that's even the case for family members, who are perfect matches for donations.



Keith Fahnhorst, left, a former University of Minnesota and San Francisco 49ers football player, listens to Aham Nnaji as he testifies before the House Taxes Committee March 4 for a bill that would allow an income tax deduction to help with organ donation expenses. Fahnhorst, who received a kidney from Nnaji one year ago, also testified for the bill.

“Many donors choose not to donate because they simply can’t afford it,” she said. The tax deduction is “easing the financial burden and consequences.”

Dr. John Najarian, a world-renowned transplant specialist from the University of Minnesota, said that living donor transplantation is better and less expensive in the long run because the recipients receive the donation when they’re still healthy and can stand the surgery, rather than when their condition is critical.

Keith Fahnhorst, a former football player with both the University of Minnesota and the San Francisco 49ers, received a kidney a year ago from a man he met at a bible study. Aham Nnaji said he was laid off from his job at the time and had a toddler at home to care for, while his wife was on bed rest for a difficult pregnancy.

“You can imagine the tremendous pressure

trying to do what we considered the right thing – to save a life,” Nnaji said.

“It’s hard to ask people for a kidney,” Fahnhorst said. “It’s not something that comes up in everyday conversation. ... How do you thank someone for that gift?”

The Senate companion to Paulsen’s bill (SF2171), sponsored by Sen. Linda Scheid (DFL-Brooklyn Park), awaits committee action. The Atkins bill has no companion.

Drug tax elimination

The House Health and Human Services Finance Committee considered a bill March 9 that would eliminate the MinnesotaCare tax on wholesale drugs and help small-town pharmacists.

Rep. Dan Dorman (R-Albert Lea), the sponsor of HF2612, said the Canadian drug providers on RxConnect, the governor’s Internet drug site, do not have to pay the provider tax, which puts Minnesota pharmacies at a disadvantage.

“It seems to me, if it’s a good enough policy for the Canadian folks, then it’s a good enough policy for our folks,” Dorman said.

The provider tax is a state tax on wholesale revenues from hospitals, surgical centers, and wholesale drug distributors. It helps fund MinnesotaCare, which provides state-subsidized health care for low-income Minnesotans. Wholesale drug distributors pass the expense of the provider tax on to pharmacies at the time they purchase drug inventory.

Pharmacists have expressed concern over the drive to encourage people to purchase drugs from Canada, said Liz Carpenter, a lobbyist for the Minnesota Pharmacists Association, who pointed out that pharmacies operate on a 2 percent to 3 percent profit margin. “Pharmacists are not the drivers of drug costs,” she said.

Rep. Thomas Huntley (DFL-Duluth) said the revenue loss from this bill would be about \$98 million, approximately one-fourth of the Health Care Access Fund. “How many kids do you want to kick off MinnesotaCare?” he asked.

Dorman admitted the conundrum, but he said some kind of change was needed. He said he would be willing to look at other ways to finance the fund, possibly through a tobacco tax.

“I’m very sympathetic,” said Rep. Fran Bradley (R-Rochester), the committee chair. “However, we do have a responsibility to maintain the Health Care Access Fund.” He said the fund could not sustain this kind of reduction.

At Bradley’s request, the committee sent the bill to the House Taxes Committee without recommendation.

The bill has no Senate companion.

Cost changes

A bill that would affect hospitals treating patients funded by the General Assistance Medical Care program was presented to the House Health and Human Services Finance Committee March 4. It will be considered for inclusion in the committee’s omnibus bill.

HF2269, sponsored by Rep. Thomas Huntley (DFL-Duluth), would make two changes in current law. First, it would allow hospitals to request payment for General Assistance Medical Care the next business day on behalf of patients who are unable to make the request themselves. Second, it would reduce the hospital inpatient co-payment for patients who qualify for the program’s catastrophic care from \$1,000 to \$100.

In 2003, legislators changed the deadline for submission of program applications to the actual day the hospital service is provided. According to Robert Aliperto, director of patient financial services for Fairview Health Services, many hospitals are finding it hard to adhere to the ruling, especially small rural hospitals that don’t have 24-hour billing departments.

For these hospitals, if a patient is admitted Friday after 5 p.m., there is “no hope of payment,” he said.

The program primarily serves people who have annual incomes of less than 75 percent of federal poverty guidelines, —\$6,735 for an individual and \$13,800 for a family of four — and assets of less than \$1,000. Catastrophic coverage was established for those who earn between 75 percent and 175 percent of those guidelines, which is less than \$16,000 per year for an individual.

“A \$1,000 co-pay is simply unaffordable,” said Aliperto. As a result, it is “just more uncompensated care for the hospital.” He said a co-pay of \$100 was high enough to discourage over-utilization of the hospital emergency room.

Extending the deadline for requesting program coverage would incur no cost to the state. However, changing the co-pay would cost the state approximately \$567,000 the first year and \$756,000 in following years.

Rep. Lynda Boudreau (R-Faribault) said she supported the bill philosophically but could not support the co-pay change at this time because of a funding shortage.

A companion bill (SF2269), sponsored by Sen. Becky Lourey (DFL-Kerrick), awaits action in the Senate Finance Committee.

★ LOCAL GOVERNMENT

Employee compensation levels

A bill that would repeal a state limit on local government employee salaries failed to pass the House Local Government and Metropolitan

Affairs Committee March 10.

Sponsored by Rep. Ron Erhardt (R-Edina), HF1759 would repeal the statutory limit on compensation for political subdivision employees.

The salary cap limits compensation for employees of statutory and home rule charter cities, counties, and towns, among other political subdivisions, to 95 percent of the governor's annual salary, which is currently \$125,000.

Representatives of a county organization and the League of Minnesota Cities testified in support of the bill.

"Minnesota is the only state in the (United States) with a local government salary cap," said Kevin Frazell, the league's director of member services. The cap is an impediment to attracting a wider variety of applicants, including younger people, for local government management positions, he said.

Nancy Schouweiler, chair of the Dakota County Board of Commissioners and representing the Association of Minnesota Counties, said the cap interferes with local government control.

"A county board should be able to set salaries, and not be controlled by the Department of Employee Relations or the Legislature," she said.

Since the salary cap took effect in 1977, the Legislature has amended the law numerous times to provide exemptions for school districts, medical doctors, and employees of publicly owned hospitals, clinics, or health maintenance organizations.

Noting the exemptions, Rep. Karen Klinzing (R-Woodbury) asked, "Why haven't we entertained the option of increasing the governor's salary?"

Schouweiler said if increasing the governor's salary would provide more money to counties to work with, they would support it.

Paul Larson, deputy commissioner of employee relations, opposed the bill.

Removing the cap "would have an upward spiral effect," on local government salaries, he said. "Times are tough. We didn't have a dime," Larson said in reference to increasing salaries for the majority of state employees.

The employee relations commissioner can waive the cap when a local government requests it. Waivers were approved for the newly appointed Minneapolis police chief and last year for the Bloomington city manager.

The bill's Senate companion (SF2713), sponsored by Sen. Steve Kelley (DFL-Hopkins) awaits committee action.

Speeding tickets

A bill that would expand issuance of local speeding violations to cities and counties statewide ran into a roadblock March 10 before the House Local Government and Metropolitan

Affairs Committee.

Sponsored by Rep. Char Samuelson (R-New Brighton), HF2243 would allow statutory cities and counties to adopt ordinances creating administrative penalties for drivers exceeding road speed limits by 10 mph or less.

"I have problems with this bill," said Rep. Jerry Dempsey (R-Red Wing), the committee chair, who ended discussion of the bill by effectively tabling it. State law allows home rule local governments to enact administrative penalties or local speeding fines.

Samuelson said 50 cities use the ordinance authority to "do what they can do to ensure safety."

Officials from New Brighton and White Bear Lake, which use administrative fines to control speeders, testified in support of the bill.

The bill was opposed by Pat McCormack, acting director of driver and vehicle services for the Department of Public Safety, and Bill Gillespie, executive director of the Minnesota Police and Peace Officers Association.

Local administrative penalties against drivers are not reported to the state, like other speeding citations, McCormack said. That could result in "masking" a driver's record, she added, and put the state in violation of federal regulations for issuing commercial drivers licenses.

A companion bill (SF1951) by Sen. Michelle Fischbach (R-Paynesville) awaits committee action.

Planetarium funding

Two years after failing to procure bonding funds for a new planetarium, a pair of Minneapolis legislators and a top city official are trying again in 2004.

Mayor R.T. Rybak told the House Jobs and Economic Development Finance Committee March 9 that a \$24 million funding request for the Minnesota Planetarium and Space Discovery Center is the number one bonding priority for the city.

That request is contained in HF2146, sponsored by Rep. Margaret Anderson Kelliher (DFL-Mpls).

The city plans for the planetarium to be part of the new library in downtown Minneapolis. The new facility, according to the Minneapolis Public Library Web site, is expected to open in the spring of 2006.

The new planetarium would provide an "opportunity for kids and adults to connect with the night sky," said Kelliher.

Rybak explained that the state funding would go to support programs at the planetarium, not for construction of the facility. The opportunity would be a good example of one that pays off over time, he said.

Robert Bonadurer, director of the



Planetarium Director Robert Bonadurer testifies before the House Jobs and Economic Development Finance Committee March 9 in support of a bill that would provide money for a new planetarium in Minneapolis. A scale model of a Mars rover sits on the table.

Minnesota Planetarium Society, said students in Minnesota need to be literate in science and the new building would help educate students.

The bill will be considered for inclusion in the committee's bonding recommendations.

In 2002, a bill sponsored by Kelliher and Sen. Linda Berglin (DFL-Mpls) would have appropriated \$30 million to help construct and equip a new planetarium. As part of the Legislature's omnibus bill, \$9.5 million was allocated for the project. However, former Gov. Jesse Ventura used a line-item veto to abolish the funds.

This year's Senate companion (SF1995), sponsored by Sen. Linda Higgins (DFL-Mpls), awaits action in the Senate Finance Committee.

Refusing to join

The House passed a bill March 4 that would allow Lake Elmo to maintain rural population densities by refusing to become part of a regional sewer system. The vote was 82-47.

Sponsored by Rep. Eric Lipman (R-Lake Elmo), HF1737 would allow the Washington County community to implement its own long-term comprehensive plan that was rejected by

the Metropolitan Council in 2002. The council is the regional planning agency serving the Twin Cities seven-county metropolitan area.

The development dispute is in litigation before the Minnesota Supreme Court.

"The Legislature has an interest in its own statute beyond what the Supreme Court may or may not do," said Lipman, who maintained the 1977 law creating the regional agency allows the city's right to pursue its own development plan.

Opponents of the bill said it should not be considered while the legal dispute is pending. The bill includes the wording, "Notwithstanding any law or determination to the contrary."

"Hold your horses to see what the Supreme Court is going to say," said Rep. Carlos Mariani (DFL-St. Paul). "This (bill) opens potential chaos for us in the future."

"We may well moot the case," Lipman said. "This bill is needed now more than ever to avoid senseless litigation."

The city appealed the case to the Supreme Court following an adverse state Court of Appeals decision.

Metropolitan Council representatives testified against the bill in the House Local Government and Metropolitan Affairs Committee.

"This bill hurts the council's ability to coordinate between adjacent communities," said Ann Beckman, acting director of planning and growth management.

She said the agency tries to strike a balance between "local control and the need for regional infrastructure."

A small area of Lake Elmo is served by a regional sewer system. The majority of the city is on individual septic systems or wetlands treatment systems. The issue in dispute is the city's connection to a planned sewer system.

The bill now awaits action in the Senate State and Local Government Operations Committee. Its Senate sponsor is Sen. Brian LeClair (R-Woodbury).

★ METRO AFFAIRS

★ **MAC chair salary**

A salary limit change affecting the chair of the Metropolitan Airports Commission could provide a \$35,000 raise for the political appointee, under a bill approved March 9 by the House Local Government and Metropolitan Affairs Committee.

Sponsored by Rep. Tim Wilkin (R-Eagan), HF2694 would change the salary state law permits for the chair of the 15-member commission from 25 percent to 85 percent of the governor's \$125,000 salary.

Vicki Grunseth was appointed chair of the commission by Gov. Tim Pawlenty in January 2003.

The bill, which now moves to the House Governmental Operations and Veterans Affairs Policy Committee, would also specify certain duties for the commission chair and make appointments to the commission subject to the advice and consent of the Senate.

Wilkin said Grunseth now makes about \$21,000, and the bill could potentially provide a \$35,000 salary increase to be consistent with salaries of other gubernatorial political appointees like the Metropolitan Council chair, but still far below the maximum amount allowed, which would be \$106,250.

"This is commensurate with the job we request of the chair," Wilkin said. "The job is very big."

Operation of Minneapolis-St. Paul International Airport and a number of reliever airports in the state is supervised by an executive director and professional staff hired by the commission.

The commission is primarily funded through airline charges, airport concessions, and fees and does not receive a state appropriation.

Glenn Weibel, a corporate pilot from Cannon Falls, testified in opposition to the bill. "It doesn't make sense," said Weibel, who chairs the Reliever Airport Advisory Council, a voluntary position.

"Do not add expense or procedures that will tie the hands of a system run by true aviation professionals," he said.

Vivian Starr, a member of the Anoka County Aviation Association, also opposed the bill. "Please ask yourselves, 'Why and why now?'"

The bill would specify five duties of the commission chair, including presiding at meetings, meeting with local elected officials and the Legislature, and serving as principal spokesperson for the commission.

Wilkin said the bill would largely codify the chair's existing responsibilities.

A companion bill (SF2336), sponsored by Sen. Linda Higgins (DFL-Mpls) awaits committee action.

★ RECREATION

★ **Riding certain wetlands**

Lawmakers are considering rolling back some restrictions on off-highway vehicle use on certain types of wetlands that were put in place by the 2003 Legislature.

A bill (HF2678), sponsored by Rep. Tom Hackbarth (R-Cedar), would remove type 8 wetlands from any restrictions and allow for riding on frozen type 3, 4, and 5 wetlands. These new rules would apply on public lands and private lands where the rider has permission from the landowner.

The House Environment and Natural

Resources Policy Committee approved the bill March 5 and sent it to the House Governmental Operations and Veterans Affairs Policy Committee.

The wetland types addressed in the bill are classified by the Department of Natural Resources under the following explanations.

- Type 3 — A shallow marsh often covered with 6 inches or more of water, usually waterlogged during the growing season. Vegetation includes grasses, cattails, and various other marsh plants.
- Type 4 — A deep marsh usually covered with 6 inches to 3 feet or more of water during growing season. Vegetation includes bulrush, cattails, and wild rice.
- Type 5 — Shallow open water usually covered with less than 10-foot-deep water, includes shallow ponds and reservoirs. Vegetation is similar to type 4.
- Type 8 — Bogs, where the water table is at or near the surface. Vegetation includes moss and stunted black spruce and tamarack.

The bill also would provide a number of exemptions from the restrictions for off-highway vehicles used for farming, military, fire, emergency, law enforcement, government, or pipeline and utility work purposes and certain forestry applications.

Under the bill, a vehicle safety and conservation grant program is authorized and motorcycle registration decal requirements are addressed.

Certain use of the vehicles for big game hunting and trapping also is provided.

And the bill would mandate a report by March 1, 2005, from the departments of natural resources, revenue, and transportation on the amount of unrefunded gasoline tax attributable to all-terrain vehicle use in the state.

As amended by the committee, the changes in the bill are in line with the big picture but are broader than those the Department of Natural Resources had advocated for, said Mark Holsten, deputy commissioner.

Opponents, including citizens and conservation groups, said they recognized the land use issues but objected to broadening the use on wetlands when certain special use permits are available.

Though not identified as companion bills, several off-highway vehicle operation restriction bills (SF1673, SF1711, SF1776) await action in the Senate Environment and Natural Resources Committee.

★ SAFETY

★ **Fire resistant cigarettes**

Fires started by unattended cigarettes are the number one cause of fire deaths in Minnesota. A bill that would mandate the sale of fire

resistant cigarettes squeaked through the House Commerce, Jobs, and Economic Development Policy Committee March 10.

HF2704, sponsored by Rep. Dennis Ozment (R-Rosemount), would require the commissioner of public safety to adopt rules similar to those adopted by New York for fire resistant cigarettes by Jan. 1, 2005, or six months after the New York state rules go into effect, whichever comes first.

The vote appeared to be a draw, but the committee chair, Rep. Gregory Davids (R-Preston), called for reconsideration, and then it passed by two votes. The bill will now go to the House Civil Law Committee. A Senate companion (SF1791), sponsored by Sen. John Marty (DFL-Roseville), awaits committee action.

Ozment, a retired fire captain, and Marty sponsored a similar bill in 2001 and 2002. It failed to pass, and at the time Davids said he would reconsider the bill if nothing was done at the federal level.

Cigarettes cause only 3 percent of fires in Minnesota, but they cause 40 percent of all fire deaths, according to Tom Brace, executive director of the Minnesota State Fire Chiefs Association.

Ozment said he did not know what fiscal effect the bill might have in terms of loss of taxes, but the savings on firefighting costs and injuries to firefighters "would more than offset it."

New York is the first, and so far the only, state to pass a law requiring the establishment of a fire safety standard for cigarettes, but the law has not yet gone into effect. Canadian provinces and five other states are also currently considering such a law.

The tobacco industry knows how to produce fire resistant cigarettes. In fact, Philip Morris began manufacturing such in 2000, the same year New York passed its law.

"There can't be a fire-safe cigarette as long as it's something you light to smoke," said Jim Goold, an attorney representing R. J. Reynolds Tobacco Company. "There's only so much you can do to stop unsafe and foolish behavior."

Tom Briant, executive director of the Minnesota Wholesale Marketers Association, said retail stores are concerned that people will cross borders to buy their favorite cigarette brands. He said they preferred to see a federal uniform bill.

Regulating exotic animals

Lawmakers are examining the appropriate level of state regulation for ownership of certain large and potentially dangerous animals.

Currently, non-domesticated animals are controlled by local ordinances, and breeding facilities are required to meet U.S. Department of Agriculture animal welfare guidelines for pen sizes, barrier and perimeter fence

specifications, nutrition, and veterinary care.

Rep. Steve Strachan (R-Farmington) is sponsoring a proposal (HF1593) that would impose registration requirements on owners of bears; large cats, such as lions and tigers; and nonhuman primates, including chimpanzees and gorillas.

The House Agriculture Policy Committee approved an amended version of the proposal March 8. The bill now moves to the House Civil Law Committee.

Some health and public safety officials said that animals in private ownership could pose a public safety risk if they were to fall back on predatory instincts.

"This is not an animal rights bill," Strachan said. "This is a public safety bill."

Proponents said the Strachan proposal would reduce the pool of private ownership over time, thereby decreasing the risk of injuries and diseases that could be transmitted to people.

It's not the frequency of calls, but the consequences of responding to a medical emergency caused by an exotic animal, said Steve Borchardt, Olmsted County Sheriff, speaking on behalf of the Minnesota Sheriff's Association.

"Basically, we just think it's a common sense, minimally intrusive regulatory law."

Opponents questioned the degree to which the public is at risk, comparing statistics on exotic species attacks with dog bites and horseback riding injuries.

"They want to regulate us out of business," said Kevin Vogel, owner of Vogel Exotic Animals.

As amended by Rep. Doug Lindgren (R-Bagley), the bill would refer to exotic animals as "regulated," rather than "prohibited;" place the regulatory responsibility with the Board of Animal Health, instead of local authorities, as Strachan had proposed; create a fee structure for board activities; and allow exotic species owners to replace their animals in perpetuity, rather than once as Strachan also had proposed, unless the animal dies of neglect or cruelty.

Animal health board officials questioned whether the fee structure would cover the cost of regulation activities and facilities.

A Senate companion bill (SF1530), sponsored by Sen. Don Betzold (DFL-Fridley), awaits action on the Senate floor.

TAXES



Raising the tobacco tax

The House Health and Human Services Finance Committee approved a bill March 9 that would raise the tax on cigarettes by 29 cents a pack, increase other tobacco products proportionately, and dedicate the revenue from the tax increases to the Minnesota Comprehensive

Health Association to eliminate or reduce its deficit. It would also decrease the MinnesotaCare tax on health care providers from 2 percent to 1.75 percent.

The bill (HF2533), sponsored by Rep. Fran Bradley (R-Rochester), the committee chair, was sent to the House Taxes Committee. A companion bill (SF2468), sponsored by Sen. Sheila Kiscaden (IP-Rochester), awaits committee action.

The health association is a state-operated insurance program for individuals whose health coverage was denied or cancelled due to severe or chronic illness.

Rep. Thomas Huntley (DFL-Duluth) said he supports the bill. "There's only one tax worse than the provider tax and that's the MCHA tax," he said. "And I like raising the price of tobacco because it will stop kids from smoking."

According to the Minnesota Medical Association, more than 90 percent of all smokers began as teens. Studies indicate that a \$1 increase in the per-pack price of cigarettes will result in an 18.5 percent reduction in the number of teens who smoke.

In February 2004, the Minnesota Citizens Forum on Health Care Costs reported a resurgence of smoking in Minnesota, especially among teens, following cutbacks in tobacco prevention funding.

Among that panel's recommendations for improving health and lowering health care costs in Minnesota is a \$1 per pack user fee on cigarettes that would not only serve as a disincentive for smokers or would-be smokers, but would also raise revenue for health-related funding. The current state excise tax on a pack of cigarettes is 48 cents. Bradley's bill would increase that to 77-cents per pack.

Not everyone thinks raising the tobacco tax is such a great idea.

Robert Tennesen, a lobbyist for the tobacco industry, said disparities in the price of tobacco products caused by a tax increase would drive consumers across borders to purchase tobacco. He said the revenue from an increase in the tobacco tax would not be as high as legislators might expect.

Huntley said he did not see that as a problem since it would mean fewer Minnesotans were using tobacco. He said the annual cost to the state from tobacco related illness is \$2.5 billion.

Tax haven countries

Corporations or their subsidiaries would be ineligible to do work with state agencies if they are incorporated in a tax haven country and the United States is the principal market for public trading of the corporation's stock, under a bill approved by the House State Government Finance Committee March 9.

Rep. Bill Hilty (DFL-Finlayson), sponsor of HF914, said the Minnesota Department of Administration had previously entered into contracts totaling approximately \$7,000 with businesses that participate in the practice.

A tax haven country is defined as a country that has no corporate income tax or has a tax rate lower than 10 percent on income that is not derived from that country.

The bill does provide for the commissioner to permit a contract that meets a compelling public interest, which specifically includes providing essential services and ensuring public health and safety.

Hilty said the practice of moving corporations to tax haven countries amounts to companies wanting to belong to the country club by playing 72 holes of golf on a weekend and taking advantage of the tennis courts, but not wanting to pay the dues.

The bill next goes to the House Ways and Means Committee.

A similar bill in 2003 failed to receive House committee approval. A companion bill (SF755), sponsored by Sen. Richard Cohen (DFL-St. Paul), was approved by the Senate last year, but failed to survive a conference committee.

★ TECHNOLOGY

Expanding broadband

Making rural communities and business in Minnesota viable through broadband technology is the goal of a bill heard before the House Jobs and Economic Development Finance Committee March 10.

Sponsored by Rep. Bob Gunther (R-Fairmont), HF2043 would create a grant program for cities to be provided with up to 80 percent of the capital costs of public infrastructure for broadband development projects.

Grant monies, which could not exceed more than \$200,000 in two years for one or more projects, would be used for fiber optic cable, coaxial cable, copper wire, conduit, wireless, and transmission equipment, under the bill.

The bill specifically defines the purpose of the grants "is to keep or enhance jobs in the area by making businesses more competitive through the utilization of broadband services."

Richard Nordvold, director of IT programs with the Blandin Foundation's Broadband Strategy Board, said the bill is of utmost importance for economic development in rural Minnesota. Schools, health care facilities, government agencies, and more would benefit, he said.

The bill will be considered for possible inclusion in a committee omnibus bill. A Senate companion (SF2298), sponsored by Sen. Dallas Sams (DFL-Staples), was approved by one committee and awaits action in a second.

Online access for all

Internet access in rural school districts, often sporadic and of mixed quality, would get a boost under a bill heard March 10 by the House Education Finance Committee.

Sponsored by Rep. Doug Lindgren (R-Bagley), HF2195 would create partial state aid reimbursement for schools' telecommunications and Internet access.

The bill will be considered for inclusion in the committee's omnibus finance bill.

"The Internet is a very critical part of Minnesota schools today," Lindgren said. "In rural areas, many students' only access is through school."

The bill would create telecommunications and Internet access equity aid for school districts, charter schools, and nonpublic schools.

For public schools, the aid would be equal to 90 percent of unreimbursed telecommunication costs exceeding \$15 per pupil. For nonpublic schools, the aid would be the same percentage of unreimbursed costs exceeding \$10 per pupil.

Participating districts would be required to apply for federal Internet funds known as e-rate funds.

Gov. Tim Pawlenty recently recommended \$4.5 million for rural telecommunications access in his proposed 2004-05 state budget adjustments.

Vernae Hasbargen, director of legislative action for the Minnesota Rural Education Association, testified in support of the bill.

State support for schools' telecommunications access has slipped since the Carlson administration and the Legislature provided \$120 million for network infrastructure in the late 1990s, she said. "We feel losing ground and going backwards is not any kind of model."

Stephen Hallan, who manages a telecommunications co-op in central Minnesota, said the state was the only one in the nation that doesn't fund a telecommunications system for K-12 schools.

"Many kids can't afford the Internet at home," said Brittany Jewell, a Pine City High School student, who testified in favor of the bill. The school "is your information outlet," she said.

A companion bill (SF2123), sponsored by Sen. Julie Rosen (R-Fairmont), awaits committee action.

★ TRANSPORTATION

Local airport costs

The minimum local source share of federally funded airport construction or improvements will be reduced under a new law signed by Gov. Tim Pawlenty March 10.

Signed
by
the
governor
★ ★ ★

Effective March 11, 2004, the airport project cost share required of a municipality, political subdivision, or public corporation is reduced from 10 percent to 5 percent.

Federal and state funding will cover the remaining 95 percent of project costs for construction, improvement, maintenance, or operation of an airport.

Rep. Michael Beard (R-Shakopee) and Sen. Keith Langseth (DFL-Glyndon) sponsored the law.

HF1794*/SF1615/CH136

Questioning FAST lane funding

In December 2003, Gov. Tim Pawlenty announced a plan to develop toll facilities on congested metropolitan highways. But some legislators are concerned that so-called FAST lanes aren't being integrated into larger transportation plans and lack legislative oversight.

HF2539, sponsored by Rep. Frank Hornstein (DFL-Mpls), would require the Minnesota Department of Transportation to prepare a toll-road plan before it could proceed with the development of any toll facilities, lanes, or roads. Under the bill, the 20-year plan, including a cost-benefit analysis, would be due by June 30, 2005.

Under Pawlenty's proposal, private developers would submit bids to construct "Freeing Alternatives for Speedy Transportation" (FAST) lanes along highly congested freeways. Motorists desiring a speedier commute could pay a toll for use of the lane.

Once the construction expense is recovered, the lanes would convert to free, general use.

Hornstein said his bill is a means of saying that toll facilities ought to be approached with caution.

However, Rep. Chris DeLaForest (R-Andover) objected to language that would allow toll facilities only in meeting transportation needs that "cannot reasonably be met in any other way."

Such language would bump toll roads to the bottom of any list, DeLaForest said. "You're stacking the deck against one certain modality."

Rep. Alice Hausman (DFL-St. Paul) said she recently learned from the department that toll roads couldn't be built without a state subsidy of between 20 percent and 70 percent.

Dick Stehr, director of the department's engineering service division, said he hoped private developers would fund toll facilities. The state would only commit money already in its transportation plan for toll facilities, he said, and not take funding from other projects.

The bill was approved March 10 by the House Transportation Policy Committee without recommendation and now moves to the House Transportation Finance Committee. Its Senate companion (SF2397), sponsored by Sen. D. Scott Dibble (DFL-Mpls), awaits committee action.

Monday, March 8

**HF2803—Huntley (DFL)
Education Finance**

Retired employee school district aid authorized.

**HF2804—Huntley (DFL)
Education Finance**

Telecommunications and connectivity aid for school districts ongoing funding provided.

**HF2805—Simpson (R)
Health & Human Services Policy**
Wadena County nursing home beds moratorium exception provided, and money appropriated.

**HF2806—Westrom (R)
Regulated Industries**
Renewable energy working group established to study renewable energy development in the state, and report required.

**HF2807—Knoblach (R)
Jobs & Economic
Development Finance**
St. Cloud Civic Center expansion funding provided, bonds issued, and money appropriated.

**HF2808—Koenen (DFL)
Judiciary Policy & Finance**
Criminal bail bond forfeitures and procedures provided.

**HF2809—Bernardy (DFL)
Education Finance**
Advanced placement and international baccalaureate program appropriation increased.

**HF2810—Fuller (R)
Higher Education Finance**
Pell grant award calculation modified.

**HF2811—Eastlund (R)
Education Finance**
Independent School District No. 15, St. Francis, alternative teacher compensation model and teacher academy grant provided, and money appropriated.

**HF2812—Kelliher (DFL)
Higher Education Finance**
Minneapolis Technical and Community College health care training center and science facility funding provided, bonds issued, and money appropriated.

**HF2813—Clark (DFL)
Agriculture & Rural
Development Finance**
Agricultural chemical response and reimbursement account allocation priority provided, and money appropriated.

**HF2814—Nelson, P. (R)
Health & Human Services Policy**
Chisago County nursing facility operating payment rates calculated.

**HF2815—Beard (R)
Transportation Policy**
Remote-control operation of train over highway intersections restricted.

**HF2816—Westerberg (R)
Regulated Industries**
Liquor retail license location proximity restrictions clarified relating to county jails.

**HF2817—Newman (R)
Taxes**
National Guard and reserves member benefits funding income tax check-off provided, benefits exempted from taxation, administration by Veterans Affairs Department provided, and money appropriated.

**HF2818—Buesgens (R)
Local Government &
Metropolitan Affairs**
Municipal Housing and Redevelopment Act repealed.

**HF2819—Nelson, P. (R)
Local Government &
Metropolitan Affairs**
Annexation moratorium imposed.

**HF2820—Seagren (R)
Education Policy**
Enhanced reading requirements provided for certain teachers, literacy specialist licensure provided, and rulemaking authorized.

**HF2821—Atkins (DFL)
Taxes**
Automated teller machine fees income tax subtraction authorized.

**HF2822—Penas (R)
Environment & Natural
Resources Policy**
State-owned land acquisition limited, and real estate tax payment required on purchased state land.

**HF2823—Hausman (DFL)
Regulated Industries**
Utilities; providing for the recovery of stranded costs incurred by a thermal energy customer of a facility subject to a qualifying emission reduction program.

**HF2824—Pugh (DFL)
Education Policy**
International students allowed to participate in varsity and junior varsity sports and competitions sponsored by the Minnesota State High School League.

**HF2825—Davnies (DFL)
Education Finance**
School board and school principals authorized to negotiate a plan for terminating, demoting, and reinstating principals.

**HF2826—Clark (DFL)
Health & Human Services Policy**
AIDS prevention grants provided focusing on African-born Minnesotans, and money appropriated.

**HF2827—Mullery (DFL)
Governmental Operations &
Veterans Affairs Policy**
Minneapolis Teachers Retirement Association service credit purchase right authorized of prior school district employment.

**HF2828—Ruth (R)
Taxes**
Corporate franchise tax sales factor weight in the apportionment formula increased.

**HF2829—Koenen (DFL)
Agriculture Policy**
Biodiesel production development program established, and money appropriated.

**HF2830—Lanning (R)
Taxes**
Historic structure rehabilitation income tax credit provided.

**HF2831—Thao (DFL)
Health & Human Services Finance**
Refugees and asylees exempted from participating in the diversionary work program.

**HF2832—Johnson, J. (R)
Education Policy**
Internet access software filtering or blocking technology required in schools and libraries, and financial penalties imposed.

**HF2833—Rukavina (DFL)
Education Finance**
School districts with care and treatment facilities authorized to bill resident school districts of students in care and treatment facilities.

**HF2834—Hausman (DFL)
Environment & Natural
Resources Policy**
Off-highway vehicle trail designation restrictions modified, restitution requirements provided, and money appropriated.

**HF2835—Wagenius (DFL)
Taxes**
Property tax valuation exclusion provided for new or refurbished individual sewage treatment systems.

**HF2836—Pugh (DFL)
Taxes**
Movies and television shows production materials exempted from the sales and use tax.

**HF2837—Buesgens (R)
Local Government &
Metropolitan Affairs**
State demographer required to provide demographic data to the Metropolitan Council.

**HF2838—Clark (DFL)
Taxes**
Property tax exemption limited for property used in certain tax shelter transactions, and political subdivisions prohibited from engaging in tax shelter transactions.

**HF2839—Clark (DFL)
Taxes**
Biomass electric generation facility property tax exemption provided.

**HF2840—Nelson, C. (R)
Jobs & Economic
Development Finance**
Rochester bioscience core area funding provided, bonds issued, and money appropriated.

**HF2841—Stang (R)
Taxes**
Sauk River Watershed District increased levy authorized.

**HF2842—Harder (R)
Agriculture & Rural
Development Finance**
University of Minnesota joint plant pathology center funding provided, bonds issued, and money appropriated.

**HF2843—Otto (DFL)
Health & Human Services Policy**
Wholesale drug distributor requirements modified.

**HF2844—Kahn (DFL)
Governmental Operations &
Veterans Affairs Policy**
Minneapolis Police Relief Association full funding date established, additional health insurance unit for all members provided, and guaranteed pension provision established.

**HF2845—Paymar (DFL)
Health & Human Services Finance**
Childcare assistance reductions restored and money appropriated.

HF2846—Finstad (R)
Environment & Natural Resources Finance
Lamberton waste-to-energy and material recycling facility bonds issued and money appropriated.

HF2847—Finstad (R)
Education Finance
Independent School District No. 836, Butterfield, fund transfers authorized.

HF2848—Mariani (DFL)
Commerce, Jobs & Economic Development Policy
Meatpacking industry worker rights established.

HF2849—Harder (R)
Health & Human Services Finance
Nursing facility payment rate modified.

HF2850—Newman (R)
Judiciary Policy & Finance
Part-time peace officer restrictions repealed.

HF2851—Mariani (DFL)
Health & Human Services Finance
Intermediate care facility payment system exception for persons with mental retardation and related conditions created.

HF2852—Knoblach (R)
Higher Education Finance
Minnesota State Colleges and Universities Board of Trustees sale of surplus land authorized.

HF2853—Seagren (R)
Education Finance
Advanced placement and international baccalaureate program revenue usage flexibility provided.

HF2854—Rhodes (R)
Environment & Natural Resources Policy
Zoological Board specified duties transferred to Minnesota Zoo Foundation.

HF2855—Howes (R)
Environment & Natural Resources Policy
Shoreland protection program expiration extended.

HF2856—Lipman (R)
Judiciary Policy & Finance
Force and coercion terms clarified relating to criminal sexual conduct crime law, harassment restraining order law modified, and harassment through technological means prohibited.

HF2857—Abeler (R)
Education Finance
Compensatory revenue expenditure by school districts at school sites with low test scores pilot program authorized.

HF2858—Peterson (DFL)
Environment & Natural Resources Policy
Live bait sale license required.

HF2859—Erhardt (R)
Taxes
Metropolitan fiscal disparities program study required.

HF2860—Seagren (R)
Education Finance
Pre-kindergarten through grade 12 education and early childhood and family education budget provisions amended and money appropriated.

HF2861—Wardlow (R)
Commerce, Jobs & Economic Development Policy
Public employee definition modified to include certain teachers, and teacher definition modified.

HF2862—Hackbarth (R)
Regulated Industries
Uniform statewide liquor off-sale hours provided and Sunday on-sale regulated.

HF2863—Buesgens (R)
Education Policy
Land detachment from existing school district for establishing new independent school district determination election provided.

HF2864—Hornstein (DFL)
Agriculture Policy
Kosher food labeling basis clarified.

HF2865—Wilkin (R)
Health & Human Services Finance
State health care program co-payment exemptions provided for individuals whose only income is a personal needs allowance.

HF2866—Huntley (DFL)
Health & Human Services Policy
Required nursing hours in nursing homes increased.

HF2867—Knoblach (R)
Ways & Means
Kindergarten through grade 12 education, general education, early childhood and family education, and health and human services funding provided, and money appropriated.

HF2868—Peterson (DFL)
Local Government & Metropolitan Affairs
Regional development commission services contract with local units of government and other commissions required.

HF2869—Blaine (R)
Agriculture Policy
Beverage availability and sale in public schools regulated.

HF2870—Huntley (DFL)
Health & Human Services Finance
Medical assistance, general assistance medical care, and MinnesotaCare programs modified; health care provider tax rate determination provided; tobacco product tax increased; and money appropriated.

HF2871—Murphy (DFL)
Governmental Operations & Veterans Affairs Policy
Postretirement employment option created for state employees and voluntary hours reduction plan authorized.

HF2872—Murphy (DFL)
Governmental Operations & Veterans Affairs Policy
Health care savings plan provisions modified.

HF2873—Powell (R)
Health & Human Services Policy
MinnesotaCare limited benefit set expanded to include coverage for diabetic supplies and equipment.

HF2874—Ozment (R)
Governmental Operations & Veterans Affairs Policy
State hiring process provisions modified.

HF2875—Zellers (R)
Judiciary Policy & Finance
Specified misdemeanor traffic offenses provided that do not constitute grounds for driver's license revocation or suspension.

HF2876—Meslow (R)
Judiciary Policy & Finance
Sex offender regulation provided, and money appropriated.

HF2877—Lanning (R)
Local Government & Metropolitan Affairs
Watershed district managers compensation increased.

HF2878—Hausman (DFL)
Governmental Operations & Veterans Affairs Policy
Dr. Norman E. Borlaug world food prize day designated.

Wednesday, March 10

HF2879—Ellison (DFL)
Jobs & Economic Development Finance
Minneapolis Hmong American Mutual Assistance Association community center renovations funding provided, and money appropriated.

HF2880—Otremba (DFL)
Transportation Policy
Sport utility vehicles required to have mud flaps.

HF2881—Otremba (DFL)
Agriculture Policy
Cooperatively owned livestock processing plant development and culturally specific livestock processing development programs established, and money appropriated.

HF2882—Otremba (DFL)
Health & Human Services Finance
MinnesotaCare gross income definition modified.

HF2883—Otremba (DFL)
Education Policy
Highly qualified paraprofessional statewide recognition provided based on local assessments.

HF2884—Davids (R)
Jobs & Economic Development Finance
Rushford Institute for Nanotechnology Inc., funding provided, bonds issued, and money appropriated.

HF2885—Nornes (R)
Health & Human Services Policy
Medical assistance coverage clarified for public health nursing services.

HF2886—Haas (R)
Governmental Operations & Veterans Affairs Policy
Volunteer firefighter relief association statewide retirement plan task force created, and money appropriated.

HF2887—Marquart (DFL)
Taxes
Local government aid program modified, market value homestead credit payment reductions provided, metropolitan transit levy and transit aid program established, and money appropriated.

HF2888—Opatz (DFL)
Civil Law
Protection of retirement plan assets of debtors clarified.

HF2889—Westerberg (R)
Commerce, Jobs & Economic Development Policy
No-fault automobile insurance medical, death, and disability compensation adjusted.

HF2890—Demmer (R)
Education Finance
Minnesota State High School League administrative regions authorized to contract with private auditors.

HF2891—Huntley (DFL)
Health & Human Services Policy
Health care conscience and religious liberty protection in health care provided.

HF2892—Paymar (DFL)
Transportation Policy
Seat belt violations designated primary offenses, all passengers required to wear seat belts, petty misdemeanor imposed, and fine proceeds portion dedicated to county detoxification services.

HF2893—Mahoney (DFL)
Civil Law
Child custody presumption in favor of joint physical custody provided.

HF2894—Blaine (R)
Agriculture Policy
Dairy upgrade pilot loan program provided, account established, balances transferred, and money appropriated.

HF2895—Severson (R)
Transportation Policy
License renewal applicants required to pass examinations, and physicians required to report driving-related physical or mental conditions to the public safety commissioner.

HF2896—Severson (R)
Education Finance
Independent School District No. 740, Sartell, garage lease levy extended.

HF2897—Seagren (R)
Commerce, Jobs & Economic Development Policy
No-fault automobile insurance independent medical examinations regulated.

HF2898—Larson (DFL)
Local Government & Metropolitan Affairs
Metropolitan Airports Commission labor provisions required in contracts with concession operators.

HF2899—Peterson (DFL)
Regulated Industries
Wind energy tax incentives study required.

HF2900—Peterson (DFL)
Agriculture Policy
Wind turbine loan program established, and money appropriated.

HF2901—Marquart (DFL)
Environment & Natural Resources Finance
Breckenridge flood hazard mitigation funding provided, bonds issued, and money appropriated.

HF2902—Marquart (DFL)
Education Policy
Postsecondary enrollment options students required to receive a passing grade to remain eligible.

HF2903—Finstad (R)
Health & Human Services Policy
Pharmacy services geographic access standard established.

HF2904—Hornstein (DFL)
Civil Law
Guardian and conservator eligibility modified.

HF2905—Brod (R)
Governmental Operations & Veterans Affairs Policy
State agency heads authorized to contract with national purchasing organizations.

HF2906—Buesgens (R)
Local Government & Metropolitan Affairs
Payroll processing efficiency increased for local governments, and use of electronic time recording systems authorized.

HF2907—Fuller (R)
Governmental Operations & Veterans Affairs Policy
Minnesota State Retirement System general plan deferred annuitant authorized to have employment at Bug-O-Na-Ge-Shig school used for rule of 90 eligibility purposes.

HF2908—Fuller (R)
Governmental Operations & Veterans Affairs Policy
Minnesota State Retirement System general plan coverage authorized for employment at the Bug-O-Na-Ge-Shig school.

HF2909—Marquart (DFL)
Taxes
Detroit Lakes redevelopment districts authorized.

HF2910—Strachan (R)
Judiciary Policy & Finance
Interstate compact for juveniles adopted, advisory council on interstate juvenile supervision created, compact administrator appointed, and money appropriated.

HF2911—Strachan (R)
Judiciary Policy & Finance
Racing of vehicles prohibited, and criminal penalties imposed.

HF2912—Zellers (R)
Commerce, Jobs & Economic Development Policy
Tobacco deliveries and shipments limited.

HF2913—Mahoney (DFL)
Higher Education Finance
University of Minnesota bio-based laboratories funding provided, bonds issued, and money appropriated.

HF2914—Severson (R)
Judiciary Policy & Finance
Motor vehicle hit-and-run offenses petty misdemeanor penalty imposed.

HF2915—Johnson, J. (R)
Commerce, Jobs & Economic Development Policy
Workers' compensation technical changes provided, definition of personal injury clarified, and qualifying employees authorized to opt for alternative benefits.

HF2916—Kelliher (DFL)
Judiciary Policy & Finance
Crime victim service programs, and crime and sexual violence prevention efforts funding provided, and money appropriated.

HF2917—Opatz (DFL)
Judiciary Policy & Finance
Benton, Sherburne, and Stearns county boards maximum medical services provided to prisoners payments specified.

HF2918—Gerlach (R)
Commerce, Jobs & Economic Development Policy
Electronic signature notarization regulated and notary signature electronically fixed, and criminal penalties imposed.

HF2919—Hilty (DFL)
Health & Human Services Finance
Sexually dangerous and sexual psychopathic pre-commitment confinement costs county share decreased.

HF2920—Huntley (DFL)
Commerce, Jobs & Economic Development Policy
Debtor exemptions; workers' compensation claims, personal injury claims, and certain employee benefit provisions modified.

HF2921—Strachan (R)
Transportation Policy
Emergency workers on highways; appropriate reduced speed defined when approaching emergency vehicle, surcharge increased for failure to reduce speed, owner and lessee penalty provided, and driver education required.

HF2922—Greiling (DFL)
Education Finance
Contract alternative program instruction over the age of 21 until graduation authorized for specified students.

HF2923—Gunther (R)
Health & Human Services Policy
Methamphetamine laboratory cleanup revolving fund established, loans authorized to assist counties and cities in conducting cleanup, and money appropriated.

HF2924—Seifert (R)
Jobs & Economic Development Finance
Prevailing wage rate definition modified.

HF2925—Thissen (DFL)
Environment & Natural Resources Policy
State agencies required to report contaminants to the Department of Health, and public notification required when drinking water contaminants exceed certain levels.

HF2926—Gerlach (R)
Commerce, Jobs & Economic Development Policy
Pre-need funeral arrangements regulated.

HF2927—Anderson, I. (DFL)
Regulated Industries
Biomass facilities defined as eligible for renewable energy production incentive.

HF2928—Blaine (R)
Environment & Natural Resources Finance
Game refuge annual payments to counties modified.

HF2929—Abrams (R)
Taxes
Alternative minimum taxable income modified.

HF2930—Vandever (R)
Governmental Operations & Veterans Affairs Policy
Flags in the capitol area required to be flown at half-staff following the death of a firefighter killed in the line of duty.

HF2931—Gunther (R)
Health & Human Services Finance
Martin County nursing facility rate increase determination provided.

HF2932—Anderson, I. (DFL)
State Government Finance
House of Representatives office building design funding provided, bonds issued, and money appropriated.

HF2933—Borrell (R)
Governmental Operations & Veterans Affairs Policy
Attorney general appointment by governor provided.

HF2934—Severson (R)
Judiciary Policy & Finance
Repeat violent felony offenders sentenced to life imprisonment, and third-time violent felony convictions life imprisonment without possibility of release provided.

HF2935—Kelliher (DFL)
Transportation Policy
I-394 parking facilities ownership transferred to the city of Minneapolis.

HF2936—Hausman (DFL)
Local Government & Metropolitan Affairs
St. Paul authorized to contract with a nonprofit organization for management and operation of the RiverCentre complex.

HF2937—Thao (DFL)
Jobs & Economic Development Finance
St. Paul health care education and training center funding provided, bonds issued, and money appropriated.

HF2938—Mahoney (DFL)
Jobs & Economic Development Finance
University of Minnesota and Mayo Clinic joint partnership for research in biotechnology and medical genomics funding provided, and money appropriated.

HF2939—Knoblach (R)
Health & Human Services Finance
Health coverage provided for children with special health needs, and money appropriated.

HF2940—Nelson, M. (DFL)
Environment & Natural Resources Finance
Brooklyn Park; shoreland stabilization along Shingle Creek funding provided, bonds issued, and money appropriated.

HF2941—Samuelson (R)
Health & Human Services Policy
Nursing home regulatory oversight alternatives study required.

HF2942—Samuelson (R)
Health & Human Services Finance
Nursing facility case mix calculations modified.

HF2943—Ellison (DFL)
Judiciary Policy & Finance
Racial profiling; official deprivation of civil rights and pattern of misconduct crimes established, racial profiling prohibited, rural data collection required, information and training required, offenses clarified, and money appropriated.

HF2944—Nelson, M. (DFL)
Commerce, Jobs & Economic Development Policy
Peddlers and door-to-door solicitors regulated.

HF2945—Seifert (R)
Jobs & Economic Development Finance
Historical sites operated by the Minnesota Historical Society reopened, and money appropriated.

HF2946—Wasiluk (DFL)
Environment & Natural Resources Policy
Compost facilities study required.

HF2947—Mahoney (DFL)
Jobs & Economic Development Finance
Workforce development fund assessment increased, and fund use authorized for early childhood programs.

HF2948—Lipman (R)
Commerce, Jobs & Economic Development Policy
E-mail message transmission criminal penalties provided under specified conditions relating to consumer protection.

Thursday, March 11

HF2949—Magnus (R)
Health & Human Services Policy
Nursing home increased surcharge on private pay residents repealed.

HF2950—Westrom (R)
Regulated Industries
Administration Department provision of telecommunications and information services modified.

HF2951—Hausman (DFL)
Jobs & Economic Development Finance
St. Paul Como Park Zoo renovation funding provided, bonds issued, and money appropriated.

HF2952—Lesch (DFL)
Commerce, Jobs & Economic Development Policy
Overtime work payment regulation provided.

HF2953—Cox (R)
Regulated Industries
District court authorized to hear appeals of lesser utility fines.

HF2954—Mahoney (DFL)
Commerce, Jobs & Economic Development Policy
Mechanical/HVAC contractor and employee licensing provided, and money appropriated.

HF2955—Mahoney (DFL)
Commerce, Jobs & Economic Development Policy
Prevailing wage payment required on tax-subsidized power plant construction projects.

HF2956—Slawik (DFL)
Judiciary Policy & Finance
Assault weapon and large capacity ammunition magazine manufacture, transfer, and possession crimes established.

HF2957—Entenza (DFL)
Education Policy
Superintendents required to annually notify the school board where responsibility resides for administering the early childhood family education and school readiness programs.

HF2958—Sykora (R)
Education Finance
School district levy established to pay for the co-location of government services.

HF2959—Sykora (R)
Education Policy
School Administrators Board authorized to amend licensure rules.

HF2960—Kelliher (DFL)
Health & Human Services Policy
Reproductive privacy act adopted.

HF2961—Rukavina (DFL)
Local Government & Metropolitan Affairs
Hoyt Lakes authorized to extend its zoning and subdivision regulations within part of the town of White subject to the town's consent.

HF2962—Juhnke (DFL)
Transportation Finance
Highway fund expenditures required to be divided evenly between the seven-county metropolitan area and the rest of the state.

HF2963—Juhnke (DFL)
Transportation Finance
State airports fund transfer authorized.

HF2964—Juhnke (DFL)
Transportation Finance
Rail service improvement account funding provided, bonds issued, and money appropriated.

HF2965—Westrom (R)
Education Finance
Debt service equalization aid program modified to encourage sound historic preservation and cost-efficient remodeling projects, and review and comment process clarified.

HF2966—Krinkie (R)
Governmental Operations & Veterans Affairs Policy
Disabled peace officers and firefighters continuing health care provisions modified.

HF2967—Wilkin (R)
Health & Human Services Finance
Home and community-based waiver services additional priority category established, and continuing funding provided for persons using the consumer-directed community supports service option.

HF2968—Clark (DFL)
Environment & Natural Resources Policy
Environmental mapping requirements provided and data made available to the public.

HF2969—Demmer (R)
Education Finance
School districts authorized to build school buildings using design-build construction techniques.

HF2970—Bradley (R)
Health & Human Services Policy
Radioactive and nuclear material fees modified, and state agreement with the United States Nuclear Regulatory Commission approved.

HF2971—Finstad (R)
Local Government & Metropolitan Affairs
Property-owner-petitioned annexation acreage limit removed under certain conditions.

HF2972—Zellers (R)
Taxes
Local government aid payments increased for specified cities.

HF2973—Westerberg (R)
Transportation Finance
Trunk Highway 65 improvements funding provided to facilitate bus rapid transit, bonds issued, and money appropriated.

HF2974—Osterman (R)
Governmental Operations & Veterans Affairs Policy
Candidates required to file a list of persons and groups endorsed by the candidate.

HF2975—Peterson (DFL)
Taxes
Cities authorized to establish water sub-metering programs and to finance water programs with revenue obligations.

HF2976 to HF3013, also introduced March 11, will appear in next week's Session Weekly.

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

MINNESOTA INDEX

Active youth

Average daily leisure hours that American children ages 9-13 spend in front of a screen	4.5
Those that are spent watching television	2.5
U.S. families who have a television, VCR, video game equipment, and a computer	48
Percent of overweight children ages 6-19 in the United States in 2000	15
Percent increase since 1980	300
Preschool children across the country in 2000 that, as a percent, were overweight	10
Percent of all Minnesotans who were overweight or obese in 2001	58
United States average	56
Weekly minutes elementary students should participate in physical education	150
Middle/high school students	225
Percent of Minnesota students in grades 1-6 that reached that level in 2002	13
Percent in grades 7-8	7
Percent in grades 9-12	9
Minnesota schools that required courses in health education, as percent, 2002	97
Percent requiring physical education	97
State schools, as percent in 2002, that required a physical education class for sixth graders	99
10th-graders, as percent	87
High school seniors, as percent	1
Minnesota schools, as percent in 2002, that required a health education class for sixth graders	62
10th-graders, as percent	89
High school seniors, as percent	7
Percent of state elementary schools where there is enough equipment so that the majority of students can be active for more than 50 percent of the class time	94
Percent of middle/high schools	86
Elementary schools, as percent, that provide information about physical activities available in the community	75
Middle/high schools, as percent	70
Percent of Minnesota middle/high school boys participating in interscholastic sports in 2002	43
Percent of girls	41
Schools with intramural activities or clubs for students in 2002, as percent	63.3
Of those, percent that provided transportation home from intramural activities	50.7

Sources: *School Health Profiles, Surveillance for Characteristics of Health Programs Among Secondary Schools*, Centers for Disease Control and Prevention, 2004; National Centers for Health Statistics; State Health Facts Online; U.S. Department for Health and Human Services; *Health and Physical Education in Minnesota Schools, 2002*, Minnesota Institute of Public Health, Minnesota Department of Health, and Minnesota Department of Education, January 2004.

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