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

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

—Photo by: Andrew VonBank
Showing its age
Capitol competes with other construction projects for funding

BY BAO ONG

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

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

The Capital Area Architectural and Planning Board (CAAPB), an agency leader in pushing through Capitol preservation and restoration initiatives, originally requested about $23.4 million in its capital budget request, but has now requested only about $3.2 million in bond proceeds to continue design work and full restoration and repair of the Capitol dome. The House capital investment bill, HF295, sponsored by Rep. Dan Dorman (R-Albert Lea), recommends partial funding for the project while the Senate bonding bill, SF347, sponsored by Sen. Keith Langseth (DFL-Glyndon), recommends full funding. The governor’s budget does not provide such funding. A conference committee has begun meeting to work out a final product.

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

Carolyn Kompelien, the Minnesota Historical Society’s Capitol site manager, said hundreds of pieces of furniture also need repair. She said space at the Capitol is used in ways that was not intended when first designed. She cites offices with multiple doors and committee hearing rooms with poor acoustics as examples.

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

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

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

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

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

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

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Breaking ground for the new Capitol May 6, 1896.
Abrahamson and Columbus, Ohio-based Schooley Caldwell Associates plan to release later this fall. The fee for the schematics was $960,000. Stark said dome work could possibly begin this fall in preparation for the state’s 150th anniversary in 2008, but that if no funding is provided all work would be stalled even if the schematics are complete.

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

Meanwhile, Michael Bjornberg, Hammel, Green and Abrahamson associate vice president and project manager, is busy ensuring the schematics are completed on time. Besides working with Schooley Caldwell Associates — which Bjornberg said has worked on capitol buildings in Ohio, Kansas and Utah — he is looking at three possible solutions in renovation. One is to build an addition. Other plans include expanding underground use and redesigning current spaces that are used inefficiently.

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

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

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

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

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

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

### Having a Blast

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

Just when things were going well...

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

In an effort to lay the groundwork for further discussions, Rep. Dan Dorman (R-Albert Lea), the sponsor of HF2959, requested that conferees vote on a proposal they had discussed for more than a couple of hours. The plan included more than $350 million worth of projects that the House and Senate were close on in their funding in areas such as higher education, flood hazard mitigation grants, local road and bridge projects and wastewater infrastructure funding.

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

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

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

Crime

Funeral disruptions

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

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

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

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

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

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

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

Smith reminded members that this bill does not regulate speech, just when and where verbal assaults can take place, while protecting the dignity and grief of mourners.

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

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

Elections

Overseas absentee ballots

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

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

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

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

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

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

Environment

Funding conference committee

Before getting down to business, there must be getting down to specifics. And the specifics are what were asked May 3 of those who testified before the conference committee assigned to forge a compromise from the very different dedicated environmental funding
The compromise is “one of the most difficult ones I’ve seen in 31 years,” said former representative John Tuma, now a lobbyist for the Minnesota Environmental Partnership. Tuma was one of more than a dozen people called upon to specify how their organization’s share of the dedicated funding, if included in the final bill, would be spent.

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

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

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

**FAMILY**

**Outside payment OK**

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

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

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

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

**HEALTH**

**Abortion regulations**

A bill (HF3258), sponsored by Rep. Laura Brod (R-New Prague), would prohibit state-
funded abortions except in cases of rape or incest. It also requires data collection and reporting on the already existing requirement for minors seeking to have abortions. Brod said the bill also protects women’s health by restricting certain physician privileges.

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

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

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

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

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

Extending sunset

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

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

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

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

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

For Rep. Paul Thissen (DFL-Mpls), the compromise was the way to go. A true free market does not exist in the health care field but that has not hindered technological development, he said.

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

HIGHER EDUCATION

No fees on college students

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

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

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

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

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

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

“We’re going to vote for the bill, because I support it, I don’t think it’s that great a vote in terms of local control,” said Rep. John Lesch (DFL-St. Paul).

HF3169*/SF3254/CH185

HOUSING

Common lighting

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

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

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


HF680*/SF1217/CH183

HUMAN SERVICES

Moratorium exemption

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

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

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

Although the bill passed with ease, Rep. Torrey Westrom (R-Elbow Lake) said the fact that such a bill even exists means that current laws regarding moratorium exemptions are problematic. “This bill just highlights the ridiculousness of our state law,” said Westrom.

“I think this is an exclamation on why we need change this law.”

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

HF2645*/SF2622/CH184

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

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

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

“One of my cities, Eden Valley, had a ‘gentlemen’s club’ established — a ‘strip club’ in some vernaculars,” Urdahl said. “The Eden
Valley City Council believes it was established under false pretenses. Apparently, they were
told it was a canvas shop being established.
And… it wasn’t.”

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

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

Several minutes of bipartisan wisecracks
ensued.

RECREATION

Committee OKs Vikings stadium

With the clock winding down on the
2006 session, a final drive has been kept
alive for a new Vikings football stadium and
entertainment complex in Anoka County.
HF2294, sponsored by Rep. Andy Westerberg
(R-Blaine), was approved 13-9 by the House
Governmental Operations and Veterans
Affairs Committee May 3. It now goes to the
House Local Government Committee.

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

“This is a once-in-a-lifetime opportunity
to move forward on three stadium issues
this year,” Wilf said, adding that he planned
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term.”

Lester Bagley, the team’s vice-president
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additional information is voluntary, said Payne.

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

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

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

**TAXES**

**Child care facility exemption**

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

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

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

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

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

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

**Fire fighting finances**

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

But the fire service area’s state aid has become inadequate, according to Rep. Bob Gunther (R-Fairmont), because the Legislature changed wind towers from a property tax-based revenue to a production tax-based revenue in 2002. The change took wind tower property out of the formula used to distribute funds from the state fire aid.

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

“Without any training on how to put a fire
out in a $1.67 million windmill, much less have the equipment to put a fire out in a 300-foot structure, we come to the problem of how are we going to service the property in this fire service area,” Gunther told the Property and Local Tax Division of the House Taxes Committee May 1.

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

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

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

**TECHNOLOGY**

**Bioscience committee meets**

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

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

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

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

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

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

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

Another area of discussion was patient safety.

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

**TRANSPORTATION**

**Electric vehicles on the road**

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

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

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

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

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

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

HF1838/SF1811/CH189
**Welcome back**

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

**Thankful to be back**

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

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

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

Mariani was riding his bike along the river valley near Lilydale when he either hit some gravel or wet patches before losing control. “I have no recollection of what happened. I suspect I hit my head on the guardrail and lost consciousness,” he said.

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

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

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

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**Frequently called numbers**

*Area code 651*

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<th>175 State Office Building</th>
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Spending bill OK’d
Bill points to different philosophies of House, Senate

BY MIKE COOK

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

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

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

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

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

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

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

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

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

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

Saying the bill contains some helpful things like addressing increased sex offenders, House Minority Leader Matt Entenza (DFL-St. Paul) said the bill is more about the preoccupation of the Republican’s “divisive social agenda,” and is lacking in many areas that his caucus finds important. “This bill does nothing for education, essentially nothing for health care and nothing for transportation.” He and other opponents said they hope the conference committee corrects some wrongs in this bill.

Some members across the aisle did not agree.

Rep. Marty Seifert (R-Marshall) countered that the bill does contain $5 million to help establish a University of Minnesota branch in Rochester. He also noted that “hundreds and hundreds of millions of dollars” were put into schools and health care systems in last year's budget bills.

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

The bill contains no policy provisions unless it is connected to a specific appropriation. “It is my belief if we put specific policy language in this bill not connected to an appropriation that it would cause germaneness problems and potentially be a violation of House rules,” Knoblach said.

That didn’t stop members from trying.

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

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

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

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

“This language is specifically addressed in the bill, the dollars are specifically addressed in the bill,” countered Rep. Laura Brod (R-New Prague), the sponsor of HF3258.
Check’s in the mail?

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

By Irene Voth

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

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

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

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

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

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

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

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

Lenczewski's opposition also includes the rebate's contingency on a court case, and the bill's lack of permanent tax relief. She added that the "net effect" of the bill on homeowners would be a tax liability jump averaging 21 percent from 2006 to 2007.

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

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

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

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

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

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

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

Critics of the bill included Rep. Tom Rukavina (DFL-Virginia), who said the governor and majority party's accounting shifts since 2003 are responsible for the steep rise in property taxes. He also termed the bill a "gimic."

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

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

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

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

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

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

By Patty Janovec

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

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

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

The House bonding bill (HF2959) allocates $5 million for the program, the Senate bill (SF3473) $3 million.

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

The money helps rehabilitate the publicly-owned portions of Minnesota’s ports, including repairing leaky roofs, rebuilding seawalls and bringing facilities up to code. Money distributed via the program include a maximum state match of 20 percent for port improvements. As of June 2005, $14.5 million has been appropriated.

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

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

According to a Statewide Multimodal Freight Flows Study by MnDOT, freight transportation runs four ways:
• highways, because trucks move most consumer projects and account for the majority of the freight movements by value;
• rail, because the largest share of freight movements by weight, representing the state’s major export commodities, are carried by the extensive rail network;
• waterborne, because important bulk shipments of coal, iron ore and grain move through the state’s ports and waterways; and
• air, because the highest value shipments move on airplanes.

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

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

A drawback of moving products on water is that it’s slower than land transit.

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

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

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

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

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

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

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River Port Annual Tonnages

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Annual tonnages have varied due to seasonal flooding, ocean freight rates, and commodity demand. Source: Minnesota Department of Transportation.

Great Lakes Annual Tonnages

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Annual tonnages have varied due to low water, ice conditions and commodity demand. Source: Minnesota Department of Transportation.
Fishy restoration
Management plan is restoring Leech Lake to days of yesterday

By Irene Voth

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

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

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

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

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

“We’ve worked with a host of agencies,” said Bob Gisvold, association president.

Located in north-central Minnesota, Leech Lake is one of the state’s largest bodies of water. It is a feature of the Chippewa National Forest, and its bays and inlets harbor native wild rice. The rice is important commercially and spiritually to residents of the Leech Lake Indian Reservation, which is located along its extremely irregular north shore. The lake also anchors a major recreational area that includes parks, trails, resorts, golf courses and hunting lands. But its greatest attractions are its clean water and walleye fishery.

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

Making strides

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

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

Less mine-laden was the process of persuading the DNR to restock the lake with walleye. But later this month, according to Henry Drewes, regional fisheries manager, 20 million fry hatched from eggs deposited during the Boy River spawning run will be released in Leech Lake. These fry, selected because they are the closest genetic match to the native Leech Lake walleye, are expected to take three years to grow to “keeper” size — 12 to 13 inches in length.

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

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

“What we’ve accomplished is pretty good. We’re making strides, but it will be ongoing for many, many years,” he said.

Located in north central Minnesota, Leech Lake has been one of the state’s premier walleye fisheries. Its award-winning management plan may soon return it to its former status.
A place on the bench
Abrams moves on to a different branch of government

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

By Patty Janovec

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

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

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

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

“Minnesota was one of the first states to comply with the streamline sales tax model, … And there are so many things that I have done in the tax and public finance area that I’m proud of,” he added.

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

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

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

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

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

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

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

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

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Rep. Ron Abrams
Republican
District 43B — Minnetonka
Terms: Nine (elected 1988)
Advice for successor: Remember that it is an honor and a privilege to serve in the Minnesota Legislature. And that you ought to give back to the state far more than what you’re getting with that honor and privilege.”
Lawyer, legislator ... judge?
Newman stepping down after four years in the House

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

BY IRENE VOTH

Rep. Scott Newman (R-Hutchinson) is making a career move.

While “stepping down” is the usual phrase describing a legislator’s decision to vacate his or her seat in the House, Newman’s move might be termed a “step up” or maybe even a “step on.”

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

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

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

“With the Legislature failing to pass a budget by June 30, the judicial branch appropriated and spent money from the state treasury. The state constitution authorizes only the Legislature to do that. I was amazed,” Newman said.

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

“The ruling means that judicial candidates can finally talk about the issues so voters can make informed decisions. Too many times, the judicial section of a ballot is left blank because the voter has no idea who the candidates are or what they stand for,” said Newman, who is seeking the Republican Party endorsement.

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

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

“It involved correcting survey markers, was non-controversial and was given to me, I suspect, just to help me learn the process. This is something that is often done to help neophytes. Ultimately it was signed by the governor,” he said.

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

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

Newman also successfully supported stiffer penalties for predatory criminals.

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

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

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

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

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

STEPPING DOWN

Rep. Scott Newman
Republican
District 18A
Terms: Two (elected 2003)
Advice to successor: “Study, learn the issues and follow your conscience. Don’t try to please all of your constituents; it can’t be done, and in the end you’ll stand for nothing.”
Seedling to a very big tree

Arbor Day legislative gift is rooted in tradition

By Lee Ann Schutz

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

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

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


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

The bur oak must have resonated well with members. “Last year, I found the pine seedlings on the House floor, in the retiring room and even in a planter. This year I didn’t find any (seedlings),” Hansen said.

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

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

Really big trees

Old and gnarly does not begin to describe the largest bur oak in state. “It is a strange looking tree,” said Sorenson, who identified the tree in 1999.

Located on private land near Rochester, this tree is no seedling. Actually, you could say this particular tree is a survivor; it is not growing in ideal conditions — at the base of a sand prairie. Estimated to be about 400 years old, it has a circumference of about 275 inches and it is about 60 feet high.

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

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

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

He is not the only one on the hunt.

One of the more recent additions to the registry is a 77-foot tall butternut located in Reservoir Woods Park near Dale and Victoria streets in Roseville. The fifth grade class of the Friends School of Minnesota identified it in 2004. Steve Moe, a science teacher at the school, walked his dog regularly in the park and was familiar with the tree. “I had a suspicion that it would be one of the biggest.” He took students to the park where measurements were taken of the tree. After viewing the tree registry, they knew they had identified a record butternut.

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

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

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Compassion and caring
House chaplain called to help those who legislate

By Mike Cook

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

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

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

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

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

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

Like the prayers he offers before a floor session, Titus said he does not pray about an issue, but rather that members can deliver their messages to the best of their ability. When he prays at the start of a session, Titus knows he must be general about which higher being he is praying to because of members’ different faiths. Out of courtesy for the diversity, he may simply pray to “God.”

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

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

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

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

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

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

It was about 20 years ago that Titus found his calling to work with politicians. While at a North Dakota church he was preaching out of I Timothy, which tells us to pray for people in authority, when Titus realized he was not following the Word. “I eventually found out they had names and dropped them a note. The curiosity turned into a compassion because you’d see the names you’d written to in the paper and you’d suddenly find yourself into their feelings, in the middle of whatever they were going through, and find yourself wanting to support them.”

He ultimately became close to two North Dakota governors, Al Olson and George Sinner.

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

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

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

Rev. Lonnie Titus has served as the House chaplain since 1999.
Three bills have been introduced this year to authorize new veterans’ memorials in the Capitol complex. Construction of a World War II memorial is expected to begin this year at the Court of Honor. Final funding was approved in 2005.

Immortalizing heroes
Three new proposed veterans’ memorials are vying for legislative approval

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

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

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

The three additional memorials proposed this year would be:

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

The plaque for Medal of Honor recipients and the plaque for war dogs and their handlers were passed 131-0 and 130-0, respectively, by the House May 4. They now go to the Senate.

The Hmong veterans’ memorial bill has been incorporated into a House omnibus state government finance bill that was tabled in April, and its companion awaits action by the Senate Finance Committee.

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

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

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

After all these considerations are taken into account, the test continues...
### Tracking new laws, vetoes

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

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

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

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

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

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

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

The governor’s veto authority is outlined in the [Minnesota Constitution](http://www.governor.state.mn.us) (Article IV, Section 23).

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

**Key:**

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

### Table: Tracking new laws, vetoes

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<td>174</td>
<td>2709*</td>
<td>2523</td>
<td>Shamrock Township detached banking facility authorized.</td>
<td>4/5/2006</td>
<td></td>
</tr>
<tr>
<td>175</td>
<td>3039*</td>
<td>2632</td>
<td>Timber permit extension in event of adverse surface conditions provided.</td>
<td>4/5/2006</td>
<td></td>
</tr>
<tr>
<td>176</td>
<td>3876</td>
<td>2749*</td>
<td>County expenditure limit removed for soldiers’ rest cemeteries.</td>
<td>4/7/2006</td>
<td></td>
</tr>
<tr>
<td>177</td>
<td>2731</td>
<td>2621*</td>
<td>EMT training programs required to meet an average yearly pass rate.</td>
<td>4/20/2006</td>
<td></td>
</tr>
<tr>
<td>178</td>
<td>3780</td>
<td>3465*</td>
<td>Workers’ compensation appeal procedures and coverage provisions modified.</td>
<td>4/20/2006</td>
<td></td>
</tr>
<tr>
<td>179</td>
<td>2788</td>
<td>2832*</td>
<td>Emergency personnel recruitment and retention task force formed and study required.</td>
<td>4/20/2006</td>
<td></td>
</tr>
<tr>
<td>180</td>
<td>2994*</td>
<td>2736</td>
<td>Watercraft storage structure repair authorized on public waters.</td>
<td>4/20/2006</td>
<td></td>
</tr>
<tr>
<td>181</td>
<td>3310*</td>
<td>2969</td>
<td>Advance deposits and payments authorized for boat slip rental.</td>
<td>4/20/2006</td>
<td></td>
</tr>
<tr>
<td>182</td>
<td>2998*</td>
<td>1553</td>
<td>Firefighter labor arbitration provision sunset repealed.</td>
<td>4/27/2006</td>
<td></td>
</tr>
<tr>
<td>183</td>
<td>680*</td>
<td>1217</td>
<td>Utility metering and billing provisions relating to landlord and tenant regulations clarified.</td>
<td>4/27/2006</td>
<td></td>
</tr>
<tr>
<td>184</td>
<td>2645*</td>
<td>2622</td>
<td>Swift County rural development finance authority board membership increased.</td>
<td>4/27/2006</td>
<td></td>
</tr>
<tr>
<td>185</td>
<td>3169*</td>
<td>3254</td>
<td>Local government units prohibited from imposing fees related to students at postsecondary institutions.</td>
<td>4/27/2006</td>
<td></td>
</tr>
<tr>
<td>186</td>
<td>1480*</td>
<td>1364</td>
<td>Red Lake County drainage system outlet fee authorized for drainage originating in Pennington County.</td>
<td>4/27/2006</td>
<td></td>
</tr>
<tr>
<td>187</td>
<td>3142*</td>
<td>2734</td>
<td>Hennepin County regional park district provisions modified.</td>
<td></td>
<td></td>
</tr>
<tr>
<td>188</td>
<td>2745*</td>
<td>2721</td>
<td>Medical license provisions modified.</td>
<td></td>
<td></td>
</tr>
<tr>
<td>189</td>
<td>1838*</td>
<td>1811</td>
<td>Local governments authorized to permit low-speed neighborhood electric vehicles to be operated on residential roadways.</td>
<td>5/4/2006</td>
<td></td>
</tr>
<tr>
<td>190</td>
<td>2810</td>
<td>2532*</td>
<td>Radiation therapy facility construction limitations expiration date extended.</td>
<td></td>
<td></td>
</tr>
<tr>
<td>191</td>
<td>3944</td>
<td>3615*</td>
<td>Child care assistance parent fees modified.</td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

*The legislative bill marked with an asterisk denotes the file submitted to the governor.
Monday, May 1

HF4177-Samuelson (R)
Taxes
New Brighton tax increment financing district
authorized to expend certain tax increments out-
side the district and other requirement exemptions
provided.

HF4178-Lenczewski (DFL)
Taxes
Bloomington authorized to extend the duration
of two tax increment financing districts.

HF4179-Eken (DFL)
Governmental Operations &
Veterans Affairs
Legislators and other officeholders required to be
elected by a majority of the votes cast at the general
election and constitutional amendment proposed.

Tuesday, May 2

HF4180-Latz (DFL)
Public Safety Policy & Finance
Court filing fee for facsimile transmission
modified.

HF4181-Eken (DFL)
Taxes
Local government aid city aid base modified.

HF4182-Ruud (DFL)
Health Policy & Finance
Ombudsman for kinship care office established in
the Department of Human Services, duties specified
and money appropriated.

Thursday, May 4

HF4183-Gunther (R)
Ways & Means
Economic development and human services
supplemental funding provided and money
appropriated.

HF4184-Larson (DFL)
Taxes
Income tax reduction provided for retirement plan
contributions included in taxable income between
1982 and 1984 and not subsequently subtracted
from taxable income.

HF4185-Gunther (R)
Jobs & Economic
Opportunity Policy & Finance
Commission serving deaf and hard-of-hearing people
funding provided and money appropriated.

HF4186-Kohls (R)
Taxes
Tax holiday provided for petroleum and other
fuels.

HF4187-Otremba (DFL)
Transportation Finance
Motor vehicle sales tax and qualifying rules for older
non-collector passenger vehicles modified.

HF4188-Marquart (DFL)
Taxes
Local government aid distribution formula
modified.

HF4189-Cornish (R)
Civil Law & Elections
Use of deadly force in self defense clarified.

HF4190-Lesch (DFL)
Commerce & Financial Institutions
Price gouging prohibited and definitions
provided.

Capitol continued from page 21

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

account, then there is the process to deal with.

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

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

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

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

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

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

“I just think it’s a good thing to make people
remember what some of the most supreme
sacrifices were, and the efforts that were
given,” he said.
Under the old oak tree

Year first Arbor Day was observed .......................................................... 1874
Number of tree species native to Minnesota .................................................. 52
Coniferous ........................................................................................................ 10
Deciduous .......................................................................................................... 42
Height, in feet, of tallest white spruce in the state ........................................... 130
Height, in feet, of tallest jack pine in the state .................................................. 56
Height, in feet, of tallest American elm in the state ......................................... 106
Minimum number of years in age that define an old-growth forest ............... 120
Number of locations containing old growth forests in the state ..................... 8
Estimated percentage of state timberland in 1994 considered to be old-growth forest 3.9
Estimated percentage in 1850 ............................................................................. 51
Acres of Department of Natural Resources-administered land designated in 2002 as old growth forest .................................................. 38,000
Year Itasca State Park was established to preserve remnant stands of virgin pine 1891
Year the Pillsbury State Forest, the first in the state, was established in Minnesota 1900
Year the Waukenabo State Forest, the latest state forest, was created ......... 2000
Acreage encompassed by the 58 Minnesota State Forests, in millions ........ 4
Miles of roads contained in state forests ....................................................... 2,000
Miles of hiking and skiing trails in state forests ........................................... 150
Daily camping fee for an individual campsite in state forests in 2006 .......... $11
Dollars of economic activity supported by $1 of timber sold .......................... 46
Year the world’s largest white pine mill was built in Virginia ...................... 1908
Number of spruce tops sold in 2003 by DNR for consumer use ..................... 187,000
Statewide, percentage of households in 2002-03 that burn wood for their primary source of heat .......................................................... 17.8
In the Twin Cities metropolitan area ............................................................ 6.3
Statewide percentage of households that burned wood for pleasure (fireplaces and pits) .......................................................... 52.2
In the Twin Cities metropolitan area ............................................................ 69.4
Total number of cords used statewide in 2002-03 ........................................ 656,343
In pounds, the amount of tree residue created in the Twin Cities metropolitan area per capita .......................................................... 278

Sources: The National Arbor Day Foundation; Department of Natural Resources; DNR ‘Old-growth Forests Guideline Implementation Results 2002; The Blandin Foundation.