



As for the current case, Stringer's opinion seems to argue that the Legislature had been warned by the court but legislative practices were not changed.

The 1997 tax law, which Stringer calls "a prodigious work of legislation," included a provision requiring that the prevailing wage be paid in the construction or remodeling of all educational facilities where project costs exceed \$100,000.

The provision was challenged by a school district, a builders' association, and an electrical contractor on grounds that the law violated both the title requirements and the single-subject clause.

Lower courts found fault with the law because the 800-word title had no clear reference to the wage provision — words like "labor," "wages," and "construction" were nowhere to be found — and because the provision was not "remotely related" to the broad subject of tax reform and tax relief.

In the Supreme Court ruling, Stringer affirms the assessment of the problems with the 1997 bill's title.

"The failure . . . to give even a hint that the prevailing wage amendment was part of the bill leads us to the conclusion that the title did not provide sufficient notice of the amendment to legislators and school districts to meet the constitutional requirement," he writes.

As for the single-subject clause, Stringer lists a series of problems with the prevailing-wage provision. He argues that prevailing-wage laws have historically been considered in labor committees, not tax committees. He also complains that the prevailing-wage provision came from the House, had no Senate companion bill, and was "inserted into a much broader and popular bill with an entirely different legislative theme."

Summing up the court's position on the matter, the ruling says that while the prevailing-wage section "may have a tax impact by affecting construction costs, clearly that is not its purpose and nowhere is consideration of tax relief and reform mentioned in its very short text."

The ruling includes another important aspect that may have far-reaching effects in the future. The court decided that the prevailing-wage provision could be stricken down while the rest of the 1997 law is left in place.

The state had argued that the invalidation of the provision would throw out the entire tax law, but the court rejected that argument. It's unclear what the impact of that decision will be, but it could invite more challenges to portions of omnibus bills.

In his dissent, Page expresses serious

Ten-time loser

Perennial candidate's career saw many highs and lows

Sixteen times Ernest Lundeen's name was on the ballot for state or federal office. Sixteen election nights he waited to learn his fate. Such is the life of a perennial candidate.

But Lundeen was not a lifelong also-ran. His political career was a string of failures punctuated by successes of the kind most politicians will never see.

The final tally shows 10 losses and six victories. He ran in every regular and special election for which he was eligible from 1910 to 1936, according to the 1947 book *The Story of Minnesota Politics* by Charles B. Cheney.

Cheney spent half a century writing about politics in Minnesota for newspapers including the *Minneapolis Journal* and the *Minneapolis Tribune*, and he watched Lundeen's unusual career from its relatively inauspicious beginning to its tragic end.

In 1910, Lundeen was elected to the Minnesota House of Representatives from a Minneapolis district, and he won re-election two years later.

With two victories to his credit, Lundeen looked to move up to the U.S. Congress in 1914, but he suffered the first of his many defeats. He rebounded by winning a seat in the U.S. House two years later.

His term in the House was marked by his unpopular 1917 vote against U.S. involvement in World War I. After the vote drew outrage at home, Lundeen stayed in Washington, D.C., for weeks, hoping the situation would cool.

According to Cheney's book, the congressman's eventual return to Minnesota was not announced, and the local reporters found out about it only after a tip from an associate in Washington, D.C.

When Cheney tracked down Lundeen back home, the reporter wryly suggested that it was too bad the congressman did

not publicize his homecoming because there might have been a crowd to meet him at the train station. What Cheney meant was that Lundeen may have been received by a less-than-friendly mob.

Lundeen acted as though his quiet return was simply a product of his modesty.

"Oh, I don't care much for that sort of thing," he told Cheney.

The successes of Lundeen's early career soon gave way to a series of losses. He was dumped from Congress in 1918, losing in the primary. He lost in the primary again when he tried to recover his seat two years later.

He ran for the U.S. Senate in 1922 and in a 1923 special election. He shifted gears and ran for the Minnesota Supreme Court in 1924. Then he

lost another U.S. House campaign in 1926.

Lundeen was the Farmer-Labor candidate for governor in 1928, but he lost in a three-way race won by incumbent Gov. Theodore Christianson, a Republican.

Two more losses followed, coming in a 1929 special election for a U.S. House seat and a 1930 race for the U.S. Senate.

After more than a decade of defeat after defeat, Lundeen managed to win a 1932 campaign for an at-large seat in the U.S. House. A Farmer-Labor ticket headed by gubernatorial candidate Floyd B. Olson was credited with helping Lundeen get back to Congress after a 14-year absence.

The professional candidate's greatest success came four years later. He was selected to be the Farmer-Labor candidate for the U.S. Senate in 1936, and he won.

That meant six years of job security, something Lundeen had never enjoyed. But he would never see the end of that term.

Lundeen died in a 1940 plane crash.

(N. HEALY)



Ernest Lundeen