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## ALBERT LEA TRIBUNE

ALBERT LEA, MN  
THURSDAY 7,240  
AUG 31 2006

## CROOKSTON DAILY TIMES

CROOKSTON, MN  
THURSDAY 5,000  
AUG 31 2006

## DAILY GLOBE

WORTHINGTON, MN  
TUESDAY 13,000  
AUG 29 2006

# Gambling with our future

BY TOM EMMER

SPECIAL TO THE DAILY GLOBE

DELANO — A few months ago, I offered an amendment in our House of Representatives to prohibit gambling in Minnesota. I doubt that many of you heard what my reasoning was for such a radical measure or just what the amendment was intended to accomplish. Since most folks are too busy with their daily lives to call or write, I thought you might be interested in why I offered the amendment and what I was trying to accomplish.

I do not like the negative impact gambling has on our communities and families. Those who support any and all gambling will insist that our communities benefit greatly from tribally owned casinos. That is not true. In fact, studies indicate that gambling causes increased crime, addiction, bankruptcy filings, divorces and numerous related negative side-effects. Did you know that for every \$46 in gambling revenue in Minnesota, it is estimated that we lose \$289 in social costs and economic opportunity?

Most people are not aware of the negative effects that gambling — and primarily casino style gambling — has on our communities and our families. That being said, due to the broad acceptance of this form of “entertainment” over the last 15 years it appears that gambling is here to stay.

Proponents of casino gambling in this state will emphasize all the economic benefits the state derives from gambling. The fact is, the economic benefit really pales in comparison to the amount of money that is actually being wagered. What are the facts?

According to numbers published in 2004, the State of Minnesota collected approximately \$100 million dollars in revenue from the lottery, approximately \$60 million from charitable gambling and approximately \$275,000 from horse racing. While this may seem to be a significant amount of money, when we are looking at a state budget

in excess of \$30 billion dollars, the revenue derived from gambling is extremely small. Please don't misunderstand me. Every dollar generated from gambling that goes to support our environmental resources, including hunting and fishing, in the State of Minnesota is important. I simply want to point out that gambling revenue is not the panacea that proponents would have us believe. Again, the truth is that we lose far more money than we gain.

So you might ask, “Tom, if you knew that gambling is here to stay, why did you bother to offer an amendment to prohibit gambling?” If indeed gambling is here to stay, then it is my belief that everyone involved in the industry should be treated fairly. Did you know that according to 2004 estimates \$10 billion dollars is gambled in tribal casinos in this state? How much revenue does the state derive from tribal gambling? Zero. That's right — nil, nada, zilch. Tribal gaming proceeds are tax free.

Minnesota negotiated compacts with Indian tribes addressing gambling on tribal lands. When the Minnesota Lottery was made legal, it also opened the door for tribal casinos to operate. Did you know that if gambling is made illegal in Minnesota, the tribes cannot legally operate their casinos? That's right; if we prohibit all gambling, then the tribal casinos would automatically have to close as well. At least at that point we would be in a position to negotiate a better deal than the awful deal we have now.

Minnesota has the most unfair tribal compact in the United States. While it may have seemed fair at the time of negotiation (when no one anticipated casino style gaming developing over night), it is not fair to all citizens of the State of Minnesota today. Some might say, “We negotiated the tribal compacts and now we have an obligation to abide by the terms.” Did you know that the

Compacts provide that either party can request to negotiate a new deal at any time? Most people do not know this fact. Many think we are stuck with this bad deal for 99½ years or some such nonsense.

*I simply want to point out that gambling revenue is not the panacea that proponents would have us believe. Again, the truth is that we lose far more money than we gain.*

Our governor attempted to reach out to our tribal citizens to renegotiate the compacts so gaming revenues could be shared equitably amongst all Minnesotans. The tribes with the most successful gaming operations, apparently motivated by greed, shunned our governor. From my perspective, if the tribal casinos are not interested in fairness, then perhaps by eliminating gambling, and their casinos in the process, we might encourage them to consider their obligation to all the citizens of this great state.

That was my reasoning and, as long as the majority of Minnesotans favor lawful gambling, you can bet your bottom dollar that I will continue to push for fairness in the industry.

**State Rep. Tom Emmer, R-Delano,** was elected in 2004. He serves on the Civil Law and Elections Committee, Ethics Committee, Health Policy and Finance Committee, and Regulated Industries Committee.

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**BEMIDJI PIONEER**

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**Letters to the Editor**

**Lawmaker disappointed in  
Moe's 'spin' on game, fish**

• On Friday, June 16, Rep. Frank Moe submitted a commentary complaining that he was not called back to St. Paul for a special legislative session to deal with dedicated funding for hunting and fishing.

I must say, I am extremely disappointed by my colleague's political column. In my dealings with him, I have found Rep. Moe willing to work for the common good of all citizens of Minnesota. I guess now that we are entering the campaign season, he has been encouraged to "spin" facts for political gain. That's too bad and I do hope he will reconsider his legislative mission by truly stating facts.

On the proposed constitutional amendment for game and fish, his column neglected to clarify that the "new money" would be obtained by raising the statewide sales tax. Incredibly, he fails to clarify the addition of the arts to the proposed amendment. That's right, Rep. Moe is complaining that we did not fund a metro area initiative for the arts with your tax dollars. I find it hard to understand how that would help his constituency. Is it possible that Rep. Moe is promoting a party-line position for the benefit of his leadership in St. Paul rather than the people that voted him into office?

Please contact your representative and implore him to accomplish his job in St. Paul by properly managing our assets rather than simply raising our taxes. Folks, remind him that our unemployment is at an all-time low and the state revenues are well ahead of any forecast. We need to continue to encourage the job creators and those folks stoking our economic engine.

We do not need to return to the days when our Legislature relied on tax increases as the answer to every issue. I am also extremely disappointed by any legislator who would promote (in a non-budget year) the proposition that he be called back to St. Paul.

Please, Rep. Moe, remember that the Legislature is supposed to be a part-time job to serve our communities, not your full-time occupation and career.

• **Tom Emmer**  
R-Delano  
Minnesota House



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ST. CLOUD TIMES

ST. CLOUD, MN  
WEDNESDAY 27,888  
JUN 14 2006



MINNESOTA CLIPPING SERVICE

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READERS' VIEWS

**Emmer: My bill would not have prevented any votes**

I would like to address claims made by Rep. Larry Hosch in the May 31 Times news report concerning a bill I authored ("Hosch: My views are being distorted"). Readers deserve to read the truth about the bill from the person who wrote it.

Hosch is wrong in saying my bill to require voters to show photo ID at the polls may be unconstitutional.

I specifically wrote the bill to address constitutional concerns by allowing the state to give free photo ID cards to voters who could not afford them.

Hosch is wrong again when he says his wife could not have voted after being issued an ID with the wrong address. She would have been allowed to vote through a provisional ballot that would be counted after confirming her address with the county auditor. She could also just get a new ID with the correct address.

I find it's common for opponents of the bill to raise unreasonable excuses (i.e. "What if I forget my wallet or purse when I go to vote?") as reasons to oppose the bill. I've also found each time they turn out to be wrong because my bill would stop no legal voter from casting a vote.

I hope this gives a more accurate view of my bill.

Hosch doesn't do much talking with folks on my side of the aisle, so I can understand how he might have not understood what he was

voting on. Plus, when you cast a party-line vote they don't always give you all the information. I would encourage him to give me a call before the next time he goes on the record so readers aren't so misinformed.

• **Rep. Tom Emmer**,  
District 19B  
Delano

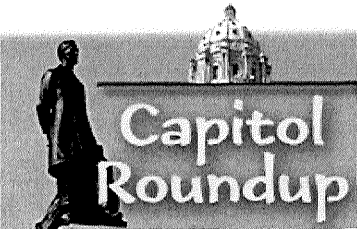
Coon Rapids couple, appearing at Capitol press conference, supports t... <http://www.hometownsource.com/capitol/2006/February/14genetictest...>

She is currently trying to determine just how long the newborn screening bio-samples will be kept by the health department. "I think it's really indefinitely," said Boudreau of the private data.

Twila Brase, president of the conservative health care policy organization Citizens' Council on Health Care, said parents need to know the testing being done by the health department is genetic testing. "Every parent needs the right to say 'no' government genetic testing," she said.

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Capitol Roundup  
ECM Publishers, Inc.  
4095 Coon Rapids Blvd.  
Coon Rapids, MN 55433



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Columns/Opinion

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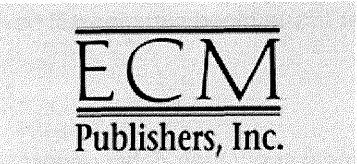
Tim Budig - Capitol Views

Don Heinzman

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Reference/Other Sites

State of Minnesota



Newspapers

ABC Newspapers  
- Anoka County Union  
- Blaine-Spring Lake Park Life  
- Coon Rapids Herald

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ECM Post Review

Forest Lake Times

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Posted: 2/14/06

# Coon Rapids couple, appearing at Capitol press conference, supports tighter restrictions on newborn genetic testing

by T.W. Budig  
ECM capitol reporter

A Coon Rapids couple appeared at the Capitol on Monday (Feb. 13) to support tighter restrictions on “newborn genetic testing.”

Bob and Carla Taepke of Coon Rapids support legislation sponsored by two local lawmakers, Rep. Mary Liz Holberg, R-Lakeville, and Rep. Tom Emmer, R-Delano, that would have parents “opt-in” for newborn screening rather than “opt-out.”

About 70,500 Minnesota newborns each year are screened for more than 50 health risks by the Department of Health — cards with newborn blood samples brighten shelves in a health department laboratory.

Newborn screening has been carried out since 1965.

The first testing was for phenylketonuria, or PKU, a metabolism disorder linked with mental retardation.

Each week two or three babies are detected as facing health risks by the health department lab.

The lab tests for early onset diseases or conditions — it does not test for long-term genetic problems.

Parents currently can “opt-out” of newborn screening altogether or agree to the screening on the condition the baby’s tissue/blood samples be destroyed after two years.

## Problem with administering of law, says Taepke

But Bob Taepke and other parents at the press conference charged that hospital staff never informed them of their rights under state law regarding newborn screening. “There’s a problem with the administration of the law,” said Bob Taepke. “Frankly, I believe it’s being disregarded,” he said.

Although their daughter’s second birthday is five weeks away — theoretically, the date her tissue/blood samples will be destroyed — the Taepkes are worried that won’t happen.

“How do we know they will be destroyed,” he asked.

Holberg has heard “over and over and over” from parents of newborns that they did not know about their rights under state law, she said.

The field of genetics is advancing so rapidly, Holberg explained, that it’s hard for lawmakers to keep up with the advances. “We’re not ahead of the curve by any means,” she said, expressing the need for caution.

Deputy Commissioner of Health Lynda Boudreau said that if it’s determined more training of hospital staff on the state law regarding newborn screening is needed, it will be carried out.

But Boudreau expressed concern that an “opt-in” approach to newborn screening — the need for paperwork that it could engender — could result in fewer newborns being screened. “It’s just very, very important,” said Boudreau of newborn screening.

Since the current law went into affect in July of 2003, only 10 parents have opted-out of the screening program while five have requested their newborns’ blood/tissue samples be destroyed after two years, explained Boudreau.

She believes these parents’ wishes will faithfully be carried. “It’s something we’re obligated to do,” said Boudreau, a former, conservative member of the Minnesota House.

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allow children in private homes to continue to be exposed to this scourge?

I realize that this train may already be out of the station and that it seems to be picking up steam as we roll down the tracks toward the upcoming legislative session. I only ask that before we set this course we consider the impact on not only the many businesses that will be hurt, but also the dangerous precedent we set for the future of liberty.

**VIEWPOINT**





# Duluth News-Tribune

Date: Saturday, December 23, 2006  
Location: DULUTH, MN  
Circulation (DMA): 45,444 (137)  
Type (Frequency): Newspaper (D)  
Page: A11  
Keyword: Minnesota State Legislature

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# Crookston Daily Times

Date: Friday, December 22, 2006  
Location: CROOKSTON, MN  
Circulation (DMA): 5,000 (119)  
Type (Frequency): Newspaper (D)  
Page: 4  
Keyword: Thomas Emmer

Minnesota  
Clipping Service

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## A statewide smoking ban would set a dangerous constitutional precedent

State Rep. **Tom Emmer**  
R-Delano

I don't smoke. I don't like smoke. But my distaste for the habit doesn't give me cause to have the state manage individual rights. The new junta of Democratic legislative leaders has declared a statewide smoking ban as the top priority on their thin agenda for the upcoming legislative session. That baffles me. How property taxes, education reform, health care reform and funding for roads and bridges do not top that list of priorities is in a word, outrageous! Apparently the promises made during the recent campaigns have served the intended purpose and can now be forgotten. A statewide smoking ban in Minnesota is a dangerous constitutional precedent. If the new regime wants the ban to pass, it very likely will pass. But we should at least call it what it is as we plummet further into the nanny-state formerly known as Minnesota.

America was founded on principals of freedom and the right of the individual to self-determine. Every citizen has the inalienable right to life, liberty and property; "We find these truths to be self-evident....." I for one believe that "inalienable" means something.

As a "free" society the laws we enact must necessarily be directed towards protection of individual freedoms. The freedom to improve one's self, the freedom to obtain and hold property, the freedom of belief, the freedom of expression, the freedom of association, etc. Our laws must protect the individual's rights within the community. A tension exists, however, between the individual right to self-determine and our bureaucratic predisposition to control everything and everyone. Simply stated, we all want the freedom to make decisions about our personal liberties but some of us also want to make these decisions for our fellow citizens. Why? Is it because we know better? Is it because we believe only the uneducated would disagree with our enlightened position? Are we convinced that we must intervene with laws to save

those who cannot or will not understand?

We are all concerned with health. In fact, we are all responsible for making healthy choices. The first law on the DFL legislative agenda is a statewide smoking ban. The real issue is much larger. The real issue is how far we are willing to let government rules erode the very foundation of our freedom. Enacting social engineering into law is dangerous. Smoking sits squarely within the crosshairs of our society's all-knowing social engineers, well-intentioned but misguided folks who feel the need to help us because we can't help ourselves.

What will stop the regulatory engineers from focusing their sights on the freedom to consume certain foods they consider "unhealthy foods"? What will stop them from outlawing certain expressions, like no one should be forced to sit in a public place next to someone spouting profanity or praying aloud? What will stop them from determining who can own and hold certain property like a farmer's right to decide how and what to farm? What will stop them from legislating who we can associate with by restricting procreation based on genetics? Ask yourself, what will stop them from legislating our religious freedoms? If they decide that Islam promotes violence and mistreatment of women and therefore must not be tolerated, will that be imposed on us from above as well? What are the limits on our growing "nanny-state"?

I expect those who want to dictate our freedoms will cry out that the smoking ban is altogether different from the examples offered. Second hand smoke obviously affects workers in bars and restaurants. Of course no one wants to suggest that employment is voluntary. Evidence of the negative health impact of secondhand smoke has been presented as indisputable. If this is such an indisputable truth, then why does the federal government rate secondhand smoke below cell phones as a carcinogen? Why have we, as a responsible society not simply outlawed tobacco in all its forms? If second hand smoke is as dangerous as the social engineers claim, then why are we willing to





ANOKA COUNTY UNION

ANOKA, MN  
WEEKLY 5,100  
DEC 29 2006



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# Smoking ban and new laws for the New Year

by T.W. Budig

Deputy House Minority Leader **Tom Emmer**, R-Delano, doesn't smoke and doesn't like smoke curling about the room.

But Emmer in a column lit up Democrats for support of a statewide smoking ban.

"The new junta of Democratic legislative leaders has declared a statewide smoking ban as the top priority on their thin agenda for the upcoming legislative session," writes Emmer.

"That baffles me. How property taxes, education reform, health care reform and funding for roads and bridges do not top that list of priorities is in a word, outrageous!"

While some Democrats support a statewide smoking ban, in recent weeks they listed property tax relief, education and health care as top priorities.

Sen.-elect Rick Olseen, DFL-Harris, for one does not support the proposed smoking ban as he believes it could hurt small restaurants and bars.

As a body shop worker, he knows the power of good ventilation to clear the air, Olseen said, and he thinks good ventilation could be a substitute for a ban.

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The Minnesota Environmental Partnership recently announced its 2007 legislative priorities.

It wants to get a \$100 million a year to Clean Water Legacy to clean up state waters, a renewable electricity standard requiring by 2020, 25 percent of electricity be generated from renewables, and passage of a "fraction bill" that would raise the state sales tax

one-quarter of one percent, dedicating the bucks — \$187 million annually — to fund the Legacy and other natural resources areas.

The partnership is a statewide coalition of some 80 environmental groups.

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Attorney General Lori Swanson, Sen.-elect John Doll, DFL-Burnsville, and others recently presented a cell phone legislative package they argue will better protect cell phone customers from price gouging in times of emergencies.

New Year may bring glad tidings but certainly will bring new laws.

One new law requires carbon monoxide detectors to be included in newly constructed homes and apartments.

A detector must be placed on each floor level, within 10 feet of the bedroom in single or multi-family dwellings, according to the House Public Information Services.

Another new law requires all alcohol and drug counselors working in government or hospitals to be licensed by the Minnesota Board of Behavioral Health and Therapy.

Those worried about paying a state park fee for using the visitor parking area at Soudan Underground Mine State Park, rest easy.

A new law forbids Smoky from charging a fee.

Another new law has state park officials issuing temporary permits for vehicles towed into parks for use in camping, allowing their use within the park.

**Editor's note:** T.W. Budig is ECM Publishers' capitol reporter.

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## POLITICAL NOTEBOOK

### Political observers say they are sitting back watching, waiting for 'Pogemiller to become Pogemiller'

By Don Davis

ddavis@wctrib.com

ST. PAUL — Minnesota political observers are watching Senate Majority Leader Larry Pogemiller.

The other three legislative leaders and Gov. Tim Pawlenty appear to be on good terms and all say they can get along with each other. But, as one Senate leader said quietly,



Pogemiller



Pawlenty

senators are waiting for "Pogemiller to become Pogemiller," a reference to what Republicans call a combative and confrontational attitude of the Minneapolis senator.

In a meeting with reporters last week, House Speaker-designate Margaret Anderson Kelliher, DFL-Minneapolis; House Minority

when he hosted the San Francisco lawmaker at the Farm-Fest agriculture show last summer in southwestern Minnesota. Peterson said last week he has a good relationship with Pelosi, the House speaker-designate, despite ideological differences. Peterson represents a conservative rural area while Pelosi hails from perhaps the most liberal city in the country.

"We're kind of an unusual couple," Peterson admitted in a speech last week at the Midwest Ag Energy Network Summit in St. Paul.

The 7th District congressman joked he probably could get only 10 percent of the vote in Pelosi's congressional district, and she would garner the same meager support in his western Minnesota district.

Still, Peterson said he was the only congressman who Pelosi personally endorsed during recent committee chairmen selections. He will lead the House Agriculture Committee.

#### Leaders named

Republican Minnesota House members have elected three assistant minority leaders and the top Republican appointed a fourth.

Seifert picked New York Mills Rep. Dean Simpson as an assistant, while fellow GOP House members elected Laura Brod of New Prague, Brad Finstad of Comfrey and Kurt Zellers of Maple Grove.

Seifert earlier named Tom Emmer of Delano as his deputy leader



Seifert

and Denny McNamara of Hastings as minority whip.

#### Mail reformed

U.S. Sen. Norm Coleman, R-Minn., praised Congress's passage of a measure to reform the U.S. Postal Service, one of the last-minute bills that passed with little public notice.

"An effective Postal Service is essential for Minnesota, where a large printing and mailing industry accounts for thousands of jobs and rural areas depend on it for access to a large variety of products," Coleman said.

The legislation is designed to improve the service's efficiency. One of the key provisions eliminates a requirement that the Postal Service pay pension benefits its employees earned while they were in the military, a \$27 billion savings.

Also, the bill limits postal rate increases to inflation and establishes a commission with authority over the Postal Service.



● Daily Globe editorial

Common ground  
may not be easy

The Minnesota Legislature will reconvene in less than two weeks and, as usual, folks from both sides are making nice and promising more cooperation and bipartisanship. We certainly hope that's the case — finding mutual understanding and agreement often gets more done — but we're withholding our judgement until lawmakers get back to work at the Capitol.

Given the remarks of District 19B Rep. Tom Emmer, there will be friction between state Democrats and Republicans again this session. Emmer, who recently was appointed Deputy Minority Leader in the State House — after the Republicans lost its control in the November elections — visited the *Daily Globe* last week, and said he'd seen a few disturbing trends from Democratic leadership thus far.

"The result we've seen so far is just a little troubling," Emmer said. "The House last year had 24 standing committees responsible for both policy

and finance issues. The first act by the new leadership was to expand the committee structure to almost 40 standing committees. We've increased government ... by 30 percent."

Emmer also criticized Democrats for making a statewide smoking ban a top priority once the Legislature re-assembles, noting its passage would set a "dangerous constitutional precedent." He also spoke of the need for property tax reduction — something he said new Senate Majority Leader Larry Pogemiller hasn't embraced.

Emmer, a second-term legislator from Delano, said Republicans are proud of their leadership of the last eight years and their efforts in bringing the state back from a \$4.5 billion deficit. He said his party's focal points for this year will be addressing health care as well as school and property taxes. Those sound like admirable places to start. We just hope that Democrat and Republican leaders will work diligently to find common ground.





I expect those who want to dictate our freedoms will cry out that the smoking ban is altogether different from the examples offered. Second hand smoke obviously affects workers in bars and restaurants. Of course no one wants to suggest that employment is voluntary. Evidence of the negative health impact of secondhand smoke has been presented as indisputable. If this is such an indisputable truth, then why does the federal government rate secondhand smoke below cell phones as a carcinogen? Why have we, as a responsible society not simply outlawed tobacco in all its forms? If second hand smoke is as dangerous as the social engineers claim, then why are we willing to allow children in private homes to continue to be exposed to this scourge?

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# Crookston DAILY TIMES

1961

Print this story

## Viewpoint: State smoking ban would set a bad constitutional precedent

Print Page

By State Rep. Tom Emmer, R-Delano

I don't smoke. I don't like smoke. But my distaste for the habit doesn't give me cause to have the state manage individual rights. The new junta of Democratic legislative leaders has declared a statewide smoking ban as the top priority on their thin agenda for the upcoming legislative session. That baffles me. How property taxes, education reform, health care reform and funding for roads and bridges do not top that list of priorities is in a word, outrageous! Apparently the promises made during the recent campaigns have served the intended purpose and can now be forgotten. A statewide smoking ban in Minnesota is a dangerous constitutional precedent. If the new regime wants the ban to pass, it very likely will pass. But we should at least call it what it is as we plummet further into the nanny-state formerly known as Minnesota.

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# Republicans take beating at hands of Democrats, voters

By T.W. BUDIG  
Capitol Reporter

Some suspected things were going wrong.

For the first time in his 22-year legislative career, some voters were rude when they discovered Republicans at the door, according Rep. Dennis Ozment, R-Rosemount, about door knocking this election season.

Rep. Pat Garofalo, R-Farmington, heard voters raise concerns at the stoop about Washington and he wondered how many others felt the same concerns but were keeping silent.

"I thought it (election day) was going to be a rough night, but I wasn't thinking it would be this bad," said Garofalo.

Rep. Jim Abeler, R-Anoka, had misgivings already late last winter about the fortunes of the House Republican caucus.

"I totally expected to go back into the minority," he said.

Still, Abeler didn't foresee the clobbering House Republicans would take.

"That was incredible," he said of the reversal.

Descriptions of the losses were colorful.

"It was a tsunami, a massacre," said Rep. Kathy Tingelstad, R-Andover, of the Democratic surge.

at the Capitol

## ANOKA COUNTY UNION

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## BLAINE-SPRING LAKE PARK LIFE

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It was a tsunami, a massacre. Our world will be different.

—Re. Kathy Tingelstad  
R-Andover



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"Our world will be different," she said, referring to being in the minority.

Arguably she's exactly right.

Last session, the House Republican caucus had 68 members, House DFLers 66.

But by the time the polls closed Nov. 7, voters had whittled down the Republican caucus to 49 seats.

House DFLers, with 85 seats, can pass a bonding bill by themselves even if every House Republican votes against it.

Abeler compared the inequity to a GEO taking

on a battle tank.

Rep. Lynn Wardlow, R-Eagan, believes national anti-Republican sentiment "just trickled down to us."

Other House Republicans view national politics dipping into the local races and cutting a swath through the Republican ranks.

"Unfortunately there weren't any local issues included or we would have won," said House Majority Leader Erik Paulsen, R-Eden Prairie.

Wardlow — sole Republican survivor in District 38, Sen. Mike

McGinn and Rep. Tim Wilkin losing their re-elections — senses a national impetus.

"I think people are ready for a change," he said.

(Wardlow, unlike some other Republicans, was "getting really good vibes" while out door knocking and thought his caucus would keep the majority.)

Rep. Ray Vandever, R-Forest Lake, who successfully switched from the House to Senate election night, is less certain the House Republican rout can be easily pack-

aged.

"I think the pundits are going to be trying to figure this out for a long time," said Vandever of the election.

Yes, House Republicans took a beating, he said.

But 6th District voters also sent Sen. Michele Bachmann, R-Stillwater, to Congress, Vandever said.

Some Republicans saw their own caucus lending a hand to their misfortunes.

Ozment, for instance, cites a reflex "No" by some House Republicans to all spending regardless of purpose.

"In other words, we sort of created some of our problems," he said.

Abeler suspected last winter a "winner take all mentality" he perceived operating in the House would eventually bite them.

Rep. Tom Emmer, R-Delano, ascribes the Republican reversals to the party straying from its basic principles — lower taxes and a belief in the private sector, not government, should solve problems.

"The oak tree is solid," Emmer said of perceived core Republican values.

"In a storm like Nov. 7, you expect to lose a few branches," he said of the party.

But the trunk shouldn't snap unless the core is

rotten, said Emmer.

The first thing Minnesota Republicans need to do is decide who they are, he said.

And then plant a seed, Emmer said.

Vandever, too, pointed to perceived failings within the Republican Party — the national debt, for instance.

"The base doesn't appreciate that at all," said Vandever.

Whatever the reasons, House Republicans will be the minority party next session.

Some look at this unwanted status as not as bad as perhaps might be imagined.

"You can be the minority and accomplish a great deal," said Ozment, who speaks from legislative experience.

House Republicans can meaningfully contribute, he said.

But they have to be willing to let the credit go elsewhere and that's fine, said Ozment.

"I would fully expect to be dealt with fairly," he said of life under incoming House Speaker Margaret Anderson Kelliher, DFL-Minneapolis.

Tingelstad, too, said it's possible to achieve things in the minority — she was in the minority her first term and had a productive session, she said.

Plus, Tingelstad has

been a voice of bipartisanship at the Legislature.

"They'll (the opposition) have that in mind when things take a turn," she said.

What is the morale among House Republicans?

"I was really down two days ago," said Wardlow, speaking only two days after the election.

"Now I'm really excited about the next election," he said. Realistically regaining the majority will likely take more than one election, Wardlow said.

"I'm the only conservative left standing," said Wardlow, who attributes his election win in part to an endorsement from Education Minnesota — an uncommon thing for a Republican to get.

Paulsen described his caucus as experiencing a degree a "shellshock," but was philosophical

The pendulum swings in politics and it will swing back, he said.

How soon might House Republicans regain the majority?

That depends on the actions of House DFLers, some suggested.

"I don't think it (the election) was a mandate to act belligerent or spend like crazy," Vandever said.

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## POST-BULLETIN

ROCHESTER, MN  
TUESDAY 43,445  
APR 11 2006



**MINNESOTA CLIPPING SERVICE**

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### Legislative notebook

#### Welfare waiting period

Tempers flared Monday when the Minnesota House debated a welfare waiting period for new Minnesota residents.

The representatives passed the bill 94-37 after amending it to prohibit welfare recipients from using their electronic benefit cards to buy cigarettes and alcohol. The amendment also requires recipients to pay transaction fees to cover the cost of the cards.

Several Democrats said the move is mean-spirited and punishes the poor.

"If we took all the people that smoke and drink and shot them all, we'd have some savings, too," said Rep. Loren Solberg, DFL-Grand Rapids.

The bill from Rep. Tom Emmer, R-Delano, would give 60 percent of general assistance to new childless residents for their first 90 days in the state. After that, they could get the full benefit — a maximum of \$203 monthly for single adults, \$260 for childless couples.

An amendment from Rep. Tony Sertich, DFL-Chisholm, would allow veterans, the mentally ill, people with disabilities and displaced homemakers to get full benefits immediately.

#### Identify theft

The Minnesota Senate united Monday to approve safeguards against identity theft for consumers and to provide help for victims who are trying to clean up their records.

The bill, from Sen. Dan Sparks, DFL-Austin, would allow Minnesotans to put security freezes on their credit reports and control who gets the information. It passed 65-0.

Other provisions include a database of innocent victims of identity theft, accessible to law enforcement; the ability for consumers to block portions of credit reports related to identity theft; and stronger notification requirements for business security breaches that could expose consumers to identity theft.

"This crime affects people of all ages and all areas of the state," Sparks said.

ST. CLOUD TIMES

ST. CLOUD, MN  
TUESDAY 27,888  
FEB 7 2006



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12-24<sup>E</sup> Our view Editorial

# Voter turnout is already low; politicians are wasting effort

## Lawmakers should concentrate on ways to get more people to the polls

After seeing local voter turnout not even reach 30 percent this fall despite some stellar St. Cloud-area races, it's hard to understand why two state legislators plan to renew their push for requiring voters to provide government-issued photo ID cards at the polls.

This would be a definite downer to voter turnout.

So instead of advocating for a bad solution to a problem, Republican Reps. Tom Emmer of Delano and Joe Hoppe of Chaska should find creative ways to get more people to vote.

That would certainly be more constituent-friendly than touting a proposal for what can be described only as another wedge issue.

Don't kid yourself. This is a wedge issue in Minnesota.

As the pair said in announcing their plans Jan. 25, voter fraud is not a pressing concern here.

So why then take up legislators' time and Minnesotans' tax dollars debating it?

More importantly, the arguments for it are heavy on symbolism and hunches but somewhat light on facts.

For example, it's hard to get a clear picture nationwide about voter fraud.

Even the Commission on Federal Election Reform, which unfortunately supports picture IDs, acknowledges evidence of fraud at the polls is thin.

Proponents, meanwhile, talk up the picture ID as a cure-all for voter fraud. How come?

The sad reality is that whether it's voting or robbing a bank, any person determined to break the law is going to find a way to do it. A picture ID will not stop them.

Not to mention that only seven states require photo IDs, so it's hard to determine their effectiveness.

More importantly, if we don't know the level and impact of fraud now, how are we supposed to determine in a few years whether picture-ID rules have reduced it?

It's also worth noting that picture IDs have virtually no impact on absentee ballots, which many national election experts say are most prone to fraud.

Given the lack of compelling evidence of a problem, it makes no sense to implement a new voter-registration standard that will undoubtedly disenfranchise people who don't have a driver's license — the most commonly accepted picture ID.

These groups will certainly include the poor, the elderly and minorities.

According to the Milwaukee Sentinel Journal, at least one study done recently in Wisconsin found that minorities living in urban areas were much less likely to have a driver's license, passport or state ID cards.

And then, of course, there is the latest Georgia photo-ID law.

After having one proposal tossed by the courts because it charged residents \$35 for a state-issue photo ID, the state just adopted a measure that requires the photo IDs but makes them free of charge.

The law also eliminates several forms of identification accepted at the polls such as Social Security cards, birth certificates and utility bills.

Does Minnesota really need — or even want — to head down a similar path?

Tell your legislators no and urge them to find ways to get more, not less, people to the polls.

19B



M68-Human Serv. M33 P212D C106 N68 D37-9

# Contract on medical rides criticized

● Critics in both major parties cited problems in other states with the Missouri transportation firm or service delays in Minnesota.

By PAT DOYLE  
pdoyle@startribune.com

STAR TRIBUNE OCT 6 '06

A firm that was investigated on allegations of Medicaid fraud in Missouri is doing millions of dollars of business with Minnesota state government, and DFL legislators called on the Pawlenty administration Thursday to cancel the contract.

"This company has no place in Minnesota," said Rep. Barbara Goodwin, DFL-Columbia Heights.

But the Department of Human Services defended its reliance on Medical Transportation Management (MTM) of St. Louis as a successful cost-saving measure.

The firm arranges transportation for poor people on nonemergency trips from nursing homes to doctor's offices and pharmacies.

"We aggressively monitor this contract every day," said Cal Ludeman, acting Human Services commissioner. "We think we've done the

right thing, done it the right way."

But at least one Republican opposes the contract, and said decisions on whether to continue with the firm should no longer be left up to the department.

"I think we need to snap some bureaucrats right in the rear end and make them stand up and take notice," said Rep. Tom Emmer, R-Delano.

Another Republican, who supports the concept of the state contracting out nursing home transportation to a private company, said he is troubled by complaints about long

waits for rides.

"I feel really bad about it," said Rep. Duke Powell, R-Burnsville.

Lois Glasgow, a nurse who runs a group home, on Thursday described her difficulty arranging a ride for a client earlier this week. "I was on the phone for an hour," she said.

She said that when she didn't have to work through a broker, she could set up a ride in 30 seconds.

Ludeman said such complaints are relatively unusual.

**Company continues:** State began using the company in 2004. **B7**

## Some critics want contract to be canceled

### ◀ COMPANY FROM B1

At issue is the performance of MTM, a broker that pays transportation vendors to provide the rides.

The state has paid \$19 million for the services over two years. Most of the money went to the vendors, but MTM got \$2.8 million for its administrative role, according to Human Services.

Minnesota began contracting with the broker in the summer of 2004 in an effort to reduce the expense of medical transportation. Previously the department paid vendors directly. The state expanded the company's contract this year.

Last year the company agreed to pay Missouri \$2.4 million to end an attorney general's investigation there into allegations of antitrust violations and Medicaid fraud. The attorney general had al-

leged that the company billed at higher rates than were justified and in one case charged the state for three trips supposedly taken by a person who had died days before.

Missouri Gov. Matt Blunt said the settlement was inadequate, adding, "By bliking the system MTM hurt low-income Missourians."

In a statement Thursday, Alaina Macia, president and CEO of MTM, said, "There were no findings of any fault or any violations of law" by the company in Missouri.

Macia said that in Minnesota the firm has increased rides for nursing home residents and reduced state costs.

Powell defended the use of a broker to arrange rides, saying that there were allegations of fraudulent billing when vendors dealt directly with the state and that

the department was unable to contain costs.

Goodwin and Rep. Ron Latz, DFL-St. Louis Park, said the firm also has had problems in Pennsylvania and Ohio that resulted in cancellations of contracts.

They were joined at a news conference Thursday by vendors complaining about being shortchanged by MTM, as well as criticism from medical workers and a patient who complained about growing delays for getting rides.

Ludeman said the state has received 60 complaints for every 5,400 to 5,800 trips per month, which he said was a good performance.

Pat Doyle • 651-222-1210



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ANOKA COUNTY UNION

ANOKA, MN  
WEEKLY 5,100  
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# Charges of racism fly over identification of voters at the polls

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By T.W. BUDIG  
Capitol Reporter

at the  
capitol

A voter identification bill a lawmaker styled as nonpartisan divided a House committee March 15 and sparked a charge of racism in a hallway confrontation.

**Rep. Tom Emmer**, R-Delano, took his bill, which requires voters to provide proof of citizenship when registering to vote and registered voters to show a photo ID when voting, to the House Civil Law and Elections Committee.

Democracy is in danger when voters don't trust the election process, Emmer said.

That was exactly the case, he said.

Several people testified on behalf of Emmer's bill.

Mike McCarthy, of the Secretary of State's Office, said the legislation addressed issues that voters have expressed concerns about to the Secretary of State's Office.

Secretary of State Mary Kiffmeyer supports the use of photo IDs at the polls.

Diana Bradley said that the provision requiring proof of citizenship wasn't overly stringent — birth certificates, passports or naturalization papers could be used under the bill to establish citizenship.

Early immigrants to Minnesota took such pride in their citizenship that they knew exactly where their naturalization certificate were, she said.

"We're talking about the integrity of voting booth," Bradley said.

But a longer list of critics appeared before the committee than bill supporters.

Cindy Reichert, director of elections for the city of Minneapolis, said her staff helped some 1,200 nursing home residents to vote and believes the majority of these residents would have been unable to under the legislation.

Nursing home residents are encouraged not to bring important documents to nursing home, she said.

Rev. Randolph Staten of the Coalition of Black Churches said the bill was unneeded and immoral.

Voter fraud is not a problem in Minnesota, Stanton and other bill critics charged.

Following the hearing, Staten confronted Emmer in the State Office Building hallway, saying the impact of Emmer's legislation was "absolutely racist."

"You're spitting on the graves of my ancestors with that kind of junk," said Staten.

Rep. Keith Ellison, DFL-Minneapolis, said "this is voter suppression, pure and simple."

Ellison, a black lawmaker, is a member of the House Civil Law and Elections Committee.

He depicted Emmer's bill as wedge-issue legislation pushed by Republican leaders in

Washington.

Emmer called Ellison's comments unfortunate. He introduced the bill months ago, Emmer said.

"I'm not going to say we have rampant voter fraud in Minnesota — we don't," he said.

But he now believes voter fraud in Minnesota is more common than when he first introduced the bill, said Emmer.

Bill opponents were overdramatizing the impact of the bill, Emmer said.

The bill passed the committee on a partisan vote, but not without controversy.

Rep. Chris DeLaForest, R-Andover, committee vice chairman, recessed the committee for five minutes before taking the vote because one Republican lawmaker was absent.

Democrats charged that recessing a committee in order to gain the vote of a missing lawmaker is highly unusual.

Ellison called it a "cynical move."

Emmer's legislation now goes to the House floor for a possible vote.

Emmer would not predict that it would pass, but he hoped so.

Currently, voters are not required to show photo IDs and can register using a number of different methods.

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ANOKA, MN  
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# Emmer photo identification voting proposal gains opponents but Kiffmeyer's support

By T.W. BUDIG  
Capitol Reporter

A state lawmaker wants presenting a form of photo ID part of voting.

Rep. Tom Emmer, R-Delano, said the photo ID legislation he wants to become law is "proactive" in nature.

"We're not going to wait until we have a problem (with voting)," said Emmer.

As proposed, voters would need to show election judges a form of photo ID — federal, state, tribal — before casting a vote.

Someone without a photo ID would be required to sign an affidavit affirming they are the person listed on the voting register.

Those who refuse to sign would not be allowed to vote.

Some seven states — Florida, Georgia, Hawaii, Indiana, Louisiana, South Carolina and South Dakota — require a photo ID to vote, according to Emmer.

"This is not going to exclude; this is going to include," said

Emmer of the proposal.

Currently in Minnesota a voter can simply sign their name next to the printed name on the voter's list and cast a ballot.

People seeking to register on election day can use a driver's license or other forms of ID. If the form has an old address, a utility bill can be used to help establish residency.

A registered voter in the precinct can also vouch for the person — vouch for up to 15 others.

Beth Fraser, public policy director for Minnesota Alliance for Progressive Action, rejects the photo ID initiative.

"You have a right to vote," she said.

The proposed legislation is needless, Fraser said.

Sen. John Hottinger, DFL-St. Peter, a member of the Senate Elections Committee, said the photo ID initiative would serve to suppress voter turnout.

And it's needless, he said. "Minnesota has not had a problem with voter fraud," said

This is not going to exclude; this is going to include.

— Rep. Tom Emmer  
R-Delano



ECM photo by T.W. Budig

Rep. Tom Emmer, R-Delano, is proposing photo IDs be required for voting.

Hottinger.

The proposed legislation would place hardships on seniors and college students, he said. Hottinger found it ironic that at a time when the United States was trying to foster democracy across the earth the Minnesota Legislature was being asked to restrict voting access.

Secretary of State Mary Kiffmeyer supports the idea of requiring a photo ID to vote.

The most common complaint her office receives comes from voters upset that a photo ID is

not currently required in the state, said Kiffmeyer.

Voter fraud occurs more frequently than opponents of the photo ID initiative admit, she said.

Kiffmeyer called the photo ID proposal "common sense."

Lawmakers had come close to passing a provision in the past, she said.

"This could be the year," said Kiffmeyer.

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# New limits in 'newborn genetic testing' are urged

■ Coon Rapids couple back proposed legislation

by T.W. Budig  
ECM capitol reporter

A Coon Rapids couple appeared at the Capitol Feb. 13 to support tighter restrictions on "newborn genetic testing."

Bob and Carla Taepke of Coon Rapids support legislation sponsored by Reps. Mary Liz Holberg, R-Lakeville, and Tom Emmer, R-Delano, that would have parents "opt-in" for newborn screening rather than "opt-out."

About 70,500 Minnesota newborns each year are screened for more than 50 health risks by the Minnesota Department of Health — cards with newborn blood samples brighten shelves in a health department laboratory.

Newborn screening has been carried out since 1965.

The first testing was for phenylketonuria, or PKU, a metabolism disorder linked with mental retardation.

Each week two or three babies are detected as facing health risks by the health department lab.

The lab tests for early onset diseases or conditions — it does not test for long-term genetic problems.

Parents currently can "opt-

## AT A GLANCE

**A Coon Rapids couple are backing state legislation that would place new limits on "newborn genetic testing."**

out" of newborn screening altogether or agree to the screening on condition the baby's tissue/blood samples be destroyed after two years.

But Bob Taepke and other parents at the press conference charged that hospital staff never informed them of their rights under state law regarding newborn screening.

"There's a problem with the administration of the law," said Bob Taepke.

"Frankly, I believe it's being disregarded."

Although their daughter's second birthday is five weeks away — theoretically, the date her tissue/blood samples will be destroyed — the Taepkes are worried that won't happen.

"How do we know they will be destroyed," he said.

Holberg has heard "over and over and over" from parents of newborns that they did not know about their rights under state law, she said.

The field of genetics is advancing so rapidly, Holberg said, that it's hard for lawmakers to keep up with the advances.

"We're not ahead of the curve by any means," she said.

There is a need for caution, Holberg said.

Deputy Commissioner of Health Lynda Boudreau said that if it's determined more training of hospital staff on the state law regarding newborn screening is needed, it will be carried out.

But Boudreau was concerned that an "opt-in" approach to newborn screening — the need for paperwork that it could engender — could result in fewer newborns being screened.

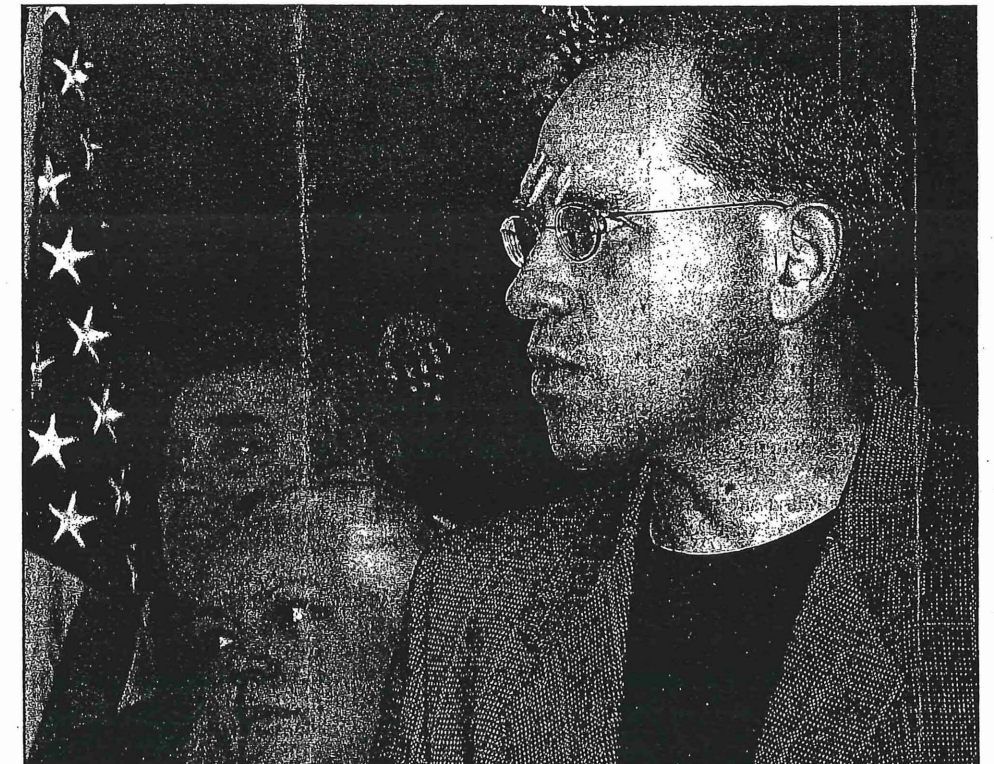
"It's just very, very important," said Boudreau of newborn screening.

Since the current law went into effect in July 2003, only 10 parents have opted-out of the screening program while five have requested their newborns' blood/tissue samples be destroyed after two years, according to Boudreau.

She believes these parents' wishes will faithfully be carried, Boudreau said.

"It's something we're obligated to do," she said.

Boudreau is a former, conservative member of the Minnesota



Bob Taepke of Coon Rapids spoke at a Capitol press conference in favor of legislation aimed at tightening state law pertaining to newborn screening. Taepke is flanked by the two local House members pushing the bill in the House: Rep. Mary Liz Holberg, R-Lakeville, and Rep. Tom Emmer, R-Delano.

House.

She is currently trying to determine just how long the newborn screening bio-samples will be kept by the health department.

"I think it's really indefinitely," said Boudreau of the private data.

Twila Brase, president of the conservative health care policy organization Citizens' Council on Health Care, said parents

need to know the testing being done by the health department is genetic testing.

"Every parent needs the right to say 'no' to government genetic testing," she said.



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## COON RAPIDS HERALD

COON RAPIDS, MN  
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# State board dismisses complaint on Dittrich

■ Property ownership near commuter rail the issue

by T.W. Budig  
ECM capitol reporter

A complaint filed against Rep. Denise Dittrich, DFL-Champlin, by two Republican lawmakers has been dismissed by the Campaign Finance and Public Disclosure Board.

In a statement, Dittrich, a first-term lawmaker, said the dismissal was expected.

"Constituents in my district are fed up with political bickering and mudslinging," said Dittrich.

"I hope my political opponents respect this ruling and join me in discussing education, health care and transportation — the real issues that deserve our attention," she said.

The board made the decision to dismiss the complaint against Dittrich at its Sept. 15 meeting.

### AT A GLANCE

The Minnesota Campaign Finance and Public Disclosure Board has dismissed a complaint against Rep. Denise Dittrich over property ownership near the proposed commuter rail line and her vote on the state bonding bill.

Rep. Kurt Zellers, R-Maple Grove, and Rep. Tom Emmer, R-Delano, filed the complaint earlier this fall after media reports appeared concerning the ownership of property in Minneapolis and Dittrich's votes on Northstar Commuter Rail funding.

The two Republicans suggested Dittrich could have personally benefited financially by her Northstar votes as the proposed line runs

by a property in downtown Minneapolis in which Dittrich has a financial interest.

But Dittrich said the property was in her husband's name, that he had a relatively small financial interest in it and that the precedent for a property owner voting for Northstar had already been set.

Dittrich said she hadn't even needed to disclose the property at 333 N. Washington Ave. in Minneapolis on her financial disclosure form, but did so as "a trail of why" she abstained voting on the Twins ballpark bill.

Dittrich voted for the bonding bill last session which contained \$60 million in Northstar funding.

Dittrich's House district includes a portion of Coon Rapids.



M68-Camp. Finance E16.12A

# Ethics panel clears Dittrich, drops Entenza complaint

• The state campaign ethics board cleared Rep. Denise Dittrich of charges brought by Republicans and said a complaint against former House DFL Leader Matt Entenza has become moot.

STAR TRIBUNE SEP 20 '06  
By PAT DOYLE • pdoyle@startribune.com

The Minnesota campaign ethics board said Tuesday that it need not determine whether former House DFL Leader Matt Entenza was required to disclose the \$40,000 cost of his investigation into Attorney General Mike Hatch and other politicians.

In another ruling, the ethics board dismissed a Republican complaint against a DFL legislator who pushed for the Northstar commuter line.

The board said Rep. Denise Dittrich, DFL-Champlin, had no financial interest in downtown Minneapolis land where a station could

be built even though her husband belonged to a limited partnership that had an interest in the parcel.

In July, state Republican chairman Ron Carey accused Entenza of breaking ethics laws by failing to report the cost as a campaign expense on his January report to the board. But the panel said the merits of the case became moot when Entenza amended his report in September to include the expense.



Dittrich

**Ethics continues:** GOP had alleged interest conflict by Dittrich. B4 ►

## Campaign ethics panel clears Dittrich

### ◀ ETHICS FROM B1

"The expenditures that are the subject of this complaint have now been reported as campaign expenditures," the board said in dismissing the complaint. "Therefore, it is not necessary for the board to decide whether [state law] required such reporting."

Republicans had accused Dittrich of violating state disclosure laws for public officials by failing to report her husband's interest in the 1-acre parking lot on or near land selected for a station platform.

But the board ruled that because Dittrich's husband became involved in the partnership before their marriage she did not have to report his interest.

Dittrich

Northstar legislation and voted for the commuter rail line in 2005. She issued a statement Tuesday suggesting that the accusations by Carey and Reps. Kurt Zellers, R-Maple Grove, and Tom Emmer, R-Delano, amounted to "political bickering and mud-slinging."

The call last month for the investigation came as Republicans eyed Dittrich's seat as among 15 to 18 held by DFLers they consider vulnerable in the November elections.

The complaint against Entenza came after the Star Tribune reported in July that he had hired a Chicago research firm to conduct a probe of public records on Hatch in 2005, when Entenza was considering a bid for attorney general.

Entenza won DFL endorse-

ment in June to run for the office, but withdrew under pressure to disclose more information about the cost of his investigation.

Entenza's campaign attorney Alan Weinblatt argued Tuesday that the findings of the campaign finance board "vindicated" the former House minority leader.

When it amended the report in September, Entenza's camp insisted it didn't need to do so because the Chicago firm was paid several months before he became a candidate for attorney general.

Carey countered that the amended report "seems almost an admission that he knows he violated the law and is hoping to ask for leniency."

Pat Doyle • 651-222-1210

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## GOP up-and-comers named to House leadership posts

STAR TRIBUNE NOV 24 '06

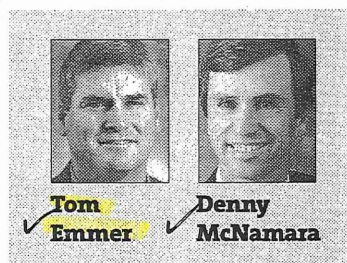
Two junior House Republicans were named to caucus leadership positions Wednesday by newly elected Minority Leader Marty Seifert.

Rep. Tom Emmer of Dela-

no, elected to a second term this month, will be the deputy minority leader. Rep. Denny McNamara, of Hastings, will start his third term in January as minority whip.

**Marty Seifert** ✓

Seifert, R-Marshall, beat Emmer and two other GOP legislators for the minority leader's post 11 days after the Nov. 7 election, which turned a 68-member GOP House majority into a 49-member minority. In a news release, Seifert praised the "leadership skills, business and legal ex-



perience" of both nominees.

Emmer, a lawyer, drew attention during his freshman term for sponsoring controversial measures to require castration of some sex offenders and picture identification for voters. Neither became law. McNamara, a landscape contractor, has successfully backed state investments in the Northstar commuter rail project and a new University of Minnesota football stadium.

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MINNESOTA POLITICS  
GOP group takes aim  
at health care fraud

19B

Lawmakers speak after public hearing

BY JEREMY OLSON  
Pioneer Press

PIONEER PRESS SEP 28 06  
Minnesota needs to get  
tougher on people who fraudu-  
lently obtain public health  
benefits and other state assis-  
tance, a group of Republican  
lawmakers said Wednesday.

As the costs of public pro-  
grams such as Medical Assis-  
tance have skyrocketed in  
recent years, "the tolerance  
level for fraud in the public ...  
has gone down," said Rep.  
Matt Dean, R-Dellwood.

Dean and three other  
Republican lawmakers spoke  
after a two-hour public hear-  
ing in which state and county  
fraud investigators detailed  
how some people either mis-  
takenly or intentionally abuse  
the state's public assistance  
programs.

They recommended 13  
reforms, including tougher  
sentences for people who dis-  
tribute false identification  
cards and for those who use  
those cards to obtain benefits.  
They also wanted a require-  
ment that people apply in per-  
son for public health pro-  
grams, to deter applicants  
from lying on their applica-  
tions or prevent them from  
making innocent mistakes.

The most common abuses  
occur when people lie about  
their income, assets, or family  
or spousal situations, said Tim  
DesMarais, an investigator  
with the Stearns County Sher-  
iff's Department. He also said  
during the hearing that some  
illegal immigrants are able to  
obtain low-income benefits  
using their real names,  
because they used false names  
to earn jobs and paychecks.

The state does provide lim-  
ited health benefits to undocu-  
mented women who are preg-  
nant. The exact number of  
illegal immigrants receiving  
improper benefits is unclear.

There were roughly 8,000  
administrative reviews last  
year of irregularities in public

benefits, and 45 percent  
exposed fraud, said Ramona  
Scarpace of the state's Depart-  
ment of Human Services. In  
addition, there were more  
than 2,200 criminal investiga-  
tions, and 60 percent proved  
that people had received bene-  
fits illegally.

The state collected more  
than \$2 million last year from  
people who received improper  
benefits by diverting money  
they were supposed to receive  
through federal programs or  
tax returns, Scarpace said at  
the hearing. The collections  
program has netted \$19.7 mil-  
lion since it was started, she  
added.

Lawmakers intend to raise  
their suggestions in the next  
legislative session.

None of the Republican  
lawmakers called for  
increased state spending,  
though they noted the invest-  
ment might pay for itself.  
Scarpace reported that every  
\$1 spent on administrative  
reviews of fraud brings \$5  
back to the state.

Rep. Tom Emmer, R-  
Delano, said the state needs to  
place a higher priority on elim-  
inating fraud. He was frustrat-  
ed to learn that efforts to mon-  
itor abuses in the state's  
MinnesotaCare program have  
been slowed by hiring prob-  
lems.

"We need to protect these  
benefits for those who truly  
need them," he said.

Rep. Barbara Goodwin,  
DFL-Columbia Heights, said  
people needing public assis-  
tance are already reluctant  
because of the negative percep-  
tion that they are somehow  
cheating the system. She said  
the state should focus more on  
the providers of health care,  
welfare and day-care services  
who have opportunities to bilk  
far more money from the state.

"We're not really address-  
ing the people that get the  
most money out of the taxpay-  
ers on this," she said.

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MINNESOTA

# Seifert to lead House GOP

BY PATRICK SWEENEY

PIONEER PRESS NOV 19 06

✓ State Rep. Marty Seifert, a self-described "mainstream conservative" from Marshall, was elected Saturday as leader of the Minnesota House Republicans, who cascaded into the minority after the election.

Seifert, an administrator at Southwest Minnesota State University, was elected minority leader on the third ballot by House Republicans meeting in Eagan. He defeated Rep. Erik Paulsen, of Eden Prairie, the current second-ranking leader in the Republican caucus, and two other candidates: Rep. ✓ Steve Smith, of Mound, and ✓ Rep. Tom Emmer of Delano.

✓ House Speaker Steve Svigum, who has led the House Republicans — first as minority leader and then as speaker

— since 1993, did not seek a leadership post.

In 2004, House Republicans lost 13 seats to Democrats. This year, they lost 19 more.

Democrats now outnumber Republicans 85-49 in the House.

Seifert, 34, grew up on a grain and hog farm near Clements, Minn., graduated from Southwest Minnesota State, taught high school social studies in Marshall and was elected to the House in 1996. In 1999, he went to work in the admissions department of Southwest Minnesota State.

He said he will take a leave from that job while he is minority leader.

"Obviously, it's a new face, it's a fresh start," Seifert said of his election.

In his decade in the House, Seifert demonstrated a talent for partisan floor debate and

an eagerness to defend the Republican policy agenda.

In 2005, he single-handedly conducted a rare House filibuster, speaking on a variety of inconsequential subjects for 30 minutes while Republican leaders failed to change votes to defeat a gas tax increase. Republican Gov. Tim Pawlenty eventually vetoed the increase.

✓ In a news conference, Seifert predicted Sen. Larry Pogemiller, of Minneapolis, the new DFL majority leader in the Senate, and Pawlenty would soon clash on tax and budget issues.

"The honeymoon between the governor and Larry Pogemiller will make Britney Spears' first marriage look like a long-term relationship," Seifert said. He was referring to the pop singer's two-day marriage, later annulled, to a childhood friend.



19B

# House GOP picks Seifert as new leader

● Rep. Marty Seifert of Marshall pledged to stand with Gov. Pawlenty and to work with the DFL "where it's appropriate."

STAR TRIBUNE NOV 19 '06  
By SHARON SCHMICKLE  
sschmickle@startribune.com

Rep. Marty Seifert of Marshall won a four-way competition on Saturday to lead the Republicans in the Minnesota House of Representatives — marking, he said, a fresh start for the caucus, which lost control of the chamber in this month's elections.

After the GOP saw its 68-66 majority give way to an 85-49 DFL advantage for the 2007 legislative session, the remaining House Republicans engaged in hours of intense soul-searching before Seifert won unanimously on the fourth ballot.



✓ Marty Seifert

Seifert described the dynamic that led to his selection as "fairly somber." The caucus saw the decision as an act of revival, he said, and it vowed to play a larger role than simply being naysayers to the DFL agenda.

"We matter in Minnesota; we are going to stand together as a caucus and a team with our governor," he said.

**House continues:** Seifert identifies as "a mainstream conservative." B9▶

**Related:** House DFLers have elected six assistant leaders from suburban and rural districts. B9

# House Republicans pick Seifert as leader

◀ HOUSE FROM B1

Rather than looking back at reasons for the losses, Seifert outlined an agenda he plans to drive: "balance the budget without raising taxes ... education accountability while at the same time funding [schools] to their needs ... health care reform."

The DFL majorities have chosen two Minneapolis legislators as House and Senate leaders, Rep. Margaret Anderson-Kelliher and Sen. Larry Pogemiller, respectively. The message DFLers have sent, Seifert said, "was that the inner city and the Iron Range run the place."

While pledging to cooperate with the DFL "where it's appropriate," Seifert also said, "We are going to show the people of Minnesota the suburbs are more than just an instant cash machine for Larry Pogemiller's pork projects ... that we have some responsible alternatives."

Kelliher congratulated Seifert on his election Saturday and said in a statement, "We sincerely hope the new minority leader and his caucus will join us in focusing on the core issues facing our state: health care costs, education needs and rising property taxes."

660.287

## Assistant House DFL leaders are rural-suburban mixture

The incoming Minnesota House DFL majority has elected six assistant leaders from suburban and rural districts, a slate that Speaker-designate Margaret Anderson-Kelliher said will balance power in the 85-member caucus across statewide constituencies.

While Kelliher of Minneapolis and new Majority Leader Tony Sertich of Chisholm represent urban and Iron Range DFL strongholds, the assistant leaders elected Thursday evening come from more closely contested districts. They also are among a new wave of DFLers whose victories at the polls helped the party back into the majority after eight years of Republican control of the House.

They are Reps. Michael Nelson of Brooklyn Park and Aaron Peterson of Madison, each entering a third term, plus second-termers Melissa Hortman of Brooklyn Park, Tina Liebling of Rochester, Frank Moe of Bemidji and Steve Simon of St. Louis Park.

CONRAD DEFIEBRE

Seifert called her a fundamentally decent person "who will preside over the body with grace" but remain "very liberal."

### 'A mainstream conservative'

Seifert, 34, a university admissions counselor, had served as the majority whip in the GOP-controlled House. On Saturday he called himself "a mainstream conservative" and said he plans to bring "excite-

ment on the floor in terms of strategy."

The new GOP leader has reached across the aisle on many bills. For example, he sponsored a measure this year to prohibit demonstrators from disrupting funerals. A final version passed with overwhelming bipartisan support.

But Seifert also stands out as an occasional maverick. Measures that he has pushed include: denying dessert to pris-

on inmates; prohibiting school students from reciting the Pledge of Allegiance in Spanish or any language other than English; reducing benefits for welfare recipients who smoke cigarettes, and making funding for Minnesota Public Radio contingent upon MPR's publishing the top salaries it pays.

In the same spirit, Seifert punctuated his pledge to work with DFLers by adding that "the honeymoon between the governor and Larry Pogemiller will make Britney Spears' first marriage look like a long-term relationship." (The pop star's marriage in 2004 was annulled after two days.)

The other contenders for the GOP House leadership were Erik Paulsen of Eden Prairie, the current House majority leader, Steve Smith of Mound, and Tom Emmer of Delano.

House Speaker Steve Sviggum of Kenyon, who had led the caucus since 1993, did not seek the post. He has been speaker since 1999.

This month, Senate Republicans picked David Senjem of Rochester as the leader of their caucus.

Sharon Schmickle • 612-673-4432

Rep. Keith Ellison, ( now Congressman-elect,) topped the list with 135 points, followed by Rep. Karen Clark with 90 points, Rep. Neva Walker with 75 points, Rep. Jim Davnie with 70 points and state Senator Linda Higgins with 50 points.

Five Republican legislators received minus 20 or fewer points for authoring or co-authoring legislations deemed to further deteriorate life for people of color. State Sen. Betsy Wergin led the way with minus 40 points, followed by state Sen. Michele Bachmann, (now Congresswoman-elect), Rep. Tom Emmer, Rep. Steve Smith and Rep. Jim Knoblach, all with minus 20 points.

Legislators elected from districts with a majority of people of color showed a strong commitment to racial equity and social justice issues, the report said.

“The report shouldn’t be a partisan issue,” said Javier Morillo-Alicea, president of SEIU Local 26, the union representing more than 5,000 janitors and other workers dominated by communities of color. “But it should be seen as a new bar for action.”

Asked why OAP didn’t release this report before last week’s election, Toney said they didn’t want to influence voters. “But we also want to give legislators a fresh opportunity to correct their course of action right after they were reelected,” he said.

He promised that his organization will issue a similar report annually.

submitted: November 15, 2006 - 11:10am

**There are no comments on this story. Be the first to leave a comment.**

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Twin Cities Daily Planet: Local News For Global Citizens

198

## Pawlenty, Legislature get low marks on racial equity issues



Gov. Tim Pawlenty

By Abdirahman Aynte , Special to the Daily Planet

Minnesota leads the nation in health care and quality of life, but not in racial equity for communities of color, according to a new Minnesota Legislative Report Card.

The report, compiled by the nonprofit Organizing Apprenticeship Project (OAP), covers the 2005-2006 biennium. Legislators and the governor were assessed for their efforts in closing the gap between whites and people of color in areas like education, housing and health care, all the while strengthening Indian tribal sovereignty.

Governor Tim Pawlenty received a grade of C-minus, while the Legislature received a failing grade.

That's because only seven out of the 22 minority-friendly bills considered for the report passed. And the governor vetoed three out of the ten bills put forward to him. One of them is a bill that would have allowed employment opportunities for convicted felons of color, according to the OAP. He also planned to veto the Minnesota Dream Act, which would allow children of illegal immigrants to pay in-state tuition.

"This reflects a poor performance by our elected officials," said the report's author, Jermaine Toney, a policy analyst and researcher with OAP. "It's a missed opportunity."

Toney said despite the "unprecedented growth in communities of color," policies conducive to them haven't been adopted fast enough. Therefore, inequality between whites and communities of color in Minnesota is "stark in some cases," and "among the worst in the nation."

OAP blamed the poor response by the governor and Legislature on "institutional racism." One of the bills would have allowed local government agencies to inquire about immigration status for immigrants of color. Another one would have raised the housing fee for welfare recipients from \$50 a month to \$200 a month.

Individual legislators received 20 points for each minority-friendly bill they chief-authored and five points for co-authoring such a bill. They were also marked down 20 points if they chief-authored a bill seen to widen the racial inequality gap, and five points if they co-authored such a bill.

Five legislators, all Democrats, were branded "champions" in authoring bills designed to address racial equality.

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ANOKA COUNTY UNION

ANOKA, MN  
WEEKLY 5,100  
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**Couple appears at capitol to support tighter restrictions on genetic testing**

By T.W. BUDIG  
Capitol Reporter.

at the capitol

A Coon Rapids couple appeared at the Capitol Feb. 13 to support tighter restrictions on "newborn genetic testing."

Bob and Carla Taepke of Coon Rapids support legislation sponsored by Reps. Mary Liz Holberg, R-Lakeville, and Tom Emmer, R-Delano, that would have parents "opt-in" for newborn screening rather than "opt-out."

About 70,500 Minnesota newborns each year are screened for more than 50 health risks by the Minnesota Department of Health — cards with newborn blood samples brighten shelves in a health department laboratory.

Newborn screening has been carried out since 1965.

The first testing was for phenylketonuria, or PKU, a metabolism disorder linked with mental retardation.

Each week two or three babies are detected as facing health risks by the health department lab.

The lab tests for early onset diseases or conditions — it does not test for long-term genetic problems.

Parents currently can "opt-out" of newborn screening altogether or agree to the screening on condition the baby's tissue/blood samples be destroyed after two years.

But Bob Taepke and other

parents at the press conference charged that hospital staff never informed them of their rights under state law regarding newborn screening.

"There's a problem with the administration of the law," said Bob Taepke.

"Frankly, I believe it's being disregarded."

Although their daughter's second birthday is five weeks away — theoretically, the date her tissue/blood samples will be destroyed — the Taepkes are worried that won't happen.

"How do we know they will be destroyed," he said.

Holberg has heard "over and over and over" from parents of newborns that they did not know about their rights under state law, she said.

The field of genetics is advancing so rapidly, Holberg said, that it's hard for lawmakers to keep up with the advances.

"We're not ahead of the curve by any means," she said.

There is a need for caution, Holberg said.

Deputy Commissioner of Health Lynda Boudreau said that if it's determined more training of hospital staff on the state law regarding newborn screening is needed, it will be carried out.

But Boudreau was concerned that an "opt-in" approach to newborn screening — the need for paperwork that it could engender — could result in fewer

newborns being screened.

"It's just very, very important," said Boudreau of newborn screening.

Since the current law went into effect in July 2003, only 10 parents have opted-out of the screening program while five have requested their newborns' blood/tissue samples be destroyed after two years, according to Boudreau.

She believes these parents' wishes will faithfully be carried, Boudreau said.

"It's something we're obligated to do," she said.

Boudreau is a former, conservative member of the Minnesota House.

She is currently trying to determine just how long the newborn screening bio-samples will be kept by the health department.

"I think it's really indefinitely," said Boudreau of the private data.

Twila Brase, president of the conservative health care policy organization Citizens' Council on Health Care, said parents need to know the testing being done by the health department is genetic testing.

"Every parent needs the right to say 'no' to government genetic testing," she said.

Tim Budig is at:  
tim.budig@ecm-inc.com



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## OWATONNA PEOPLE'S PRESS

OWATONNA, MN  
THURSDAY 7,079  
MAR 30 2006



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### EDITORIAL

## Caring for illegals

A bill proposed in the house this week by Rep. Fran Bradley, R-Rochester, challenges our ability — not as only U.S. citizens, but as human beings — to care for our neighbors in some of their most serious times of need. Bradley proposed this week that county human services employees be required to turn in unauthorized aliens if they apply for subsidized health care. Under current policy, Bradley said, those employees can't report an illegal immigrant unless they have that person's written permission.

Bradley's proposal comes as the debate about illegal immigrants heats up across this country — a debate that is likely to have political ramifications for the upcoming election as well as elections for years to come. It is a complex debate that continues to grow even more complex locally, statewide and nationally.

No one is suggesting that we hand out free healthcare at the borders and then bill the taxpayer. Indeed, state law currently doesn't cover health care for illegal immigrants except in emergencies and for pregnancy, labor, delivery and postpartum care. Bradley's bill wouldn't change that — though another proposal, made by Rep. Tom Emmer, R-Delano, would cut off prenatal and postpartum care for unauthorized immigrants.

Bradley's proposal would not refuse care to illegal immigrants, but simply require county employees to turn the illegals in. The result, however, may be the same as if care were refused because illegals who fear they may be turned in may not seek needed medical help.

Mind you, we do not believe in a blanket amnesty for immigrants who are here illegally because of the simple fact that they have broken the law by entering this country in the way they have. We do, however, need to care for people in times of need — regardless of where they were born or what they do for a living.

The parable of the Good Samaritan comes to mind — a parable about a man who came to the aid of another even though that other person was a much-hated foreigner. In the story, what was of tantamount importance was not who the person was or what his nationality was, but that he was a man in need of help. There is a lesson there that we shouldn't forget.

Similar to a House decision that has already suggested that police help federal authorities by reporting illegal immigrants, Mr. Bradley's bill continues to push the immigrants to the dark shadows of our society. Not only would entire neighborhoods stop calling the police when crimes occur for fear that they'd be deported, now these same immigrants — legal or not — may refuse medical care for fear that they or their neighbors would be investigated by immigration authorities.

We understand that Rep. Bradley is searching for a solution to the much-debated topic of immigration, but we don't think he's found a remedy in ignoring immigrants when they need our help the most.

*Owatonna People's Press editorials are the opinion of the Press editorial board, which consists of Editor and Publisher Ron Ensley, Managing Editor Jeffrey Jackson and News Editor James Anderson. Other editorials, letters and cartoons appearing on this page are the opinions of the authors, and not necessarily the People's Press.*



19B

DAILY GLOBE

WORTHINGTON, MN  
THURSDAY 13,000  
MAR 9 2006

WEST CENTRAL TRIBUNE

WILLMAR, MN  
THURSDAY 16,927  
MAR 9 2006

BEMIDJI PIONEER

BEMIDJI, MN  
THURSDAY 10,200  
MAR 9 2006

# Bill allows pharmacists not to fill prescriptions

By Don Davis

Pioneer Capitol Reporter

ST. PAUL — Pharmacists should not be required to dispense medicine such as birth control pills if they feel it would violate their ethics, religion or morals, Michael Barrett says.

A Minnesota House committee agreed Wednesday, sending a bill giving pharmacists the right to say no to the full House.

Pharmacists testified that there are very few times when one of them cannot to fill a prescription in good conscience, but Barrett said the law change is important.

"Besides my education, I find my morals and ethics the most important things I bring to my job," Barrett said.

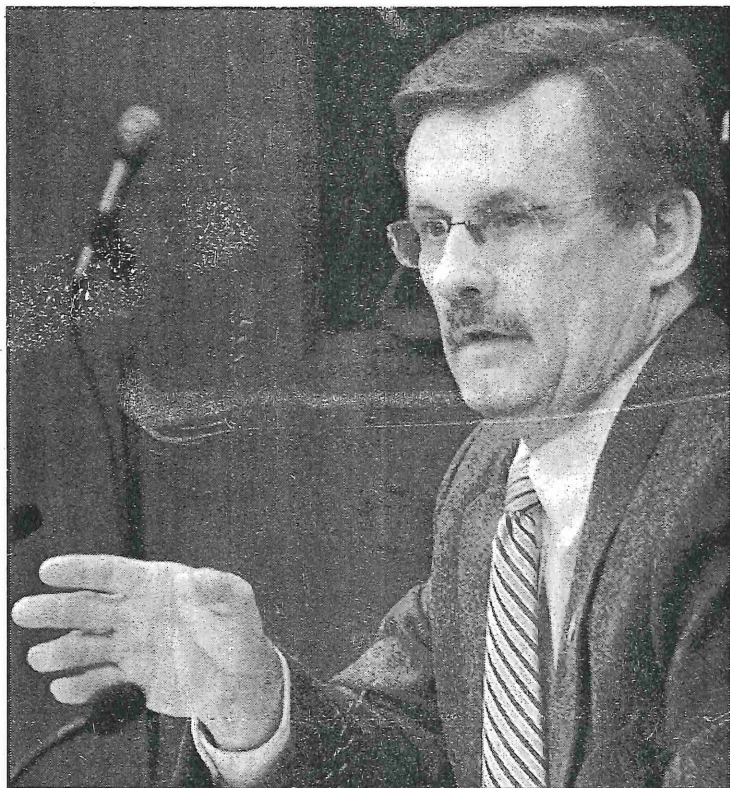
Barrett, a Long Prairie Memorial Hospital pharmacist and Republican candidate for the 7th Congressional District seat, told the Minnesota House Health Policy and Finance Committee that the bill he wrote balances pharmacists' rights with those who want medicines such as birth control pills.

Barrett said that if pharmacists must fill all prescriptions, as some feel current law requires, "we will have pharmacies devoid of religion, ethics."

While the bill does not specify any medicines that could be refused, the most likely would be birth control medicines, including the so-called morning-after pill.

Some committee members had questions of Barrett and bill sponsor Rep. Tom Emmer, R-Delano, but there was little opposition. Even Planned Parenthood, which usually opposes such bills, supports it.

"It is a step in the right direc-



Pioneer Photo by Don Davis

**Michael Barrett testifies in front of a Minnesota House committee Wednesday, promoting a bill he wrote to give pharmacists the right to refuse filling prescriptions due to ethical, religious or moral reservations. Barrett is a Long Prairie pharmacist and GOP candidate for the 7th Congressional District seat.**

tion," Planned Parenthood's Tim Stanley said.

One provision that makes the bill acceptable to a wider range of people is that if a pharmacist won't fill a prescription, he must help the patient find a pharmacy where it can be filled.

Rep. Cy Thao, DFL-St. Paul, said he doesn't see a need for the bill since patients will be able to get prescriptions they

want, even if they go elsewhere.

"This is a compromise by the folks who actually dispense these drugs," Emmer said.

Erin Matson, president of Minnesota's National Organization of Women chapter, said it is not right to make people seeking birth control medicines to hunt for them.

"Women deserve more than a wild goose chase law," she said.

✉ ddavis@bemidjipioneer.com



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COON RAPIDS HERALD

COON RAPIDS, MN  
WEEKLY 3,600  
SEP 8 2006



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# Republicans file complaint against Rep. Dittrich

■ She allegedly failed to disclose property ownership near the proposed Northstar line

by T.W. Budig  
ECM capitol reporter

Two Minnesota House Republicans have filed a complaint with the Campaign Finance and Public Disclosure Board alleging that Rep. Denise Dittrich, DFL-Champlin, has violated campaign finance laws.

Rep. Kurt Zellers, R-Maple Grove, and Rep. Tom Emmer, R-Delano, charge that Dittrich failed to disclose ownership of a property in downtown Minneapolis adjacent to the proposed Northstar Commuter Rail line and the new Minnesota Twins ballpark.

Arguably, construction of the line could increase the value of the property.

According to Zellers, the complaint would give Dittrich a chance to detail the ownership of the property and provide other information pertinent to her Northstar votes.

Dittrich voted to fund Northstar in the bonding bill, but abstained from voting on the Twins ballpark bill last session.

"It's intellectually inconsistent what she did," said Emmer.

Dittrich has violated her own ethical standards, the two Republicans argued.

But Dittrich said she has no direct tie to the Minneapolis property — property controlled by Duddy Limited Partnership — and that it's her husband, not she, that has a stake in the partnership.

It's a small stake, she said.

Dittrich puts the share at one-third of one percent.

She guessed the share would be worth about \$20,000.

Additionally, Dittrich based her voting on Northstar on precedent she believes was set by Rep. Jim Abeler, R-Anoka, who voted for Northstar although owning property adjacent to the pro-

## AT A GLANCE

A complaint has been filed by two House Republicans against Rep. Denise Dittrich, DFL-Champlin/Coon Rapids, for allegedly failing to disclose property ownership in Minneapolis near the proposed Northstar Commuter Rail line and the new Minnesota Twins ballpark.

posed commuter rail line in the city of Anoka.

The House Ethics Committee at the time found no conflict of interest for Abeler.

Abeler supported Dittrich's decision to cast the Northstar votes.

"No, I don't see anything wrong with it," he said.

Support for Northstar in his district is probably at 90 percent, Abeler said.

Arguably, even if construc-

tion of the line would dramatically increase the value of his property, Abeler would have still taken the votes, he said.

It would have been letting down the district to do less, Abeler said.

Abeler prior to his Northstar votes notified House Speaker Steve Sviggum, R-Kenyon, in writing of a possible conflict of interest.

Dittrich, who views the flap over her votes as partisan politics, said she did not contact any legislative leader prior to her Northstar votes as she believed precedent had been established.

Dittrich did notify Sviggum's office about a conflict of interest on the Twins' ballpark vote.

Dittrich is asking the Campaign Finance and Public Disclosure Board for a ruling on the disclosure matter, she said.

The board may take up the Republican complaint at its

Sept. 15 board hearing.

According to Dittrich, as it was her husband, not her, with the interest in the Minneapolis property she did not need to disclose anything on her disclosure form about it.

She did disclose the property at 333 N. Washington Avenue as "a trail of why" she abstained on the Twins ballpark bill last session.

According to the complaint, Duddy Limited Partnership controls two properties in downtown Minneapolis, 333 N. Washington and 328 Fourth St. N., adjacent the first property.

Republican Party State Chairman Ron Carey said the Dittrich complaint was indicative of an ends-justifies-the-means mentality within the DFL Party.

But House Minority Leader Margaret Kelliher styled the complaint as "nothing more than mud slinging by Republicans" to hide from



Rep. Denise Dittrich

their record.

Abeler looked to others to judge.

"At the end of the day, the voters will decide," he said of whether Dittrich had done anything wrong.

Dittrich's House district includes the city of Champlin and parts of Coon Rapids.



19B

BEMIDJI PIONEER

BEMIDJI, MN  
THURSDAY 10,200  
MAR 16 2006

FORUM

FARGO, ND  
THURSDAY 51,694  
MAR 16 2006

WEST CENTRAL TRIBUNE

WILLMAR, MN  
THURSDAY 16,927  
MAR 16 2006

RED WING REPUBLICAN  
EAGLE

RED WING, MN  
THURSDAY 8,100  
MAR 16 2006



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# Want to vote? Prove you can

BY SCOTT WENTE

Staff Writer

*"We are talking about the integrity of the voting booth."*

DIANA BRATLIE

Speaking in favor of Tom Emmer's bill

ST. PAUL — Minnesota voters would need to prove their identity before being allowed to vote under a proposal approved Wednesday by a House committee.

- A bill by Rep. Tom Emmer requires voters to provide proof of their citizenship when they register to vote. They would need photo identification when they show up at their polling site.

Emmer, a Delano Republican, told the House Civil Law and Elections Committee that people can't board an airplane or cash a check without proper identification.

"It would seem that the right to vote ... would require the same," Emmer said.

To prove citizenship, voters would need their birth certificate, passport or naturalization papers. A driver's license or state identification card could serve as photo identification at the poll.

The Republican-controlled committee passed the bill on a party line 6-5 vote and referred it to the full House.

Supporters said the measure is about preventing voter fraud.

"We are talking about the integrity of the voting booth," said Diana Bratlie of Lakeville, who spoke in favor of Emmer's bill.

Emmer's bill would help clear up confusions among local election judges and citizens over voting guidelines, said Mike McCarthy of the Minnesota Secretary of State's office.

"These measures do address widespread public expectations," McCarthy said.

Opponents of the bill said poor voters, minorities and college students would be disenfranchised if they were required to show a photo ID before being allowed to enter the voting booth.

For some, just getting the proper identification could be expensive and costly, said Ruth Martin of the People for the American Way, who opposed the measure.

Mandating proof of citizenship would "basically turn back the clock on voting rights," Martin added, explaining that some people don't have easy access to those documents.

Emmer's bill includes a state policy that provides free Minnesota identification cards to eligible voters who earn less than the federal poverty level.

- Rep. Torrey Westrom, R-Elbow Lake, said requiring voters to show up at the polls with photo identification is a reasonable request.

"With voting, there comes some responsibility," said Westrom, a member of the committee. "It means people have to plan ahead if they don't have ID cards and want to vote."

Two Republicans have authored a companion bill in the Senate, but it has not been heard in committee.

Scott Wente can be reached at [swente@republican-eagle.com](mailto:swente@republican-eagle.com) or 388-2914, ext. 122.



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# Seifert will seek leadership seat

■ After a shift in power in the House cost area representative his position as majority whip, Seifert decides to throw hat into minority whip ring

By Rae Kruger  
rkruger@marshallindependent.com

FRONT PAGE

■ **INSIDE:** Senate Dems. pick Pogemiller as leader / **PAGE 6A**

Rep. Marty Seifert, R-Marshall, said Thursday he will seek the top spot for Republicans in the House as minority leader.

"My hat's in the ring," Seifert said. Seifert was re-elected to his sixth term Tuesday and has 10 years of experience in the House. Seifert had served as the majority whip in the House since 2001. It was the third highest leadership position behind Speaker of the House, House majority leader.

Seifert said Thursday it was likely

long-time friend Rep. Erick Paulsen, R-Eden Prairie, the District 42B and former House majority leader, would also run for House minority leader. Rep. Tom Emmer, R-Delano, the representative for District 19B, has also indicated interest, Seifert said.

District 22A Rep. Doug Magnus, R-Slayton, said with DFL majorities in the House and Senate, the House needs to select an experienced leader, and one from a rural district.

"It's obvious the majority leader in the House will be from Minneapolis,"

Magnus said.

It was certain who the DFL majority leader would be in the Senate, but Magnus said it will be important for rural Minnesota to have a rural leader in the House.

"We need to make sure rural Minnesota is not left out," Magnus said.

Rural legislators will need to step up to ensure rural leadership in the House, Magnus said.

Southwest Minnesota State University political science professor David Sturrock said although

Republicans are in the deep minority in the House, a minority leader can be a powerful role.

"When you say leadership in the House, there is the understanding it means the House speaker, House majority leader, minority leader..." Sturrock said.

Generally, the minority leader is the front line of the minority party, Sturrock said.



Seifert

Seifert PAGE 9A

## Seifert FROM PAGE 1A A

"There is no clear no. 2 leader," Sturrock said of the House minority party.

Seifert said with Pawlenty as governor, the minority leader role is important, because the governor can veto bills or line item bills. The minority leader advises the governor on bills, vetoes and other issues, Seifert said.

Magnus said the minority leader will have important relationships with the governor and his administration, including state agencies.

"We have close relationships with those folks and that's key," Magnus said.

When the Legislature needs to accomplish something it often needs to work with agencies and administration,

Magnus said.

When a party loses as many seats as the Republicans did in Tuesday's election, rightly or wrongly, leadership can get blamed, and many clamor for a change in the top tier of leadership, Sturrock said.

As the former House majority whip, Seifert was in the second tier of leadership, Sturrock said.

That second tier of leadership should benefit Seifert as he seeks the minority leader seat, Sturrock said.

"Marty in his (whip) position has the best of both worlds," Sturrock said. "He can correctly say he has experience in an important position and credibly say he'd bring in new blood."

Sturrock said if Seifert is elected minority leader it could bring additional clout to District 21A and southwest Minnesota.

"In time, yes," Sturrock said. "Maybe not immediately. The DFL majority will be eager to push its agenda 'looking to flex its muscle and pass bills without having to give Republicans much.' That's understandable. The DFL will be eager to (use) their clout in the short term."

Eventually, there is a point where the majority knows it needs to work more with the minority party, and that's where a minority leader can have more influence, Sturrock said.

Seifert will be running

against long-time friend and seatmate Paulsen.

"He's one of my best friends," Seifert said.

But seeking a party leadership position in the House isn't like running for a district seat, Seifert said.

"It's gonna be what I bring to the table," Seifert said of seeking the leadership position. "It's not about a contrast with (another legislator). It's much different than running for your district House seat."

Seifert said he will emphasize his oratorical skills, his knowledge of the House rules, parliamentary procedure, his work ethic, experience as majority whip and legislator and other qualities.

INDEPENDENT

MARSHALL, MN

FRIDAY 7,904

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STAR TRIBUNE DEC 12 '06  
**Pretty simple, actually**

It is amazing that people, includ-

ing Rep. Tom Emmer, R-Delano, still make the inane comparison of smoking and cheeseburgers (Star Tribune, Dec. 10).

One more time for those who still don't get it: Unlike smoking, my eating a cheeseburger doesn't kill the person sitting next to me.

JOHN G. MORGAN, Burnsville



19B

27

## THIS WEEK SAVAGE

BURNSVILLE, MN  
WEEKLY  
NOV 18 2006



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# Republicans to choose minority leadership

by T.W. Budig  
ECM CAPITOL REPORTER

House Republicans are expected to pick new caucus leadership when they meet Saturday, Nov. 18 at Eagan Community Center.

House Speaker Steve Svigum, R-Kenyon, has stated he will not seek a leadership position.

A couple of area lawmakers have expressed interest in becoming House Republican Minority Leader.

Rep. Dennis Ozment, R-Rosemount, indicated last week that if his House colleagues were looking for someone to reach across the aisle, he might be the person.

"I would be very good," said Ozment, a driving force in the effort to break a recent state budget deadlock through deliberations in a "rump" government.

Ozment, who had no challenger, was re-elected to his 12th term in the House.

Rep. Tom Emmer, R-Delano, just elected to his second term, also expressed interest in serving as minority leader.

Emmer argues Republicans need to decide who they are as a party.

House Majority Leader Erik Paulsen, R-Eden Prairie, has also expressed interest in running for minority leader.

"I'm definitely leaning towards running," he said last week.

Another House Republican who definitely wants to be minority leader is Rep. Marty Seifert, R-Marshall, currently House majority whip.

"I think they are making a lurch to the Left," said Seifert of Minnesota Democrats.

He argues moderates who voted for Democrats will find themselves on the outside, noses pressed up against the glass.

But Rep. Margaret Anderson Kelliher, DFL-Minneapolis, recently elected by the House DFL caucus as House Speaker, has said her caucus is fiscally conservative and expressed a willingness to work with Republicans.

Other House Republicans whose names are mentioned as a possible caucus leader are Rep. Laura Brod, R-New Prague and Rep. Steve Smith, R-Mound.

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# Picking up the pieces

*House Republicans discuss reasons for large electoral defeat*

by T.W. Budig

ECM CAPITOL REPORTER

Some suspected things were going wrong.

For the first time in his 22-year legislative career, some voters were rude when they discovered Republicans at the door, explained Rep. Dennis Ozment, R-Rosemount, about door knocking this election season.

Rep. Pat Garofalo, R-Farmington, heard voters raise concerns at the stoop about Washington, and he wondered how many others felt the same concerns but were keeping silent.

"I thought [Election Day] was going to be a rough night, but I wasn't thinking it would be this bad," Garofalo said.

Rep. Jim Abeler, R-Anoka, had misgivings already late last winter about the fortunes of the House Republican caucus.

"I totally expected to go back into the minority," he said.

Still, Abeler didn't foresee the clobbering House Republicans would take.

"That was incredible," he said of the reversal.

Descriptions of the losses were colorful.

"It was a tsunami, a massacre," said Rep. Kathy Tingelstad, R-Andover, of the Democratic surge.

"Our world will be different," she said, referring to being in the minority.

Arguably, she's exactly right.

Last session, the House Republican caucus had 68 members — House DFLers 66.

But by the time the polls closed on Nov. 7, voters had whittled down the Republican caucus to 49 seats.

House DFLers, with 85 seats, can pass a bonding bill by themselves even if every House Republican votes against it.

Abeler compared the inequity to a Geo taking on a battle tank. What happened?

Rep. Lynn Wardlow, R-Eagan, believes national anti-Republican sentiment "just trickled down to us."

Other House Republicans view national politics dipping into the local races and cutting a swath through the Republican ranks.

"Unfortunately, there weren't any local issues included or we would have won," said House Majority Leader Erik Paulsen, R-Eden Prairie.

Wardlow — the sole Republican survivor in District 38, with Sen. Mike McGinn and Rep. Tim Wilkin losing their reelections — senses a national impetus.

"I think people are ready for a change," he said.

(Wardlow, unlike some other Republicans, was "getting really good vibes" while out door knocking and thought his caucus would keep the majority.)

Rep. Ray Vandever, R-Forest Lake, who successfully switched from the House to Senate election night, is less certain the House Republican rout can be easily packaged.

"I think the pundits are going

to be trying to figure this out for a long time," said Vandever of the election.

Yes, House Republicans took a beating, he noted.

But 6th District voters also sent Sen. Michele Bachmann, R-Stillwater, to Congress, he pointed out.

Some Republicans saw their own caucus lending a hand to their misfortunes.

Ozment, for instance, cites a reflexive "No" by some House Republicans to all spending, regardless of purpose.

"In other words, we sort of created some of our problems," he said.

Abeler suspected last winter a "winner take all mentality" he perceived operating in the House would eventually bite them.

Rep. Tom Emmer, R-Delano, ascribes the Republican reversals to the party straying from its basic principles — lower taxes, belief that the private sector, not government, should solve problems.

"The oak tree is solid," Emmer said of perceived core Republican values.

In a storm like Nov. 7, you expect to lose a few branches, he said of the party.

But the trunk shouldn't snap unless the core is rotten, Emmer said.

The first thing Minnesota Republicans need to do is decide who they are, he explained.

And then plant a seed.

Vandever, too, pointed to perceived failings within the Re-

publican Party — the national debt, for instance.

"The base doesn't appreciate that at all," he said.

Whatever the reasons, House Republicans will be the minority party next session.

Some look at this unwanted status as not as bad as perhaps might be imagined.

"You can be the minority and accomplish a great deal," said Ozment, who speaks from legislative experience.

House Republicans can meaningfully contribute, he explained. But they have to be willing to let the credit go elsewhere.

And that's fine, Ozment said.

"I would fully expect to be dealt with fairly," he said of life under incoming House Speaker Margaret Anderson Kelliher, DFL-Minneapolis.

Tingelstad, too, explained it's possible to achieve things in the minority — she was in the minority her first term and had a productive session, she said.

Plus, Tingelstad has been a voice of bipartisanship at the Legislature.

"[The opposition] have that in mind when things take a turn," she said.

What is the morale among House Republicans?

"I was really down two days ago," said Wardlow, speaking on two days after the election.

"Now I'm really excited about the next election," he said, adding that realistically, regaining the majority will likely take more than one election.

"I'm the only conservative left standing," said Wardlow, who attributes his election win in part to an endorsement from Education Minnesota — an uncommon thing for a Republican to get.

Paulsen described his caucus as experiencing a degree of "shellshock," but was philosophical

The pendulum swings in politics, he said.

It will swing back.

Though disappointed at losing his chairmanship of the House Agriculture, Environment and Natural Resources Finance Committee, Ozment blames no one person for the reversal.

"It's not his fault," he said of House Speaker Steve Sviggum.

"We all played a part," said Ozment.

How soon might House Republicans regain the majority?

That depends on the actions of House DFLers, some suggested.

"I don't think it (the election) was a mandate to act belligerent or spend like crazy," Vandever opined.

Rep. Marty Seifert, R-Marshall, one of a handful of House Republicans vying for House Minority Leader, likened the caucus's response to the reverse to dealing with death — first denial, then grief.

He said, "I think people are ready to pick up the pieces and move on."

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# GOP faults Rep. Dittrich's Northstar train-line vote

- The DFL legislator is accused of conflict of interest because her husband is part owner of property near a planned station.

STAR TRIBUNE AUG 31 '06

By PAT DOYLE • pdoyle@startribune.com

Minnesota Republicans Wednesday called on a state agency to investigate whether a DFL legislator violated the law when she voted to fund the Northstar commuter rail line while having a family financial interest in downtown Minneapolis land where a station could be built.

The critics said Rep. Denise Dittrich, DFL-Champlin, failed to disclose her husband's interest in a 1-acre parking lot on or near land selected for a station platform.

But Dittrich and House DFL aides countered that the state agency, the

Campaign Finance and Public Disclosure Board, recently determined that she never needed to disclose her interest in the land. Board executive director Jeanne Olson declined to comment on the Dittrich case Wednesday, but speaking generally said a legislator is not required to disclose the holdings of a spouse.

Dittrich's husband owns less than 1 percent of a limited partnership that controls the lot at 328 N. 4th St. and other property. His portion of the partnership is worth about \$26,000, according to DFL staffers.

"It has been determined that because it is a partnership, and that it is

her husband who owns the percentage in the partnership, she did not have to disclose it on her statement of economic interest," said a statement issued by the House DFL staff.

The controversy over disclosure rules is somewhat reminiscent of one in 2002 involving land owned by Rep. Jim Abeler, R-Anoka, adjacent to another station site. Republicans say Abeler avoided a conflict by disclosing his interest in the property in a letter to the speaker of the House.

The call for the investigation came as Republicans eyed Dittrich's seat as among 15 to 18 held by DFLers they consider vulnerable in the November election.

**Dittrich continues:** DFL calls it "a desperate political attack." B4 ▶



DAVID BREWSTER • Star Tribune

State Rep. Denise Dittrich said the Campaign Finance and Public Disclosure Board found that she didn't need to disclose her interest in the land.

## GOP accuses DFL legislator of conflict of interest

◀ DITTRICH FROM B1

And soon after Republicans held a news conference calling for the investigation, Democrats released a statement from House DFL leader Margaret Kelliher calling the move "a desperate political attack by the Republicans so they can attempt to hold onto power in the House."

Rep. Kurt Zellers, R-Maple Grove, and Rep. Tom Emmer, R-Delano, joined state GOP Chairman Ron Carney at the news conference. They said Dittrich's sponsorship of Northstar

« IT HAS BEEN DETERMINED THAT BECAUSE IT IS A PARTNERSHIP ... SHE DID NOT HAVE TO DISCLOSE IT ON HER STATEMENT OF ECONOMIC INTEREST. »

Statement by the Minnesota House DFL staff

legislation and her vote for the commuter rail line in 2005 were inconsistent with her decision this year to abstain from voting on a proposed Twins stadium in downtown Minneapolis. The stadium site is near another piece of property controlled

by her husband's partnership, and she was excused from voting on the stadium after citing a conflict of interest.

Dittrich indicated in the statement that a House ethics committee in the Abeler case had set a precedent for

legislators with interests near the line to vote on Northstar. But Republicans at the news conference suggested she refrained from voting on the stadium because it was more controversial, while the Northstar project was more acceptable to her constituents.

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19B



# Panel OKs bill requiring citizenship proof to vote

● House DFL opponents warned that the GOP-backed measure will dampen turnout among certain groups. The legislation faces a tough fight in the DFL-controlled Senate.

STAR TRIBUNE MAR 16 2013  
By DANE SMITH  
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Against angry DFL charges that Republicans are out to suppress voter turnout among some groups, a House committee approved a bill Wednesday that would require proof of citizenship for voter registration in Minnesota.

Republican backers of the bill said that it would provide more confidence and integrity in the system and that it simply makes common sense.

But DFLers said it's unnecessary and would likely disenfranchise thousands of voters. Especially affected, DFLers argued, would be low-income people, college students, racial minorities, the elderly and others who might have difficulty producing documentation, especially for Election Day registrations at the polling place.

"It's voter suppression, pure and simple," said state Rep. Keith Ellison, DFL-Minneapolis. "And it is absolutely an affront to a Minnesota system that has prided itself on making it as simple and easy to vote as possible."

Several representatives of interest groups, including the League of Women Voters, said the requirement would have a devastating effect on voter registration drives. Signing up new voters would be especially hard in public places such as the State Fair, where people seldom show up with passports or birth certificates, they said.

The bill's sponsor, state Rep. Tom Emmer, R-Delano, said the impact on turnout would be "negligible, if at all."

**Voting continues:** Backers say bill will bolster voter confidence. B4

# Panel OKs bill requiring citizenship proof to vote

## VOTING FROM B1

The proposal would require new voters, and even longtime Minnesota voters who are re-registering because of a move or a name change, to produce a birth certificate, a passport, or naturalization papers.

That's a provision added to a longstanding GOP proposal that would require all voters to produce a driver's license or other form of official state photo identification before they vote, even if already registered.

Emmer said the photo ID requirement was recommended by a bipartisan national Commission on Federal Election Reform, chaired by former President Jimmy Carter, a Democrat, and former Secretary of State James Baker, a Republican.

Opponents argued that the commission supported a photo ID requirement only in the context of a uniform national identity card. Carter and Baker in a joint statement have specifically opposed proof of citizenship as a requirement for registration, said Ruth Martin, deputy field director for People for the American Way, a liberal advocacy group.

None of the advocates for the citizenship proof suggested that noncitizen voting was rampant, or even significant, in Minnesota. But Emmer said polls show that confidence in the electoral system is low and that "democracy is in danger" when people don't have faith in the integrity of the system.

The national commission's report found "no evidence of extensive fraud in U.S. elec-

tions or of multiple voting, but both occur, and it could affect the outcome of a close election."

Emmer argued that driver's licenses with photo IDs are required for such routine activities as boarding airplanes or cashing checks and the requirement shouldn't represent much of a problem. But opponents said that up to 10 percent of eligible voting-age Americans actually do not have driver's licenses or state ID cards.

## Emotions run high

After the 6-to-5 straight party line vote, as Emmer was being interviewed by reporters, he was approached by the Rev. Randolph Staten, who had testified to the committee that the new restrictions were an "unconstitutional and immoral" repudiation of the voting rights won during the civil rights movement.

"It's absolutely racist," Staten shouted at Emmer. "You spit on the graves of my ancestors with this junk."

Emmer said during the committee meeting that the opponents had "raised the emotional thermostat by bringing in race, age and infirmity. ...Thou protesteth too much."

Even if the bill is approved by the Republican House, it appears to stand little chance of passage in the DFL-controlled Senate. Senate Elections Committee Chairman Chuck Wiger, DFL-North-St. Paul, said the bill "disenfranchises students, senior and persons of color" and is "pandering to fears."

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# Panel OKs pay suspension

## Felony charge could trigger unpaid leave for teachers

BY MEGAN BOLDT  
PIONEER PRESS MAR 17 '06

Minnesota teachers who are charged with a felony could be suspended without pay under a bill that a House committee approved Thursday.

State law allows a school board to immediately fire a teacher convicted of a felony. But if that person is just charged with such a crime, most school districts in Minnesota can only put the instructor on paid suspension until the legal proceedings and a district discharge hearing are finished.

"It's about local control," said the bill's sponsor, Rep. Tom Emmer, R-Delano. "Just because someone is charged with a felony doesn't mean they're going to be suspended without pay. This allows school boards to sit down, review the information they have and make the appropriate decision."

Three school districts — St. Paul, Minneapolis and Duluth — already can suspend teachers without pay if they're charged with a felony. The bill requires school districts to give a teacher back pay if the charges are dropped and the instructor is not penalized or terminated.

School board officials argue that previous sex crime accusations have caused outrage in the community when the teacher still draws a public check.

Grace Schwab, director of governmental relations for the Minnesota School Boards Association, said there have been some cases in the state where a teacher is accused of pornography possession or sexual conduct with a student and the school district has no



Rep. Karen Klinzing



Rep. Mary Greiling

choice but to put the employee on paid leave.

That happened to Hastings in 1998 when an English teacher at Hastings High School was charged with criminal sexual conduct for a relationship she was having with a 10th-grade student. Julie Anne Feil, who was 32 at the time of her conviction, was sentenced six months later to seven years in prison.

"When the school districts have to pay these people ... the community just goes crazy," Schwab said. "And I don't blame them."

Jan Alswager, manager of government relations for the statewide teachers union Education Minnesota, said there are situations where teachers are falsely accused, and taking away pay before a teacher is found innocent or guilty just adds to the turmoil.

Republican Rep. Karen Klinzing, a former teacher from Woodbury, agreed and argued those who are falsely accused already go through enough and are treated like they are guilty as soon as they're charged.

"Their names are raked through the mud, only to find out they're innocent a year or two later," she said.

Rep. Mark Buesgens, R-Jordan, said three school districts in the state's largest cities already have the authority to suspend without pay and

Three school districts — St. Paul, Minneapolis and Duluth — already can suspend teachers without pay if they're charged with a felony.

The bill requires school districts to give a teacher back pay if the charges are dropped and the instructor is not penalized or terminated.

rarely use the power. That decision should be expanded to the rest of the state's school districts, he said.

Supporters also argued that cities and counties have the authority to put employees on unpaid leave pending a criminal investigation. Patricia Beety, counsel for the League of Minnesota Cities, said it has happened but it's rare.

But Rep. Mindy Greiling, DFL-Roseville, said maybe the better decision is to take that authority away from those three school districts.

"Why is it that Minneapolis and St. Paul and Duluth have the power to say someone is guilty before proven guilty?" Greiling asked. "I think that's the question we should be asking."

Megan Boldt covers education and can be reached at mboldt@pioneerpress.com or 651-228-5495.



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# Photo IDs aren't needed at the polls

• Barriers to voting are un-Minnesotan.

STAR TRIBUNE MAR 22 '06

Most adult Americans carry a photo identification card most days. Most Americans, given some time to dig through their drawers, probably could come up with a birth certificate, passport or other proof of citizenship.

But voting isn't just for most Americans. It's the right of all. That puts a heavy burden on those in the Minnesota Legislature who want to add a photo ID requirement to voting, and a proof of citizenship requirement to registering to vote. To be justified, those potential impediments to voting had better remedy a big problem at the polls.

But there is no problem at the polls. Remember the rash of news reports after the last election about voter fraud in Minnesota? Neither do we, because there was none — the rumormongering of political bloggers notwithstanding. Minnesota's professional election administrators and well-trained, conscientious election judges run a clean operation. Existing registration requirements have served Minnesota well; so have substantial penalties for those caught voting fraudulently — enough to deter any noncitizen who might be tempted to pose as a citizen on election day.

In the absence of evidence that large numbers of ineligible people are voting in Minnesota, adding new eligibility requirements is unwarranted. They will serve only to inhibit voting by those who are among the estimated 10 percent of Americans who lack a valid driver's license or state-issued photo ID card. That group is dominated by the elderly, poor and disabled — vulnerable people whose abili-

## WHAT THEY SAY

"It's voter suppression, pure and simple."

Rep. KEITH ELLISON,  
DFL-Minneapolis

"Thou protesteth too much."

Rep. TOM EMMER, R-Delano

ty to influence government should be safeguarded, not denied.

A bill requiring voters to show either driver's licenses or state-issued identification cards, sponsored by Delano Republican Rep. Tom Emmer, would waive the fee for obtaining ID cards for people whose household income falls below the federal poverty level. That's a good idea. But cost is not the only reason that official photo IDs are missing from the purses and pockets of some non-drivers in Minnesota. Lack of information and the time and hassle involved in obtaining a card also get in the way.

Voting rights are too fundamental to be denied merely because someone didn't make the effort to get a state ID card or remember to carry it to the polls. Voting isn't only for those whose schedules and stamina permit standing in the long lines that the Emmer bill would cause at polling places. Voter registration opportunities should not be confined to times and places at which one's birth certificate, passport or naturalization papers are at hand. Minnesota has been a leader among the states in tearing down barriers to voting. It shouldn't start putting them up.



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# Voting law change would erect barriers

PIONEER PRESS MAR 21 '06

The League of Women Voters, an organization born of the struggle to gain the right to vote for women, objects to any proposal which keeps citizens out of the voting booth on Election Day. Others, who paid an even higher price for voting rights than the suffragists, must be horrified. Voting is a right and it is fundamental to our democracy.

State Rep. Tom Emmer, R-Delano, has authored this bill, supposedly to prevent voter fraud. However, no one, including Emmer, has suggested that there is any evidence of voter fraud in Minnesota. There is no problem.

What, then, is the reason for promoting this bill, if not to address voter fraud? Whatever the answer is, and it is worth considering, the effect of Emmer's bill will be to disenfranchise thousands of United States citizens.

If enacted, what would happen? Everyone seeking to register to vote in Minnesota would have to prove citizenship by producing a birth certificate, a passport or a naturalization document. Registered voters would be required to present a photo ID before signing the election roster on Election Day.

Whom will these new requirements disenfranchise? Perhaps your new neighbors or your elderly moth-



GWEN MYERS

er who recently moved to an assisted living situation. Certainly large numbers of poor or vulnerable citizens and students — and you, if you forget your wallet on Election Day.

These additional requirements to register and to vote will deny voting rights and suppress

voter turnout for a number of reasons. Everyone who moves within the state or into the state will have to produce a birth certificate, passport or naturalization document in order to register. Most of us will have to rely on the birth certificate. Locating this document will be a problem for many, including students. Replacing a lost birth certificate costs money and takes six weeks in Minnesota. State laws vary. It will be difficult for many and some will simply give up.

Voter registration drives as we have known them will be a thing of the past. Few people carry proof of citizenship with them at all times. The State Fair is a favorite place for our political parties and many non-profit organizations to register voters. Some organizations register people on the street, in high schools or in student unions. Thousands of people have been registered this way, but this will no longer be possible. The virtual impossibility of voter-registration drives will add to

the length of lines at registration tables in polling places on Election Day. Same-day registration is a little confusing anyway, for those without an up-to-date driver's license. Adding birth certificates and passports to utility bills and Minnesota IDs will increase the confusion and extend the wait in line. Providing a photo ID can be a problem for those who do not drive. This includes more people than one might think, including some of the very elderly, the disabled and the poor. It is Emmer's intention to require an official Minnesota photo ID. This will disenfranchise thousands of students. Under current law one could register to vote using a variety of forms of identification, but be unable to actually vote for lack of an official Minnesota photo ID.

The right to vote is fundamental to our democracy. The history of voting rights in this country is one of increasing inclusion and increasing ease of access to the ballot box. In Minnesota we have an especially proud tradition of fair, open and clean elections. We have made it easy to pre-register, easy to register on Election Day and easy to vote. Minnesota generally has the highest voting turnout in the country. There is no evidence of fraud. This system "ain't broke" and it does not need fixing.

*Myers is Action Committee chair for the League of Women Voters of Minnesota.*



# When can druggists refuse to sell the Pill?

● Pharmacists could reject prescriptions on moral grounds under a Minnesota bill that reflects a nationwide debate.

STAR TRIBUNE MAR 12 06

By MAURA LERNER  
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For the first time, the Minnesota Legislature is poised to give pharmacists the right to refuse to dispense birth-control pills on moral or religious grounds.

And legislators may have found a way to take that step without the kind of battle that has flared across the country over the issue.

A House committee approved a bill last week that would allow pharmacists to decline to fill prescriptions, but only if patients are assured "timely access" to their medications. Some details of the bill are in flux, but sponsors say it's likely to pass.

"This is an issue that is gaining momentum across the country," said Michael Barrett, a Long Prairie pharmacist who is pushing for the bill.

**Pharmacy continues:** Debate led to compromise bill in Minnesota. **A10** ▶

## Pharmacists may get the right to refuse

### ◀ PHARMACY FROM A1

Barrett added: "I think we need to come up with a compromise."

The question of whether a pharmacist's moral views should ever limit a woman's reproductive rights is provoking national debate. That's partly because of the growing use of emergency contraception commonly called the "morning-after" pill.

Some critics consider the pill a form of abortion because it may stop a fertilized egg from implanting in the uterus if taken within 72 hours of intercourse. Advocacy groups such as Pharmacists for Life say that pharmacists who object to it should not be forced to dispense the drug or even transfer such a prescription.

The American College of Obstetricians and Gynecologists, reflecting the consensus of the medical profession, does not consider the drug an abortion pill. Medical groups say the pill, which at times is confused with the abortion pill known as RU-486, cannot end a pregnancy.

So far, at least four states, including South Dakota, have passed what are called "pharmacist conscience clauses." They allow pharmacists to refuse to fill prescriptions for

the morning-after pill or other contraceptives.

On the other side, Illinois Gov. Blagojevich issued an executive order last year requiring pharmacists to fill all prescriptions, regardless of their beliefs.

But in Minnesota, partisans on both sides of the issue say they prefer to carve out a middle ground. "I don't think either side is compromising their values or beliefs," said Rep. Tom Emmer, R-Delano, a sponsor of the bill.

At this point, prominent advocacy groups on both sides of the abortion debate have remained neutral on the plan. Planned Parenthood and Minnesota Citizens Concerned for Life have said they do not support or oppose it.

"That tells you this is a good, reasonable bill," said Barrett, the pharmacist.

### Road to compromise

At first, there seemed little room for compromise.

Emmer decided to step in to the fray when he was approached by Barrett, a Republican candidate for Congress, asking for his help.

Barrett, who manages a hospital pharmacy, said he was under pressure to stock the morning-after pill, known as Plan B.

"I didn't want to," he said, because he is morally opposed to it. "I believe there are other options. But this doesn't mean a woman shouldn't have access to Plan B. I just shouldn't have to provide it."

Emmer introduced a bill that would have guaranteed pharmacists the right to say no. Meanwhile, an opposing bill, also introduced this session, would have prohibited pharmacists from refusing care.

The Minnesota Pharmacists Association proposed a compromise. "We saw the level of attention it was getting [nationally] and knew the different extremes that were out there, and felt that we needed to find a balance," said Liz Carpenter, a vice president of the pharmacists group.

The compromise allows pharmacists to refuse service on "ethical, moral or religious grounds." But they must notify their employers in writing, and avoid causing "undue hardship." Otherwise, they could be disciplined by the state Board of Pharmacy.

That doesn't satisfy everyone.

"We want to make sure that women are getting their prescriptions filled in the stores that they go to," said Erin Matson, president of Minnesota chapter of the National Organization for Women.

Sending women to another store, she said, isn't good enough because many don't have the means to travel. "In rural areas, this can be very serious," Matson said.

But Carpenter said pharmacists rarely refuse to serve customers. State officials have only one complaint on record about a pharmacist refusing service, according to the Minnesota Pharmacy Board.

It was filed last year by Rebecca Polzin of Glencoe, who said a pharmacist at a Pamida Pharmacy refused to fill her prescription for birth-control pills last April. The pharmacy board decided not to take action and the complaint was dismissed. The pharmacy declined a request for comment from the Star Tribune.

Polzin, now 27, said she believes the problem is more common than many realize. "Since this happened I've had a lot of women come up to me ... who have had the same thing happen to them," she said. "A lot of women, I think, are scared or embarrassed or afraid to speak up."

Polzin called the proposed legislation "a fair compromise" and said it may help ensure "that the interests of both the pharmacist and the customer are being acknowledged, instead of it being so one-sided."

Maura Lerner • 612-673-7384

Elena Rozwadowski, a University of Minnesota student reporter on assignment for the Star Tribune, contributed to this report.



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B4 • TWIN CITIES • STAR TRIBUNE • THURSDAY, MARCH 9, 2006

# Bill would allow refusal of morning-after pill

● Legislation backed by the Minnesota Pharmacists Association seeks to balance patients' rights and pharmacists' consciences.

STAR TRIBUNE MAR 9 '06

By CONRAD deFIEBRE  
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Pharmacists would be allowed to refuse to dispense drugs such as morning-after contraception pills on moral or religious grounds, but only if patients are assured of "timely access" to the drugs from other sources under a bill approved by the House Health Committee on Wednesday.

Advocates on both sides of the abortion debate spoke out against some provisions of the bill sponsored by Rep. Tom Emmer, R-Delano, and backed by the Minnesota Pharmacists Association, but it was sent to the House floor on a lopsided voice vote.

"This is a compromise, balancing the liberty of pharmacists to exercise their conscience with the right and necessity of patients to get legally prescribed medication," Emmer said.

Although the head of the Pharmacists Association noted that the instances of patients having been refused prescriptions amount to "a statistically negligible problem," the bill

sparked sharp debate.

Erin Matson of the National Organization for Women said it will spur more pharmacists to deny birth control and emergency contraception to women, sending them on "wild goose chases" to get the drugs.

The bill's requirement that pharmacists' employers ensure alternative access to such drugs poses moral dilemmas for pharmacies at Roman Catholic-run hospitals, said Rep. Tim Wilkin, R-Eagan, who said it could even force some to close.

The bill, HF 3032, would make refusal to fill a prescription grounds for discipline by the state Board of Pharmacy. But it also would allow exceptions for pharmacists' professional judgment that a drug would be harmful, for drugs not in stock and in cases where payment is refused. Under the bill, pharmacists could refuse prescriptions on moral grounds only after notifying their employers in writing of their objections.

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**Reader Posts:**

**clueless 03/10/2006 at 06:33 PM**

I'm just puzzled. I am gainfully employed. I perform my duties as laid out in my Job Description and employer. Are there things in my professional life I disagree with and would prefer not to do? Certainly. Am I required to perform those duties anyway? Certainly and I do. Why do I? Simple logic. Because it's MY JOB and it's what I'm paid to do. I can't pick and choose my diuties, I simply am required to do them. Should I strongly disagree with my job duties or responsibilities? There's always the option of finding different employment. I don't understand why a Pharmacist if they have strong objections to a moral issue should be allowed to take that into the workplace. Oy vey.

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Bill allows pharmacists not to fill prescriptions

Don Davis, Echo Press Columnist  
03/10/2006

ST. PAUL – Pharmacists should not be required to dispense medicine such as birth control pills if they feel it would violate their ethics, religion or morals, Michael Barrett says.

A Minnesota House committee agreed Wednesday, sending a bill giving pharmacists the right to say no to the full House.

Pharmacists testified that there are very few times when one of them cannot fill a prescription in good conscience, but Barrett said the law change is important.

“Besides my education, I find my morals and ethics the most important things I bring to my job,” Barrett said.

Barrett, a Long Prairie Memorial Hospital pharmacist and Republican candidate for the 7th Congressional District seat, told the Minnesota House Health Policy and Finance Committee that the bill he wrote balances pharmacists’ rights with those who want medicines such as birth control pills.

Barrett said that if pharmacists must fill all prescriptions, as some feel current law requires, “we will have pharmacies devoid of religion, ethics.”

While the bill does not specify any medicines that could be refused, the most likely would be birth control medicines, including the so-called morning-after pill.

Some committee members had questions of Barrett and bill sponsor Representative Tom Emmer, R-Delano, but there was little opposition. Even Planned Parenthood, which usually opposes such bills, supports it.

“It is a step in the right direction,” Planned Parenthood’s Tim Stanley said.

One provision that makes the bill acceptable to a wider range of people is that if a pharmacist won’t fill a prescription, he must help the patient find a pharmacy where it can be filled.


Representative Cy Thao, DFL-St. Paul, said he doesn’t see a need for the bill since patients will be able to get prescriptions they want, even if they go elsewhere.

“This is a compromise by the folks who actually dispense these drugs,” Emmer said.

Erin Matson, president of Minnesota’s National Organization of Women chapter, said it is not right to make people seeking birth control medicines to hunt for them.

“Women deserve more than a wild goose chase law,” she said.

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C138-21

STAR TRIBUNE APR 1 '06

## Ethics complaints filed in marriage law flap

A legislator and a long-time critic of the judicial system filed separate ethics complaints Friday asking a board to determine whether several state Supreme Court justices held improper conversations about Minnesota marriage law with Senate Majority Leader Dean Johnson.

Johnson, DFL-Willmar, said he discussed the law with jus-

tices but they offered him no assurances on how they might rule if it were challenged. The justices have denied talking to him about the law.

In his complaint, Rep. Tom Emmer, R-Delano, asked, "Who is telling the truth?"

Former judicial candidate Greg Wersal, a Golden Valley attorney, also filed a complaint calling for an inquiry by

the Minnesota Board on Judicial Standards.

Minnesota judicial canons require judges to maintain "an open mind in considering issues" that may come before them. The judicial standards board can impose sanctions for violations.

"There is a formal process for handling matters like this and the justices will cooperate

fully with that process," said Supreme Court spokesman John Kostouros. "We welcome the opportunity."

Former Chief Justice Kathleen Blatz, who figured in the controversy, issued a statement reiterating her denial that she commented on any issue that could come before the court. Blatz said she "will cooperate fully with the process that's been laid out to deal with these matters."

PAT DOYLE

19B



# Justices subject of ethics filings

## Two complaints made in Johnson case

BY RACHEL E. STASSEN-BERGER

Pioneer Press  
PIONEER PRESS APR 1 '06

Two attorneys — a Minnesota House member and a crusader against state Supreme Court rules — filed separate ethics complaints Friday against members of the high court and a former chief justice regarding comments Senate Majority Leader Dean Johnson made about them.

The complaints, filed with the Board on Judicial Standards and the Lawyers Board of Professional Responsibility, question whether justices violated the Supreme Court canon by talking to Johnson about the 1997 state law that bans gay marriage.

The complaints add another twist to a tale that began three months ago:

Johnson, DFL-Willmar, had said in January that he received assurances from justices that they would not “touch” the 1997 law, which defines marriage as between one man and one woman. At that time, he said he had talked to two justices with the last name of Anderson — there are three Andersons on the court — and former Chief Justice Kathleen Blatz about the law.

After an audio recording of his remarks was disclosed publicly last month, Johnson said he had conversations about the law with justices but received no guarantee about its fate as it relates to the debate over amending the state constitution to ban gay marriage.

Current Chief Justice Russell Anderson and Blatz have said they never had such talks with Johnson. Anderson also said no Supreme Court justice — including Justices G. Barry Anderson and Paul Anderson — has talked with Johnson about the law.

As a result of an ethics complaint against Johnson, the Sen-

ate ethics committee investigated whether Johnson broke Senate rules through his comments. It dismissed the complaint after he publicly apologized on the Senate floor Monday.

But the ethics committee, in part because members did not want to have to call Supreme Court justices to testify before them, did not attempt to determine whether Johnson had any conversations with justices about the law.

“The question remains, Who is telling the truth?” Rep. Tom Emmer, a Delano Republican and an attorney, said in his complaint.

“The entire event has cast a shadow over the judiciary,” Golden Valley attorney Greg Wersal said in his complaint. “The public needs to know if judges on our highest court have engaged in unethical conduct by giving pledges, promises, assurances or mere hints as to how they would rule on an issue likely to come before the court.”

Through a spokesman, Johnson said he had no comment.

On behalf of the court, spokesman John Kostouros said: “There is a formal process for handling matters like this, and the justices will cooperate fully with that process. We welcome the opportunity.”

Blatz also pledged to cooperate with the process. She previously said it would be “highly unethical” for her to comment on, or offer assurances about, an issue that could come before the court.

“It just never happened,” she said.

But Johnson has maintained he has had conversations with justices about the 1997 law, and last week, his attorney said there were witnesses to those conversations.

Emmer said that he made his complaint out of what he called his “childish idealism.”



✓ Dean Johnson



Russell Anderson

“This is not about a senator. This is about the Minnesota Supreme Court,” said Emmer. “It is about the integrity of the court, period.”

He said he had not known that Wersal also had filed a complaint Friday.

Wersal, an unsuccessful Supreme Court candidate, has had his differences with the high court before. He and the Minnesota Republican Party challenged the state rules that restricted judicial candidates’ ability to air their views on “disputed legal or political issues.” In 2002, a divided U.S. Supreme Court struck down those rules.

In most cases, complaints like Emmer’s and Wersal’s would not be public. Emmer released his to a reporter when asked about it. Wersal faxed his to members of the news media.

Both the judicial standards and the lawyers boards keep such complaints private unless officials decide there is a need for public discipline.

David Paull, executive secretary of the judicial standards board, would not discuss Friday’s case but did run through the board’s general — and largely private — procedures.

When it receives a complaint, the 10-member board first decides whether there is sufficient cause to pursue it. That step alone could last three months. If there’s cause, the board’s options include investigating and deciding on discipline.

A judge could reject any proposed discipline and ask for a hearing. Then the board would

forward a formal complaint — and the judge’s response — to the Supreme Court, which would appoint a hearing panel.

Because Friday’s complaints are about Supreme Court justices, the chief judge of the Minnesota Court of Appeals would receive any formal complaint and appoint the hearing panel.

Betty Shaw, acting director of the lawyers board, described similarly complicated rules that govern her board’s complaint process. Its first step is to review a complaint to see whether the allegations involved are true and in violation of lawyers’ ethical rules. If that is the case, volunteer committees investigate the allegations to find out if, in fact, they are true and in violation of ethical rules.

If there is a violation, the board then decides whether the violation merits discipline and, if so, what kind.

The timing of the entire process varies greatly, said Shaw, who did not discuss any specifics of Friday’s case.

This is not the first time ethics complaints have been leveled against Supreme Court justices.

In 1983, the Board on Judicial Standards launched an investigation into Associate Supreme Court Justice John J. Todd. Todd was accused of cheating while taking the Florida bar examination. Todd took the Florida bar exam because he had hoped to practice law there when he retired. A test monitor discovered the associate justice using books.

Todd resigned from the Supreme Court in 1985, three days before a hearing during which he could have been removed from the bench.

Shannon Prather contributed to this report.

Rachel E. Stassen-Berger can be reached at rstassen-berger@pioneerpress.com.



# Legislators get down to serious fiscal business

● Amid all the budget matters, House and Senate members also considered the Gophers stadium. Meanwhile, Sen. Dean Johnson's apology doesn't end the debate over who talked to whom.

STAR TRIBUNE APR 2 '06

By CONRAD deFIEBRE  
cdefiebre@startribune.com

With the passage of the session's first deadline for committee action on bills last week, legislators got down to some serious taxing and spending fiscal business. They also found time to dream of a football stadium on the University of Minnesota campus.

After a flare-up of a session-long skirmish between two senior GOP fiscal hawks vying for the same congressional seat, the House passed a supplemental budget ceiling of \$88 million. Rep. Phil Krinkie, the Taxes Committee chairman, helped bring down the first version of the measure sponsored by Ways and Means Chairman Jim Knoblach, but it passed with a minor change three days later. Krinkie and Knoblach are both candidates for the Sixth Congressional District seat.

The resolution calls for less than half the supplemental spending of the \$197 million proposed by Gov. Tim Pawlenty.

Meanwhile, the Senate Taxes Committee churned out a plan to trim the burden on married couples and middle-class earners snared by the alternative minimum tax, funded by increasing the bite on folks making more than \$180,000 a year. Chairman Larry Pogemiller, DFL-Minne-

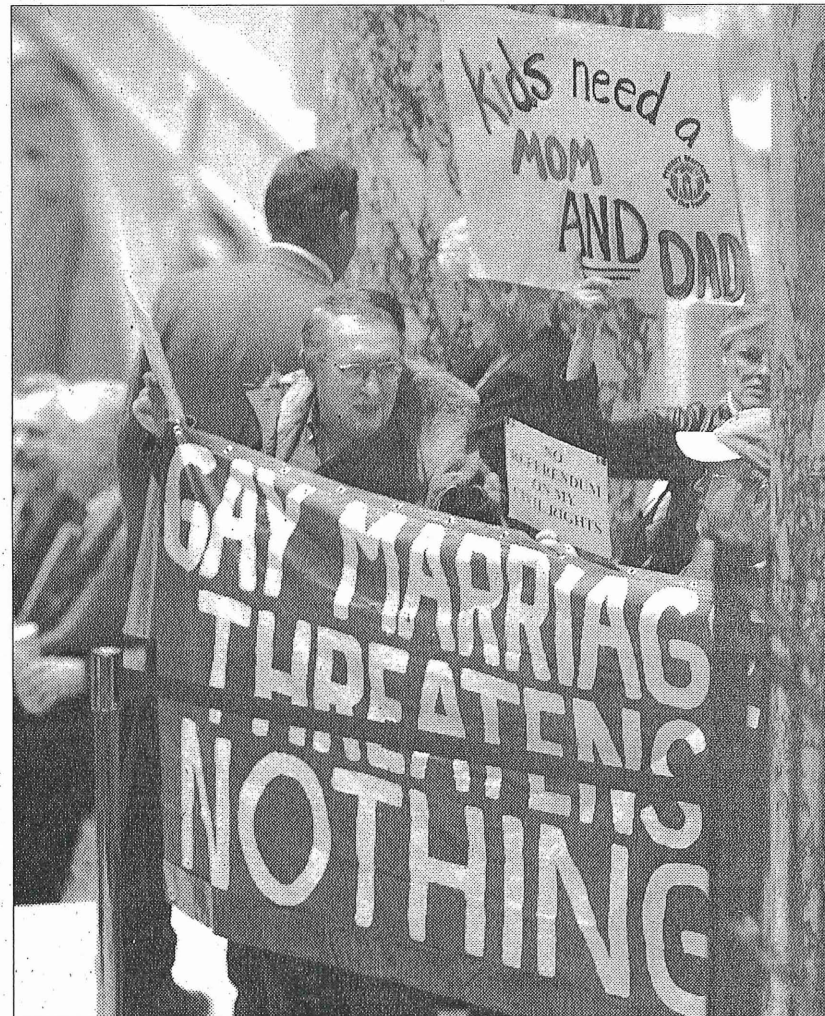
apolis, said it's revenue-neutral, but Pawlenty won't support that kind of tax tradeoff.

Capitol hearing rooms were awash in maroon and gold as House and Senate panels approved an increased state contribution of \$235 million over 25 years toward a Gophers football stadium. Transfer of 4½ square miles of university land to the state for a nature preserve is a new feature of the deal.

And despite Majority Leader Dean Johnson's terse apology on the Senate floor, the controversy over his taped statements about Supreme Court justices and the state's marriage laws just won't go away. Amid hints that the jurists, their denials notwithstanding, may actually have chatted with the Willmar DFLer, court gadfly Greg Wersal, along with Republican Rep. Tom Emmer of Delano, filed ethics complaints against them.

Wersal, a Republican activist who made his name championing judges' rights to free speech all the way to the U.S. Supreme Court, says he never meant they should talk about issues that might come before them. "Such conduct would be unethical," he said. "The public deserves some answers."

Conrad deFiebre • 651-222-1673



JIM MONE • Associated Press

**SIGNS OF THESE LEGISLATIVE TIMES** People on both sides of the same-sex marriage issue demonstrated Monday outside the Minnesota Senate chambers, where Senate Majority Leader Dean Johnson later apologized for remarks he made to a group of pastors about conversations with justices on the issue.



# When medical devices fail

Medical implants sometimes face recalls, but who should pay?

By BAO ONG

Legislators agree that implanted medical devices contribute to quality of life for countless numbers of people. They also agree that manufacturers are only human and make mistakes. But when these devices fail — as has been the case for some products from Minnesota-based companies Medtronic and Guidant — who ends up paying for the costs remains a point of contention.

• Rep. Tony Cornish (R-Good Thunder), sponsor of HF3422, believes manufacturers carry that burden. His bill would “require manufacturers of certain recalled implantable devices to be financially responsible for medical costs associated with removing and replacing the recalled device.”

“You don’t have to convince me these devices are important,” said Cornish. “We’re thinking about when something goes wrong and who pays for it.” Cornish said it should not be the consumer.

The House Health Policy and Finance Committee was divided March 24 on which party should absorb that burden and decided to lay over the bill for more work. A companion bill (SF3266), sponsored by Sen. Julie Rosen (R-Fairmont), awaits action by the Senate Health and Family Security Committee.

If the bill passes, manufacturers would pay a patient’s entire medical bill, including the cost of the replacement device; procedures related to removing, replacing and disposing the replacement; any other medical costs associated with the removal and replacement of the device; and up to \$100,000 in health complication costs connected to the recalled device.

Susan M. Peterson only wishes she had that option.

In 1999, Peterson said she had a near death experience in the Rocky Mountains. She was 14,000-feet in the air when her heart became enlarged. She suffered a heart attack and had a surgery resulting in an implanted Medtronic cardioverter and pacemaker.

On Valentine’s Day 2000, Peterson’s husband read in the *Mankato Free Press* that her implanted device was defective. The couple said Medtronic was unresponsive to their questions. Peterson’s physician eventually replaced the device.

But from December 2004 until June 2005, Peterson was being monitored for a possible defect because of a wire in a ventricle of her heart. It was replaced in June 2005 but the defective wire, although turned off, was left inside. She said it is not known how many wires can be left in a human heart and that one out 100 patients die when a wire is removed from the heart.

**“When you depend on the device for your life, you depend on the quality.”**

— Dr. Robert Hauser, a senior consulting cardiologist at the Minneapolis Heart Institute

**“We’re thinking about when something goes wrong and who pays for it.”**

— Rep. Tony Cornish

by the manufacturer of the numerous recalls and Ford paid for the complete costs involved,” said Peterson. She said companies like Medtronic “create wonderful products to improve and protect the quality of life for many people” but that those manufacturers should have the same responsibility.

Dr. Robert Hauser, a senior consulting cardiologist at the Minneapolis Heart Institute, said current law allows manufacturers a “free ride.” The costs from recalled devices are

placed on patients and the health care system, Hauser said. He added that manufacturers were not being asked to pay for “unreasonable costs” and “those infrequent random failures, which inevitably occur with any medical product.”

For Don Gerhardt, president and chief executive officer of Medical Alley/MNBIO, the bill could create a chilling effect on the industry in Minnesota. Gerhardt said the Food and Drug Administration is already working on regulations at the federal level.

It would also affect smaller companies that could not take the financial losses a bigger company can afford, Gerhardt noted. He said

that of the more than 35,000 Minnesotans employed by medical technology companies in Minnesota, the majority are small companies attempting to remain competitive

in an increasingly global marketplace.

Susan Alpert, Medtronic senior vice president and chief quality and regulatory officer, said the bill drastically changes the rewards and risks for smaller manufacturers. Alpert also said there is a clear consensus that the benefits far outweigh the risks.

• Rep. Tom Emmer (R-Delano) sides with Alpert. He asked the testifiers where patients would be without such technology. Hauser said, “When you depend on the device for your life, you depend on the quality.” Emmer was also concerned that lawyers might broadly interpret the law for litigation.

Still, it was not a clear-cut position for all committee members. For Rep. Fran Bradley (R-Rochester), the lack of support from the medical community caused doubts about the bill, he said.

• However, Rep. Barb Goodwin (DFL-Columbia Heights) said the problem may be best solved by spending money on effective products and addressing defective devices.



fronts, including from a financial standpoint and educational benefits, before something so ominous hangs over our heads again. People need to continue to work together across the district as they have been of late.

Wergin

Sen. Betsy Wergin, R-Princeton, is our readership area’s hardest working legislator. She works tirelessly to bring herself up to speed on many issues in many committees — without spreading herself too thin — in hopes of effecting change, including issues important to her Senate District 16.

The former township officer of six years and two-term Sherburne County Board member manages to stay on top of local issues without meddling into local affairs.

She understands there’s a fine line but doesn’t shy away from making herself seen.

We’re thankful she is aware there is too much disparity in education funding, and school districts in Big Lake, Princeton and Elk River pay a price for this in their effort to deliver a high quality academic system. We would ask her to put her efforts into this endeavor for the benefit of families throughout this region.

Her conservative values combined with her tenacious yet happy-go-lucky approach is effective and appreciated.

 FAIRVIEW  
NORTHLAND MEDICAL CENTER



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This has to change and it will take teamwork from local officials, legislators and the public. The timing is critical given legislators have been put on notice they have let transportation languish too long.

A constitutional amendment, though terribly worded and reflective of legislators' decades-long cowardice in keeping up with roads and pushing into the 21st century with a multi-modal system, is a start.

Tveite has kept all his options open to effect change on transportation. Hackbarth will only support a gas tax increase if it is 20 or 25 cents. His sentiment is fine, but it represents an unwillingness to compromise. He's too flat-footed on the key issue of transportation gridlock and pushing legislation to improve Elk River area public schools. Hackbarth, a Northstar backer who always reminds folks of the state's commitment to education, notes the Northstar rail line finally got pushed through and counters what's wrong with one project at a time.

Tveite has equity on his radar and a pet project in mind as it relates to early childhood funding. He recognizes investing in early childhood is not sexy or the stuff of re-election campaigns because payoff comes years down the road. But studies show for every \$1 put into early childhood returns \$9 to \$17. Tveite plans to put energy into developing a public-private endowment to assist.

Tveite's other areas of concern also include health care and public safety. He is already up to speed on a tri-county effort to seek bonding for a regional crime lab for Sherburne, Anoka and Wright counties. This would reduce the delays in solving crimes and increase chances of getting convictions.

He has an uphill battle, because Hackbarth is a skilled legislator, especially for hunters, fishermen, outdoor enthusiasts and users of ATVs.

As chair of the Environment and Natural Resources Committee, Hackbarth wrote landmark legislation that will dramatically reduce mercury emissions from Minnesota's three largest coal-fired power plants that takes ratepayers into consideration.

Hackbarth must be commended for his efforts in getting money for the Oliver H. Kelley Farm in Elk River. He provided genuine help whereas with others it has been suggested it was contrived.

Hackbarth also advanced a constitutional amendment to dedicate a portion of sales tax for fish and game preservation, but it fell victim to the Senate leadership. The effort may be dead forever, because Hackbarth plans to go back to an earlier version of the proposal and stand his ground after learning the Senate never planned to get behind the measure.

Hackbarth bent more than those in the Senate, and we would prefer this more flexible approach to yield results for the outdoors and Minnesotans everywhere.

We were dismayed to learn from Hackbarth he threw out our voters guide questionnaire due its length.

The House District 48A legislator warns that Tveite is misguided in thinking he can provide any force on transportation matters. We agree with Hackbarth that it won't be easy, but we need a legislator willing to do heavy lifting.

We want to regain our status as a gateway to the north and not the logjam to the north.

Peppin

Joyce Peppin, R-Rogers, was impressive in her first term as a legislator and deserves to win easily over her challenger Grace Baltich in 32A.

She was the only freshman named to a vice chair of a finance committee in her appointment to the state government finance committee, which oversees a \$1 billion budget.

We see her biggest accomplishment included getting the Maple Grove hospital through, holding a transportation summit in Rogers, writing a bill on a proposed Brockton Avenue interchange. This forced MnDOT to, at least, address the Rogers area contingent that desperately needs help to get out of traffic congestion. Peppin is also focused on her constituents heading into the next session as it relates to tornado relief.

The Rogers legislator can also be credited with setting off a firestorm of debate when she offered up legislation to put an issue of a school district split to a vote. The move was premature.

The school district can deal with key issues without the threat of split overhead. The issue needs to be researched on many

**Amy Koch**

After sitting through an hour-long interview, it's hard to believe Sen. Amy Koch, R-Delano, has only been a lawmaker for a year. She took over for Sen. Mark Ourada in Senate District 19 and has shown great promise.

We're pleased to hear she got all the exact committee assignments she wanted, including transportation; jobs, energy and community development; and finance committees for higher education budget and the transportation budget division.

She was quickly the chief author of a bill aimed at making it illegal to sell drug paraphernalia. It didn't make it, but we're confident this senator, if elected, is not done working this issue.

Koch secured \$1.8 million for flood mitigation along the Crow River in her home community of Delano.

She's advocating for the transportation amendment, knowing it would jump-start road improvements, including one on Highway 25 in Monticello. She wasn't a fan of Northstar, but now that it's a reality she said it behooves her to make it a success.

Koch served her country as a Russian linguist, graduating from the Defense Language Institute at the Presidio of Monterey, Calif., and was later awarded for her contributions to the intelligence community while working for the National Security Agency.

Her opponent, DFLer Todd Ketchel is pro-life, a bold and, perhaps, necessary step for the party to consider more often.

**Mark Olson**

Mark Olson, R-Big Lake, who is being challenged again by Jim Huhtala of Clear Lake, deserves the nod.

Olson, who works outside the stereotypical parameters of lawmakers, saw a couple of his endeavours come to fruition in the American Heritage Act and a bill designed to encourage and put money toward character education in schools.

While these were not revolutionary measures, they did demonstrate a stick-to-itiveness that's appreciated. Olson, who hooked up the bandwagon to rid the state of the Profiles of Learning before it was a popular push, continues to push on issues like unfunded mandates and social promotion in the schools.

Despite his unorthodox ways, Olson is sometimes right and he doesn't give up.

Huhtala, who would provide a stronger voice for schools and transportation, does not seem to have grown much as a candidate from two years ago.

**Another toss-up**

We were less impressed with Rep. Tom Emmer from two years ago when we endorsed him.

He is easily the favorite to win. We appreciate his work on campaign finance reform, but feel he has gotten involved in issues less important to the district than ones such as transportation.

We see promise in Chris Brazelton to offer a stronger voice for transportation. The advocate for women and the disabled also has a wealth of experience and knowledge that could be applied down at the Capitol.

**Dan Tveite has slight edge**

Transportation ills and more effective funding of E-12 education sit atop the heap of local concerns facing local legislative candidates seeking your vote.

Dan Tveite, a 16-year resident of Elk River and former Elk River City Council member, is poised to effect change on both of these fronts. We believe should upset a good legislator in Tom Hackbarth, R-Cedar, to give Elk River its first representative since Stephanie Klinzing was a state legislator.

Tveite, in seeking the House District 48A seat, has plans to form a coalition of northern-tier legislators to pool their clout and get the attention this area deserves.

As it stands now Highway 169 and Highway 10 through Elk River, as well as other northern roadways, barely even exist. They're not even mentioned in long-range planning documents.



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**Open to  
the Public**



# STAR NEWS

Editorial Posted: 10/31/06

## Star News: News Staff Endorsements Jungbauer-Starr race tough to call

Perhaps, the most vulnerable candidate on the local legislative scene is Sen. Mike Jungbauer, R-East Bethel.

Mike Starr, who ran unsuccessfully against Rep. Tom Hackbarth, R-Cedar, is pressing hard to unseat the first term District 48 senator.

The Oak Grove DFLer has charged that Jungbauer, who had to extend an apology to members of the Minnesota Senate after an ethics committee found the first-term lawmaker guilty of breaking Senate rules regarding the use of equipment in 2004, has overstated his involvement in St. Francis School District affairs and Starr's campaign took him to task for campaign finance violations that have resulted in \$1,100 in fines.

The ethics complaint in 2004 was filed by a sitting DFLer from St. Peter, John Hottinger.

We at the Star News have not welcomed this type of campaigning, and would prefer to see it left at the national level, where it has, unfortunately, been perfected.

We have not concluded that Jungbauer lacks the character needed to represent this area, but we do concede of the area senators, he is the least notable.

Officials throughout Elk River he has worked with do not always sing praise for him. The former two-term mayor of East Bethel attended Moody Bible Institute and considers himself a continual learner who delves particularly into the area of the environmental sciences.

This past year he wrote a bill that passed into law requiring homeowners discontinue use of and replace straight pipe systems within 10 months of receiving notice from a local unit of government. It also includes fines for non-compliance with the law.

Jungbauer also co-wrote a piece of anti-drug legislation with State Sen. Amy Koch, that would have outlawed the sale of drug paraphernalia. The bill was removed from an omnibus public safety bill.

Starr clearly has a desire to represent this area by being out and about with local officials and the people. He's rightly not satisfied with Jungbauer's low profile. In his defense, he does work behind the scenes in ways that don't make headlines, but visibility is an important attribute. Especially, for Elk River, which feels underrepresented at several levels.

Our sources tell us Jungbauer has not met their expectations, and Starr, although green on some issues, shows a willingness to dig in and roll up his sleeves.

He's interested in freezing property taxes for seniors who are living on a fixed income, and he has an approach to doing it that has promise.

As a former St. Francis School Board member, Starr also possesses first-hand knowledge of the struggles facing school districts with unfunded mandates and the impact of stagnant funding levels.

We feel the retired military veteran with 25 years as an enlisted soldier in the Air Force and as an officer in the North Dakota Army National Guard would be counted on to care for veterans as they return from the war.

He has a criminal justice degree from Minot State University.

19B

# Immigrant health care use is bill's target

HB 196.29

BY MARTIGA LOHN  
PIONEER PRESS MAR 29 '06

The Minnesota House already voted to make police help federal immigration authorities find illegal immigrants. Now, a House lawmaker wants to make county employees turn in unauthorized aliens if they try to get subsidized health care.

✓ The bill from Rep. Fran Bradley, R-Rochester, would expand the use of status checks for immigrants who apply for Medical Assistance, General Assistance Medical Care and MinnesotaCare. If someone came up as illegal, the county or state employee would have to report the person to the U.S. Citizenship and Immigration Services.

Bradley said he's trying to challenge a "don't tell" attitude among human services departments statewide. Under current policy, he said, human services employees can't report an illegal immigrant unless they have that person's written permission.

"My view would be that we all have a responsibility to uphold the law," he told the House Health Policy and Finance Committee Tuesday.

Several of the panel's Democrats were appalled.

✓ Rep. Barb Goodwin, DFL-Columbia Heights, said the bill reminded her of a "police state."

"We are going to have more individuals, misinformed or not, believing that the moment they come into an ER that they're going to be taken away," Rep.

✓ Neva Walker, DFL-Minneapolis.

Bradley said the state already doesn't cover health care for illegal immigrants except in emergencies and for pregnancy, labor, delivery and postpartum care, and the bill wouldn't change that. But the

committee also was slated to consider a proposal from Rep. ✓ Tom Emmer, R-Delano, that would cut off prenatal and postpartum care for unauthorized immigrants.

In Hennepin County, the state's most populous, the proposal wouldn't significantly affect human services workers because they usually don't deal with illegal immigrants, who don't qualify for most programs.

"They just don't come in," said Bill Brumfield, who oversees eligibility in the county's human services and public health department.

But in rural Nobles County, the proposed change could erode the relationship between a population of Hispanic immigrants who don't speak English and Nobles County Family Services, said director Lee McAllister.

He said many of those immigrants just wouldn't come in to talk about their eligibility.

"That's one of the safeties they have right now with us — they know they can come in here and we're not required to report them. In fact, we're not supposed to," he said.

The House health panel, which Bradley heads, didn't vote on his proposal but may wrap it into a larger committee bill.



19B

MINNESOTA HOUSE

P212A  
**Welfare policy  
creates dissent**

PIONEER PRESS APR 11 '06

Tempers flared Monday when the Minnesota House debated a welfare waiting period for new Minnesota residents.

Lawmakers passed the bill 94-37 after amending it to pro-

hibit welfare recipients from using their electronic benefit cards to buy cigarettes or alcohol, and charging them transaction fees to cover the cost.

Several Democrats said the move was mean-spirited and punished the poor.

The bill from Rep. Tom Emmer, R-Delano, would give 60 percent of general assistance to new childless residents for their first 90 days in the state. After that, they could get the full benefit: a maximum of \$203 monthly for single adults, \$260 for childless couples.

"It's not about picking on anyone," Emmer said. "This is all about what's in the best interest for everyone in the state of Minnesota, not just a certain segment."

But the bill has no counterpart in the Senate, which lessens its chances of becoming law.

An amendment from Rep. Tony Sertich, DFL-Chisholm, took some of the sting out of the waiting period; it would allow veterans, the mentally ill, people with disabilities and displaced homemakers to get full benefits immediately.

—Associated Press

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## Limits on welfare benefits for newcomers advance

STAR TRIBUNE APR 6 '06

The House Ways and Means Committee overruled DFLers' objections Wednesday and passed a bill that would make some new Minnesotan residents wait three months to get full welfare benefits.

The legislation from Rep. Tom Emmer, R-Delano, would provide 60 percent of general assistance to new childless residents for their first 90 days. After that, they could get the full amount — the maximum benefit is \$203 monthly for single adults and \$260 for married couples.

The bill passed on a divided voice vote in the Republican-controlled committee. Its next stop is the House floor.

DFLers said the proposal could force the state into costly litigation and, if enacted, would cause financial hardship for vulnerable people including battered women, veterans, the mentally ill and disabled.

ASSOCIATED PRESS



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# Constitutional rights versus the public good

## Proposed bill would add more strings to getting eminent domain approved

ERIC HAGEN • SUN FOCUS

The Fifth Amendment pertains to the rules of trial

hearings not just for criminal cases, but for civil cases as well, most notably the taking of land for public use.

The process of a government taking one's land for "public use" is called eminent domain. The Constitution says this cannot happen without just cause and compensation.

Some lawmakers and private citizens believe the intent of the law was to only take land for public purposes such as roads, schools, hospitals or government

buildings, and in worst-case scenarios, also to redevelop blighted properties. Proponents of a plan to change eminent domain law say that local governments have abused their rights in some cases, allowing multi-million-dollar private development projects to overtake land owned by the common citizen.

• This belief will lead Rep. Jeff Johnson, R-Plymouth,

RIGHTS: TO PAGE 4

### RIGHTS: FROM PAGE 1

and Sen. Tom Bakk, DFL-Cook, to introduce bills in the Minnesota House and Senate this spring that would increase oversight of the use of eminent domain.

"We're talking about one of the most fundamental rights of this nation, owning a piece of property," Johnson said. "This law doesn't have to be tweaked; it needs to be changed significantly."

The House Civil Law Committee held a three-hour hearing Jan. 11 to receive feedback from both sides. The bills would be introduced no earlier than March 1, the first day that the Minnesota Legislature is scheduled to convene in 2006.

One thing both sides agree on is that the main concern is the transaction of land between two private landowners when the first owner is unwilling to sell (not the transaction from a private owner to a public entity such as a school or city).

The U.S. Supreme Court ruled last June in the Kelo vs. City of New London, Connecticut case that local government officials could transfer land from a private owner to a private land developer if the development could create a financial boom. The Supreme Court said it did not matter that 10 properties to be razed in the case were not

blighted according to state law.

The court added, however, that some states have stricter eminent domain laws than the federal government and this ruling does not preclude a state from defining "public use" in its own view. That is why some Minnesota lawmakers are reviewing the existing law.

Opponents of the proposed bill, mostly local government officials, said people are over-reacting to the Kelo ruling and they claim that the bill would tie down all eminent domain proceedings.

"Despite the public outcry, Kelo didn't create any new laws; it reaffirmed what was already in place," said Tom Grundhoefer, general counsel for the League of Minnesota Cities (LMC).

A public hearing would be required regardless if the project were for a road or a privately owned strip mall. Local governments currently vote to begin the eminent domain process at public meetings, but public hearings require legal notification of all affected properties along with notification of the rest of the community in a local newspaper.

Another new provision of the bill is that any time the local government authority loses an eminent domain case it must pay the legal costs of the affected landowner.

Don Theisen, Washington County Engineer and a member of the

Minnesota County Engineers Association Board of Directors, said these stricter provisions would halt development and that higher legal fees would affect landowners.

"You're balancing the rights of property owners and what they think is fair and the obligation (local government officials) have to the taxpayer as a whole," Theisen said.

• Rep. Tom Emmer, R-Delano, pointed out that legal fees would only be higher if the government loses the eminent domain case.

"If evaluations were proper (initially) maybe lawyers wouldn't have to get involved and defend people who don't have the power to fight this (eminent domain) machine," Emmer said.

New Brighton Mayor Steve Larson, also a LMC Board of Directors member and Vice President of the Association of Metropolitan Municipalities, spoke against the proposal and said transferring property from one private owner to another is necessary at times to retain residents and attract new ones.

"When you look at affordable housing and senior housing, it's impossible to imagine doing these projects without a private developer," he said. "If the belief is the goal (of government) is to serve the greater good, then in some cases, eminent domain is necessary."

### RAMSEY COUNTY SUN FOCUS

COLUMBIA HEIGHTS, MN

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STAR TRIBUNE APR 13 '06  
ID AT THE POLLS

## Politicizing elections

✓ Rep. Tom Emmer's proposed legislation, supported in Katherine Kersten's April 10 column, would stop anyone from voting who doesn't have a government-issued picture ID when voting or a passport, birth certificate or naturalization document when registering. If you don't travel much, you'd better know where your birth certificate is, and if you forget your wallet on Election Day, you're out of luck.

This legislation would create longer lines at the polls and would require more poll workers. Good government groups, like the League of Women Voters, consistently point out the dangers that ID requirements create. Taxpayer watchdog groups also point out the high cost to local and state governments that these requirements create.

Barriers to voting, similar to Emmer's, were ruled unconstitutional in Georgia and are being challenged in Arizona because the U.S. Constitution prohibits states from trying to keep any citizens from voting through poll taxes or other schemes.

Why do Kersten and Emmer want to keep some people from voting? According to Kersten, it's too easy to cheat under Minnesota's system. But instead of supporting this assertion with hard statistics, she used anecdotal evidence from Secretary of State Mary Kiffmeyer. Neither she nor Kiffmeyer, however, researched what happened to the cases mentioned. Even Emmer has admitted there is no "rampant voter fraud in Minnesota."

The legal questions and increased taxpayer cost don't seem to matter to Kersten or Emmer. The only things that do are politicizing elections and polarizing voters.

All Minnesotans should speak out to defeat this legislation, best described as "Big Brother meets Bull Connor."

MARK RITCHIE, Minneapolis;  
DFL secretary of state candidate

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## COUNTERPOINT

# Rampant voter fraud? Don't believe it

● Of far greater concern are the 830,000 eligible Minnesotans who didn't vote in 2004.  
**STAR TRIBUNE APR 15 '06**

By JOSHUA SCHENCK WINTERS  
 and BRIDGETTE RONGITSCH

If you read the April 10 column by Katherine Kersten, you might conclude, "There is rampant voter fraud at the polls! Ineligibles are voting — and it's all too easy!"

The good news is that this is not true. The Minnesota Participation Project, a nonpartisan voter engagement initiative of the Minnesota Council of Nonprofits, has been working directly with new and infrequent voters. The two of us have spent more than two years holding workshops and recruiting community groups to encourage people to vote. We have yet to meet anyone who wants to vote in the wrong place, vote twice, or sneak over from North Dakota to vote in Minnesota.

Instead, we have found genuine desire and enthusiasm to participate in democracy. It is inspiring for us to see so many young people, new citizens, and new voters who are excit-

ed to vote in their first election.

The specter of voter fraud provokes fear and suspicion from citizens and legislators. But the response to this issue should be based on facts, not fear.

Obviously, no one wants voter fraud, and the truth is that there is no evidence of serious voter fraud in Minnesota. Here is what we do know:

- In the entire United States, the Department of Justice charged 89 individuals with voter fraud between October 2002 and August 2005. During that same time period, 196,139,871 voters cast a ballot. This amounts to a minuscule voter fraud percentage.

- Secretary of State Mary Kiffmeyer identified "a number" of cases of voter registration fraud and voter fraud in Minnesota — but the number is actually so small and isolated that it is not mentioned.

Kersten's solution, a bill authored by Rep. Tom Emmer, R-Delano, would require that registering voters provide a copy of their birth certificate, passport or naturalization papers. This is not a solution at all. Minnesota has the highest voter turnout rate in the nation — a tradi-

tion of which we are rightly proud. Yet despite that status as the leader in voter participation, 830,000 eligible Minnesotans didn't vote in 2004. This is the real challenge we face, not sneaky or fake voters.

This policy change would create more work for every voter. Each of us is currently required to reregister every time we move or have a name change. How many of the readers of this article could (or should have to) produce a birth certificate, passport, or naturalization document if they were approached on the street by someone conducting a voter registration drive? How many readers would be willing to send a certified copy of one of these documents through the mail with their voter registration application?

We shouldn't hassle Minnesotans for wanting to do the right thing. Let's work to build upon our state's strong reputation for civic participation, not diminish it.

Joshua Schenck Winters and Bridgette Rongitsch coordinate the Minnesota Participation Project, a nonpartisan, nonprofit voter engagement initiative of the Minnesota Council of Nonprofits.

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STARTRIBUNE.COM/LOCAL

MONDAY, APRIL 24, 2006 • SECTION B

# Stadium land swap appears on track

- Legislators said they doubted that reports of pollution would stop the deal for a new Gophers stadium.

By SUSAN FEYDER

sfeyder@startribune.com

STAR TRIBUNE APR 24 '06

Members of the Minnesota House on both sides of the proposed land swap for a University of Minnesota stadium subsidy said Sunday that they don't believe the disclosure of pollution problems on the 2,840-acre parcel will derail the deal.

The Star Tribune reported Sunday

that the land in Dakota County that the university has offered to share with the state in exchange for a \$235 million stadium subsidy was polluted by a World War II gunpowder plant. University officials met last week with the Army Corps of Engineers to assess the pollution problem.

The Gophers stadium plan, which includes the land-for-subsidy provi-

sion, overwhelmingly passed the House this month and awaits Senate action.

Several House members contacted Sunday said they were already aware of possible pollution problems on the land, but did not believe that state taxpayers would have to pay for any cleanup.

"In our negotiations it was our position that the federal govern-

ment would acknowledge and take responsibility" for any cleanup costs, said Denny McNamara, R-Hastings, a co-author of the Gophers stadium bill.

"It is not our intent [for the state] to take over anybody's pollution liability," he said.

**Land continues:** Deal's unconventional nature troubled opponents. **B5** ▶

## Stadium land swap likely to stay on track

◀ LAND FROM B1

House members who opposed the land-for-subsidy trade said Sunday that the main reason they were against it was the unconventional nature of the deal.

✓ **Tom Emmer**, R-Delano, said he and some of the 30 House members voted against the bill because "the state was only getting property that in effect it already owned."

✓ **Jim Knoblach**, R-St. Cloud, said he was troubled by a provision under which the university would retain the right to use some of the land for research.

"It's sort of a fictional transaction," he said.

The disclosure of the pollution problems might attract more scrutiny to the proposal in the Senate, Knoblach said. But he said

he doubted the pollution issue alone would keep the proposal from passing.

✓ **Mindy Greiling**, DFL-Roseville, agreed.

"I think we're programmed

now to have this year be the Year of the Stadium," said Greiling, who voted against the Gophers stadium bill.

Susan Feyder • 612-673-1723



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# New life for Voter ID measure

## DFLers assail plan, say voter fraud isn't a problem

*St. Paul Legal Ledger 1-30-06*

**BY CHARLEY SHAW**  
Legal Ledger Staff Writer

Two Republican state legislators aren't giving up their effort to require voters to show photo identification at the polls.

- **Reps. Tom Emmer** of Delano and Joe Hoppe of Chaska said last week they have requested a hearing in the Civil Law and Elections Committee for legislation that would require voters to show picture ID cards issued by a

federal, state or tribal government before casting their vote.

Emmer, who introduced the bill last session, said the "proactive legislation" is needed because the integrity of America's voting system is in a "critical stage."

The issue has been brought up in previous legislative sessions. Critics, including Senate DFLers, have said voter fraud hasn't been known to occur at a level that warrants stricter voting requirements.

**Voter ID** continued on page 12

## Voter ID

Continued from page 1

- State Sen. John Hottinger, DFL-St. Peter, is against the idea.

"Minnesota has not had a problem with voter fraud. In fact, we've long been a beacon to the rest of the nation for voter turnout, and it just doesn't make sense to make people jump through more hoops when voting," said Hottinger, a member of the Senate Elections Committee.

Advocacy groups also criticized the bill.

Beth Fraser, public policy director of the Minnesota Alliance for Progressive Action, said the expense of buying proper identification can be a burden for low-income voters.

It would also cause problems for senior citizens who no longer drive, she said.

"That's not how democracy is supposed to be," Fraser said.

Hoppe said voters without photo identification can sign an affidavit stating their name and affirming that

they are the same individual who is listed on the voting register.

"We understand that not everyone carries a driver's license or student ID or things of that sort. This bill is meant to be inclusive so we can ensure our tradition of high turnout continues. Allowing for the affidavit meets that goal," Hoppe said.

Last year, photo IDs were among the recommendations by a bipartisan panel led by former President Jimmy Carter and former Secretary of State James Baker.

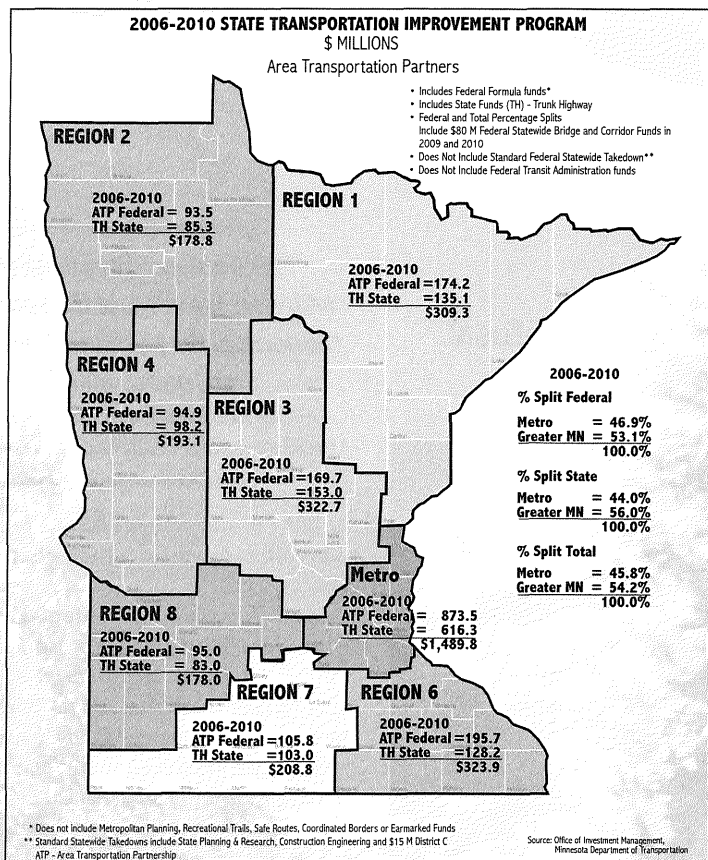
Voters are required to show photo

identification in Florida, Hawaii, Indiana, Louisiana, South Carolina and South Dakota.

The issue of voter cards was rekindled in Georgia last week when Gov. Sonny Perdue signed legislation that requires a free photo ID card be used by voters.

The bill revamped an earlier measure in Georgia that was blocked when a federal judge said the requirement amounted to an unconstitutional poll tax on voters, according to an account by The Associated Press.





Map courtesy of the Minnesota Department of Transportation

### Map displays how much, and where, money will go for road projects through 2010

based on needs to meet state standards and 50 percent based on population. According to the nonpartisan House Research department, the formula results in 69 percent of the money going to the seven-county Twin Cities metropolitan area, which is approximately the same percentage of the area's share of municipal state-aid street mileage and vehicle miles traveled on the system.

- The other 5 percent of the Highway Users Tax Distribution Fund goes to a Flexible Fund. Currently, 30.5 percent is used for town roads, 16 percent for replacement and repair of town bridges and 53.5 percent for fixing county roads that might not make it onto the Minnesota Department of Transportation repair list. Determined by the Legislature, the percentages can only be changed every six years.

### Making it onto the project list

So how does citizen input come into play? How do I get the road in front of my house reexamined or added to the project list?

There are a number of ways to get involved, said Brad Larsen, federal relations manager with the department's Office of Government Affairs.

A visit to the city or county engineer's office to research the local road plans is a good place to begin. Many times road plans have been established years in advance. Also, talk to the local MnDOT district staff — there are eight in the state — to see if the road of concern can move up higher on the priority list.

Each district determines which projects receive funding through a list of criteria. It also works with area transportation partnerships to determine the best division of state and federal

money. The partnerships are MnDOT's attempt to decentralize federal road funding decisions, and membership includes representatives from county, city and state levels.

### Project pressure points

The department's Metro District represents eight counties and 156 cities.

Planning Director Pat Bursaw said political pressure is "exerted here and there" on the project selection process. But choosing which roads to build still comes down to a list of criteria, including preservation, safety and congestion with major input from the Metropolitan Council.

District 7 is based in Mankato. Transportation District Engineer Jim Swanson said his district's criteria for funding a road include the volume of traffic, the condition and the overall safety of the road.

Proposed projects are determined and information is publicly published. District officials hold public information meetings throughout the district about 12 times a year. "It's a very open process and people are always glad about that," Swanson said.

It can be hard speaking to residents, Swanson said, because his district is frequently short of dollars to address all the road needs. Swanson tells residents that "We will continue to seal the cracks," and overlay the road, but there just is not money to rebuild.

"Nothing's easy when it comes to transportation," said Larsen. "The more resident concerns you have to meet, the more complex the process becomes because there is always a funding issue."

### Looking to the future

Over the next 20 years, a \$1 billion funding gap per year for state highways is looming, based on federal funding projections, Larsen said. Local funding gaps are also nearing that amount. With the deficit, increased construction costs and a continued population growth, Larsen said the bottom line is that not everyone will be happy because not all projects can be funded.

Swanson said unless voters approve the Motor Vehicle Sales Tax constitutional amendment on the 2006 ballot, there are "a lot of things we won't be doing."

The amendment passed by the 2005 Legislature would allocate all the money to transportation and the General Fund by 2012. Although the governor vetoed the measure, putting a constitutional amendment question to voters does not require gubernatorial approval.

Currently, the money is divided among several areas including the Highway User Tax Distribution Fund, the Metropolitan Council and MnDOT.



Photographer Charles Lincoln Merryman, photo courtesy of the Minnesota Historical Society

Street paving in Kerkhoven, Minn., in 1925.



## Choosing to fill

House committee approves pharmacists' right of refusal

BY BAO ONG

The House has another balancing act on its hands — trying to find a solution to the clash between patient demands and pharmacists refusing to prescribe them certain drugs.

Rep. Tom Emmer (R-Delano) believes he has the right answer.

He is the sponsor of HF3032, approved by the House Health Policy and Finance Committee March 8. Under his proposal, pharmacists are prohibited from denying prescribed drugs or devices to patients except in certain instances. The bill was sent to the full House.

"This is a balancing of the liberty of pharmacists versus the right and necessity of the patient to get their legally prescribed medication," said Emmer. The proposal is a compromise on his original bill, HF2597, and has received more all-around support, Emmer added.

Under the bill, pharmacists would not be required to fill prescriptions if they have an objection — ethical, moral or religious — to a prescribed drug or device.

Michael Barrett, a Long Prairie Memorial Hospital and Home pharmacist, disagrees with requiring pharmacists to fill all prescription requests. He said the number of people pursuing pharmaceutical careers would decline if they were made to feel like "second-class citizens" who couldn't hold onto their values and beliefs.

"Can we at the same time think of legislating that all Muslim and Jewish butchers must carry pork?" said Barrett. "I don't think this is the place for government to get into."

Abortion, always a contentious issue, came up almost from the outset.

Rep. Barb Goodwin (DFL-Columbia Heights) said the bill could be futile for patients seeking birth control, especially in cases of rape or incest. Goodwin

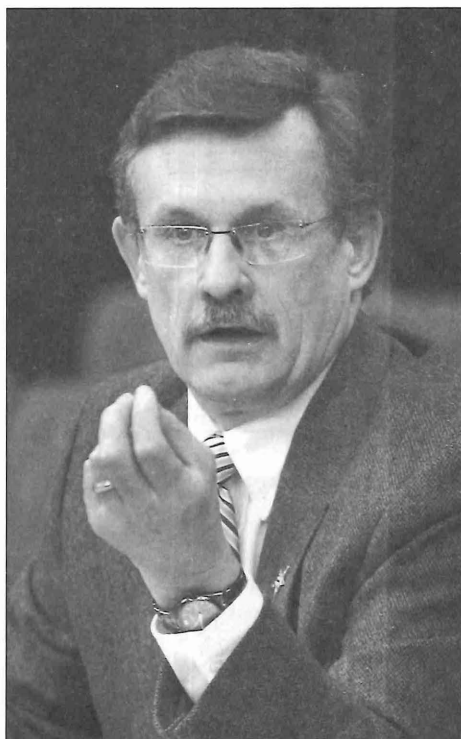


PHOTO BY ANDREW VONBANK

**Michael Barrett, a pharmacist with Long Prairie Memorial Hospital and Home, testifies March 8 before the House Health Policy and Finance Committee in support of a bill that would allow pharmacists to refuse to dispense a drug or device on ethical, moral or religious grounds.**

and Barrett disagreed on whether using certain birth control methods, such as the morning-after pill, would constitute an abortion.

**"It is the duty of pharmacists to fill prescriptions."**

—Erin Matson, president of the Minnesota National Organization for Women

Rep. Mary Ellen Otremba (DFL-Long Prairie) said under current law, pharmacists can already refuse prescriptions for abortion issues. But Barrett said the threshold of pregnancy is not clearly

defined in Minnesota.

Meanwhile, Rep. Cy Thao (DFL-St. Paul) questioned whether there was even a need for

***"It's a balanced approach that addresses the needs of the patient and the needs of the pharmacist, personally and professionally,"***

— Todd Sorenson, president-elect of the Minnesota Pharmacists Association

the bill. He said patients denied prescriptions today already go to other pharmacies or sources.


Todd Sorenson, president-elect of the Minnesota Pharmacists Association, said the bill would be a proactive step. "It's a balanced approach that addresses the needs of the patient and the needs of the pharmacist, personally and professionally," said Sorenson. "This issue, for the pharmacists association, is not about abortion. It's about balancing values and balancing access."

Others, like Erin Matson, believe the doctor-patient relationship should determine if a prescription is in order. "It is the duty of pharmacists to fill prescriptions," said Matson, president of the Minnesota National Organization for Women. "It is the duty of this committee to rise above militant, unscientific personal beliefs about birth control."

Another clause would allow pharmacists to deny patients prescriptions if the drug or device was out of stock. But the pharmacist would have to offer alternatives, such as locating another pharmacy with the prescription in stock. Rep. Tim Wilkin (R-Eagan) said this could still be an issue for Catholic hospitals, which may not want any part in aiding an abortion.

Both Republicans and Democrats said the words "timely" and "reasonable" used to describe how pharmacists would help patients if their prescriptions are denied — could be troublesome.

Under the bill, pharmacists can also refuse to provide prescriptions if they determine a drug or device would cause medical problems for a patient or if payment is not received.

A companion bill, SF2647, sponsored by Sen. Sheila Kiscaden (DFL-Rochester), awaits action by the Senate Health and Family Security Committee. 



# Let's be friends

The Legislature looks to get along in '07

By **Brian Voerding**  
Winona Daily News

Sure, there's the important task of passing a budget when the Minnesota Legislature convenes next month, the money that will keep every state department running for the next two years.

Snooze.

How interesting the 2007 session is will be defined by this: will lawmakers get along?

Bipartisan cooperation has been a talking point for Democrats, who took control of the House and widened their majority in the Senate in the November elections.

While DFL lawmakers now have the numbers to pass bills regardless of Republican opposition, they say they're more interested in working together and setting a new tone in the state-house. Sessions have been marked by bitter partisanship in recent years, including the 2005 session that caused a partial government shutdown.

Only time will tell whether relationships next year will be collegial, if not congenial, although a paucity of controversial issues could help. Some legislators, though, already have high hopes for cooperation across party lines.

Winona's DFL Sen.-elect Sharon Erickson Ropes pointed to this year's freshman orientation as an early sign that teamwork is a high

## See **PREVIEW**, page 3A **STATE POLITICS, LOCAL IMPACTS**

This is the sixth in a series of stories exploring some of the top issues the Minnesota Legislature will likely deal with when it convenes Jan. 3, what local legislators think and how the bills would hit home. Previous stories can be found at [www.winona.dailynews.com](http://www.winona.dailynews.com).

Statewide smoking ban  
Education funding  
Capital improvements  
No Child Left Behind  
Transportation

### **Bipartisan cooperation** Budget and projected surplus

priority. The orientation, both bicameral and bipartisan, was a first for the Legislature. Democrats sat next to Republicans. House members sat next to senators.

"It's an indicator of an effort to reach out to everyone," Ropes said. "You get to know your colleagues as people, because we're all new, going through the same process."

And, Ropes said, they all got along just fine.

The new majority leader in the Senate, Larry Pogemiller of Minneapolis, has purposely kept a lower profile than previous majority leaders and says he wants to keep the Senate focused on issues instead of partisanship.

"I hope to set the Senate

back to its roots," Pogemiller said in an interview earlier this month. "Same intensity, more bipartisan efforts."

The assistant majority leader in the Senate, Tarryl Clark of St. Cloud, echoed his sentiments.

"We hope to come out not with Democrat bills, but with Senate bills," she said in an interview earlier this month.

House Deputy Minority Leader, **Tom Emmer**, R-Delano, said he thinks House representatives will get along fine, as long as they're willing to separate disagreements from their individual beliefs and realize they're at the Capitol to do a job.

"If we can get past personal feelings, it'll work," he said. "Decisions need to be made for the greater good, whether they agree with one side of the aisle or not."

Longtime Rep. Gene Pelowski, DFL-Winona, has seen it all in his 20 years as a legislator and said he's hopeful that next year will mark a new trend. As speaker pro tem of the House, he plans to use his influence to bring the same values of nonpartisanship that he uses in his model legislature program for high school students.

"I think (talks of cooperation) are real, and hopefully something that will permeate everything," Pelowski said.

Emmer, who is one of only 49 Republicans in the 134-member House, said he hopes the pre-session talk will hold true after the Legislature convenes Jan. 3, noting that the Republican minority doesn't have much of a choice.

"They can do this with or without us."





77, 2006 ★

STAR TRIBUNE

JAN 27 '06

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## Bill would require voters to present photo ID

Minnesota should join seven other states in requiring voters to present a photo ID before casting a ballot, two Republican legislators said Thursday.

✓ State Reps. Tom Emmer of Delano and Joe Hoppe of Chaska want election law changed so that voters must prove their identity by bringing a government-issued picture identification card to the

polls. If they don't have a driver's license, a passport or another official ID, they would be able to sign an affidavit swearing to their identity.

They said the bill isn't in response to any particular cases of voter fraud in Minnesota.

"We're not going to wait until we have a problem," Emmer said.

Hoppe said it's an issue of

maintaining public confidence in elections.

But Beth Fraser, public policy director for the Minnesota Alliance for Progressive Action, said the proposal would make voting tougher, especially for the homeless or people who no longer drive.

"If I lose my wallet, I lose my right to vote," she said.

✓ Sen. John Hottinger, DFL-St.

Peter, said the bill could cause longer lines at the polls and discourage voting.

"Minnesota has not had a problem with voter fraud," he said. "In fact, we've long been a beacon to the rest of the nation for voter turnout and it just doesn't make sense to make people jump through more hoops when voting."

ASSOCIATED PRESS

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MINNESOTA

## 2 Republican lawmakers push voter ID legislation

Legislators' effort aims to pre-empt fraud

BY BRIAN BAKST  
PIONEER PRESS JAN 27 '06

Minnesota should join seven other states in requiring voters to present a photo ID before casting a ballot, two Republican lawmakers said Thursday.

State Reps. Tom Emmer of Delano, and Joe Hoppe of Chaska want election law changed so voters must prove their identity by bringing a government-issued picture ID card to the polls. If they don't have a driver's license, passport or another official ID, they would be able to sign an affidavit swearing to their identity.

They said the bill isn't in response to any particular cases of voter fraud in Minnesota.

"We're not going to wait

until we have a problem," Emmer said.

Hoppe said it's an issue of maintaining public confidence in elections.

They held a news conference to detail the bill on the same day Georgia Gov. Sonny Perdue signed a new voter identification law in that state. A previous Georgia law to require photo ID was blocked by a federal judge, who said it amounted to an unconstitutional poll tax because some people couldn't afford to buy a state ID.

The Minnesota lawmakers said they believe their bill takes those concerns into account.

But Beth Fraser, public policy director for the Minnesota Alliance for Progressive Action, said the proposal would make

voting tougher, especially for the homeless or people who no longer drive.

"If I lose my wallet, I lose my right to vote," she said.

Sen. John Hottinger, DFL-St. Peter, said the bill could cause longer lines at the polls and discourage voting.

"Minnesota has not had a problem with voter fraud," he said. "In fact, we've long been a beacon to the rest of the nation for voter turnout, and it just doesn't make sense to make people jump through more hoops when voting."

Besides Georgia, the other six states with a photo ID requirement are Florida, Hawaii, Indiana, Louisiana, South Carolina and South Dakota, according to the National Conference of State Legislatures.



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**capitol report**

STAR TRIBUNE MAY 10 '06

## House approves bill for voters to show ID

House Republicans pushed through a bill Tuesday that would require every Minnesota voter, including those already pre-registered, to produce a picture ID in order to vote. The vote was 71 to 62, largely along party lines.

"We're the last state in the union that allows vouching," by which voters can register on election day without an ID if another registered voter in the precinct vouches for them, said Rep. Tom Emmer, R-Delano, sponsor of the bill.

Anecdotal reports abound of possible voting by noncitizens or others who are ineligible, Emmer said, and he estimated that "eight out of 10 citizens would say that a picture ID is reasonable."

House DFLers argued that there is almost no proof of significant voter fraud in Minnesota and that the measure was an effort to reduce participation, particularly among seniors, college-age voters, new citizens and mi-

nority members.

"It's a voter-suppression bill," said Rep. Keith Ellison, DFL-Minneapolis.

The proposal also might affect hundreds or thousands of voters who have cast their ballots in the same precincts for years, and who are surprised by the demand for a photo ID, DFLers said.

"If grandma forgets her purse back at the farm, she won't be able to vote," said House Minority Leader Matt Entenza, DFL-St. Paul.

The bill has few prospects for advancing.

The DFL-controlled Senate has no such bill, and the House ID bill will not be part of conference committee deliberations, Entenza said.

Republicans removed from the bill a provision that would require new registrants, including those who have moved from one precinct to another, to produce proof of citizenship.

DANE SMITH

## Conferees agree to limit the location of strip clubs

STAR TRIBUNE MAY 19 '06

With budget, stadiums, bonding and myriad other issues still unresolved at the Legislature, members managed one breakthrough agreement Thursday: no strip clubs near schools or churches.

Unless local governments want them.

An unusual conference committee convened on Thursday morning to discuss a bill that would bar strip clubs within about a half-mile of a school or church.

✓Rep. Tom Emmer, R-Delano, who was among the conferees, said the bill is really designed to protect small local governments from the expense of individually drafting ordinances to prohibit sex-oriented entertainment establishments.

"It can costs thousands of dollars for these little cities and towns," he said.

✓Rep. Tom Rukavina, DFL-Virginia, another conferee,

said that without such legislation, local governments can find themselves surprised with such an establishment against their will.

"We've had it happen where somebody comes in, says they're going to set up a little manufacturing plant or tobacco shop, and when they open the doors, it's a strip club." Without an ordinance on the books, local governments have little recourse except to take the business to court, Rukavina said. "A lot of them don't have those kinds of resources."

✓Sen. Steve Dille, R-Dassel, sponsored the bill in the Senate after a strip club opened in Eden Valley, population 800, in January. Townspeople have been struggling since then to force the club out of business, including passing an ordinance banning nude dancing.

PATRICIA LOPEZ



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STATE SUPREME COURT

# Inquiry targets all seven justices

Senator's comments spur investigation

BY MARA H. GOTTFRIED  
PIONEER PRESS APR 30 '06



Dean Johnson

In a rare move, all seven Minnesota Supreme Court justices have come under the scrutiny of a state board that investigates judicial misconduct.

The probe stems from comments Senate Majority Leader Dean Johnson made earlier this year regarding talking to members of the high court about the state law that bans gay marriage.

The state Board on Judicial Standards is conducting the investigation, executive secretary David Paull said Saturday.

Two attorneys filed complaints against the justices after Johnson, DFL-Willmar, said he had received assurances from justices that they would not "touch" the 1997 law, which defines marriage as between one man and one woman. Johnson said he talked to two justices with the last name

JUSTICES TARGETED, 8B

## Justices targeted

(continued)

Anderson — there are three Andersons on the court — and former Chief Justice Kathleen Blatz about the law.

When an audio recording of his remarks was publicly disclosed, Johnson revised his account of what happened and said he received no guarantees. Current Chief Justice Russell Anderson and Blatz have said they never had such talks with Johnson. Russell Anderson also said no Supreme Court justice, including G. Barry Anderson and Paul Anderson — has talked with Johnson about the law.

John Kostouros, Minnesota Supreme Court spokesman, said Paull told him "it's pro forma to open up a file on a judge any-

time someone files a complaint."

"It's just an acknowledgment that they've received a complaint of a possible ethics violation and will look into it," Kostouros said.

The initial allegations were serious ones, said Maury Landsman, a University of Minnesota Law School clinical professor who specializes in ethics.

"Deciding in advance about a case to come before you goes to the heart of the fairness of judicial decision-making," he said. "Judges are supposed to decide on what's in front of them based on the arguments and the facts."

The fact that the board is investigating all the Minnesota Supreme Court justices is "extremely unusual," Landsman said.

Greg Wersal, a Golden Valley resident and crusader against state Supreme Court rules, said he filed the complaint against Blatz and the

three Andersons with both the Board on Judicial Standards and the state Lawyers Board of Professional Responsibility.

The lawyers board declined earlier this month to take up the complaint. The Board on Judicial Standards sent a letter to Wersal saying it didn't have jurisdiction over Blatz, because she is no longer a justice, but agreed to an investigation against the Andersons, Wersal said.

Then, at the prodding of the other person who made the complaint, state Rep. Tom Emmer, R-Delano, the board agreed to expand its investigation to all seven justices.

Wersal said Saturday he was glad the scope had been widened.

"My concern was if you do an investigation where they simply ask, 'Dean Johnson, did you talk to Barry Anderson?' and he says no, but they don't ask, 'Who did you talk to?'" Wersal said.

Still, Wersal said, he doesn't have confidence in the investigation.

"One hopes that somebody wants to get to the truth here, but my concern about the board is so much of what they do is not public," he said. "We need some transparency."

Johnson couldn't be reached for comment Saturday.

When the Board on Judicial Standards receives a complaint, it can dismiss it, conduct an inquiry or order a public hearing. The board can issue letters of warning or public reprimand. In more serious cases, the Supreme Court can impose public censure, removal or involuntary retirement.

If the current case reaches that level, a panel likely would be appointed to handle it, Landsman said.

Mara H. Gottfried can be reached at [mgottfried@pioneerpress.com](mailto:mgottfried@pioneerpress.com) or 651-228-5262.

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M68-Judicial Standards M22

# State to investigate all 7 justices

Remarks by Sen. Dean Johnson have led to a Standards Board probe.

By PATRICIA LOPEZ  
plopez@startribune.com

For what may be the first time in its 40-year history, the state Board on Judicial Standards has opened investigative files on all seven Minnesota Supreme Court justices, the result of a complaint that alleges that one or more of them may have had improper

er conversations with a legislator regarding Minnesota's marriage laws.

The board could dismiss the complaint or take disciplinary action against any or all of the justices.

It launched an investigation of Chief Justice Russell Anderson and Associate Justices Barry Anderson and Paul Anderson earlier this month on the basis of complaints

filed by state Rep. Tom Emmer, R-Delano, and lawyer Greg Wersal. In a follow-up letter, Emmer made clear that his complaint was not limited to those three.

After a preliminary investigation, the board has now opened files on Justices Lorie Gildea, Samuel Hanson, Helen Meyer and Alan Page.

David Paull, executive secretary of the board, said he could not comment on the specifics.

"We have opened investigative files," he said. "I can't say more than that."

Paull said that neither he nor his assistant, Deborah Flanagan, who has been with the board nearly since its inception, could recall a time when investigations had been opened on all sitting justices.

**Court continues:** Disciplinary action can be imposed privately. **A13**

## Board will investigate all seven sitting justices

### ◀ COURT FROM A1

John Kostouros, spokesman for the court, said he could not comment.

#### Last discipline in 1985

Paull said that when the board receives a complaint, it first conducts a preliminary investigation. After that, it can dismiss the complaint or go to an actual investigation.

The board has the authority to call witnesses and gather information, Paull said. If it decides to impose disciplinary action, it can do so privately.

If the judge in question asks for a hearing, the matter becomes public.

When the process is complete, the board could file a formal complaint with the Supreme Court, which would then appoint a fact-finding panel. If a justice is involved, the panel would be appointed by the Court of Appeals.

There has not been a complaint that resulted in action against a justice since 1985, when Justice John Todd resigned from the bench days after a judicial panel concluded that he had cheated on a

Florida bar exam he had taken as part of his plans to retire.

#### Dean Johnson case

The multiple investigations into the current court arose from the controversy over whether Senate Majority Leader Dean Johnson, DFL-Willmar, had improper conversations with one or more justices.

In January, Johnson privately assured a group of pastors that he had been told by more than one Supreme Court justice that the court would not take up the issue of same-sex marriages. Such marriages are prohibited by law, but proponents of a constitutional ban have insisted that the court could at any time overturn the law.

Johnson was caught on tape saying that justices had told him they would not take up the case, in part because they had to stand for reelection.

Johnson later disavowed those statements, saying he had "embellished" the conversations. But even when he was called before a Senate ethics panel, his lawyer maintained that he did have casual conversations with justices about

the law.

At the time, Chief Justice Anderson said that he had questioned his associates and that no such conversation had ever taken place. The Supreme Court operates under a strict code of judicial canons that prohibits justices from giving any indication of how they might rule on cases.

Johnson apologized to the Senate, and the ethics panel closed its investigation without resolving the basic conundrum of a chief justice who insisted that no such conversations had ever taken place and a senator who said they had.

Johnson said Friday that he had been informed by the board that investigations had begun but had no other contact.

Paull said the board gets a little over 100 written complaints a year regarding judges and judicial officers. The process for resolving such complaints is complex, he said, because "these are people held to a very high standard, so there's a tremendous amount of due process involved."

Patricia Lopez • 651-222-1288



19B

# Special prosecutor sought

• Rep. Emmer wants the Judicial Board to hire one to investigate the seven state Supreme Court justices.

STAR TRIBUNE MAY 6 '06  
By PATRICIA LOPEZ  
plopez@startribune.com

The legislator who asked that investigative files be opened on all seven Minnesota Supreme Court justices now wants the Board on Judicial Standards to hire a special prosecutor in the case.

Rep. Tom Emmer, R-Delano, said Friday that he made the request because "I think it will give more independence and credibility to the findings."

The board, charged with oversight of judicial employees and judges, opened investigations on all seven justices last week to determine whether any of them had spoken to Senate Majority Leader Dean Johnson, DFL-Willmar, about the state's marriage laws.

David Paull, executive secretary of the board, said he has passed Emmer's request on to the members. He said that the board's rules allow it to employ a private investigator or other experts to conduct investigations

but that he doesn't know whether that fits with Emmer's request for an independent counsel.

Supreme Court officials did not return calls Friday afternoon.

In January, Johnson was secretly taped telling a group of pastors that he had spoken with several justices and been assured they would not overturn the state's ban on same-sex marriage.

Proponents of the ban had been making the case that the ban could be overturned at any time and that a constitutional amendment is needed to make the ban permanent.

When the tape surfaced, a political firestorm erupted, with Chief Justice Russell Anderson insisting that no sitting justice had had such conversations with Johnson.

Johnson later retreated somewhat, saying he had "embellished" his recounting of the conversations. But he continued to insist that conversations had occurred, even at a Senate eth-

ics hearing on the matter, and his lawyer alluded to witnesses.

The ethics panel ultimately opted to end its inquiry as long as Johnson apologized for his role in the incident.

Emmer, an attorney who sits on the House Civil Law Committee, said he was disturbed that there was no attempt to find who was telling the truth.

"Our country is a country of laws," he said. "If you don't believe in the judges, in the courts, where's the incentive to follow the law? This is not about politics. It's about giving the court the chance to absolve itself and restore public trust."

If witnesses are called and justices interviewed, Emmer said, "one of two things will happen: The justices will be absolved, or, if somebody violated a judicial canon, action will be taken." If there is no independent inquiry, he said, "people will always look at this issue and think, 'What do they have to hide?'"

Emmer said he is confident the board will appoint a special prosecutor and conduct a wide-ranging investigation.

Patricia Lopez • 651-222-1288



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BEMIDJI PIONEER

BEMIDJI, MN  
WEDNESDAY 10,200  
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# Wild rice bill clears House

By Brad Swenson  
Pioneer Political Editor

A bill seen as a first step to protect native wild rice in Minnesota won approval in the Minnesota House on Monday.

The bill, authored by Rep. Frank Moe, DFL-Bemidji, would require the state to study the current state of Minnesota's native wild rice to determine any threats to its viability and to report on whether further study is needed.

It's seen as a first step in protecting Minnesota's natural wild rice from possible contamination from genetically grown wild rice, which is under study by the University of Minnesota.

"Essentially, we're concerned about the status of native wild rice in Minnesota," Moe said on the House floor. "This will ask the Department of Agriculture and Department of Natural Resources to accumulate the information they have available on wild rice populations, decline in quality and other issues, and bring that forward to us next year and recommendations for a future study."

The bill calls for the two state agencies to pool the research they have now and recommend to the Legislature next year if there is a need for a further, more comprehensive study on the state of two strains of indigenous wild rice that are "sacred to the Ojibwe people and important both historically and economically to this state."

The proposed study would include:

- Evidence of population decline in the strains in Minnesota lakes, rivers and streams and, if a decline is found, an explanation of possible contributing factors.

- Arguments for and against the economic, agronomic, cultural and historical importance of maintaining the integrity of

the strains.

- Evaluation of methods available for maintaining the integrity of the strains in Minnesota lakes, rivers and streams, including scientific, regulatory and any other reasonable methods the commissioners of agriculture and natural resources may identify.

- Recommendations that address the findings of the study.

- Rep. Tom Emmer, R-Delano, wondered if the need for the study came from sportsmen's groups or "the sovereigns, the bands from up north." He also asked: "Is there a problem with the wild rice in the state of Minnesota — where is the genesis for this proposed examination?"

There is an apparent decline in favorable habitat for wild rice, Moe said, which is important as duck habitat, spawning grounds for small-mouth bass and other fish, as well as a harvestable crop for Indians and non-Indians.

"A lot of the bands of northern Minnesota, Indian tribes, are concerned about the current stands of wild rice and populations," Moe said. "Some of them are concerned about the possibility of the genetically modified version of wild rice, although none have been developed at this time."

Emmer also asked if Indian tribes are involved in the research.

"Many of my constituents in north-central Minnesota — some of them are band members of the Leech Lake Band of Ojibwe, some of them aren't — brought this issue to my attention over the course of the last couple of years, Moe said. "And being that I represent that portion of the state, I'm carrying this forward in the Legislature."

While the boundaries of the Leech Lake Reservation encom-

pass several hundred thousand acres, only 30,000 acres are held in trust by the band, Moe said.

"However, on that 30,000 acres that Leech Lake holds in trust, they have a Department of Natural Resources ... and a staff person dedicated specifically to the maintenance of the native wild rice stands on that, and they are looking to work with the Minnesota Department of Natural Resources and Department of Agriculture to study this more broadly."

The study will benefit all users of wild rice, Moe said when Rep. Karen Klinzing, R-Woodbury, asked the Bemidji DFLer if "the intention of the study is to preserve this economic benefit just for the tribal folks in your area."

Saying he fished Saturday where a wild rice stand will later grow on Big Lake, Moe said that the health of native wild rice stands "is a concern of everybody in our district."

"Very many people where I live duck hunt in those areas ... I think it's of great concern to everybody in the district and many people throughout Minnesota," Moe added.

Klinzing said she was concerned that the study also look at labeling of wild rice, saying she was surprised to a package of wild rice labeled as natural when it was actually cultivated wild rice from California.

"It had been cultivated, it wasn't wild stuff but it was being sold under the Minnesota wild rice label," she said in support of the bill. "I do think it is an important part of our heritage, and it's a product we can claim for our state."

- Rep. Kurt Zellers, R-Maple Grove, wanted assurances that the study won't be applied to production agriculture in the future.

"The only potential challenge, paddy rice, is also an important crop," Moe said. "There might be some application there in genetically modified rice, but we're not addressing that — only the research done today."

Moe, in a statement, said that "wild rice is not only historically and economically important for all Minnesotans, it's sacred to the Ojibwe people. It's not only an important food for people but is prime fish and duck habitat."

"We have a declining wild rice population and we need to take sensible steps to make sure our native strains stay with us for the future," he said.

The bill passed the House 100-30 and was given a first reading Tuesday in the Senate and referred to the Senate Agriculture, Veterans and Gaming Committee. A similar bill, authored by Sen. Becky Lourey, DFL-Kerrick, already sits in that panel.

✉ bswenson@bemidjipioneer.com



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POST-BULLETIN

ROCHESTER, MN  
WEDNESDAY 43,445  
MAY 10 2006



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**Voter ID**

A picture ID would be required to vote under a Republican-backed bill passed 71-62 by the Minnesota House Tuesday on a vote that largely followed party lines.

The bill, sponsored by Rep. Tom Emmer, R-Delano, would require even registered voters to produce a photo ID at the polls.

House DFLers maintained that there is almost no proof of significant voter fraud in Minnesota and that the measure was an effort to reduce participation, particularly among the elderly, college-age voters and new citizens and minorities.

The bill isn't expected to get further, however, because there is no companion bill in the DFL-controlled Senate, and House Minority Leader Matt Entenza, DFL-St. Paul, said the proposal won't be part of conference committee deliberations.

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# FREE PRESS

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## House passes bill requiring ID for voters

**ST. PAUL** — A picture ID would be required to vote under a Republican-backed bill passed 71-62 by the Minnesota House Tuesday on a vote that largely followed party lines.

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Minnesota and that the measure was an effort to reduce participation, particularly among the elderly, college-age voters and new citizens and minorities.

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B12

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## EDITORIALS

PHARMACISTS AND CONSCIENCE  
PIONEER PRESS APR 18 '06

# People might like compromise, but that doesn't make it good law

If Tom Cruise were your pharmacist, your visit might go like this:

"I'd like to fill this prescription, please," you say, handing over the crumpled form you kept in your wallet too long.

The white-coated Scientologist looks it over, flashes that golden-boy smile and hands it back.

"Sorry — these antidepressants will just mask your problem," he says. "There is no such thing as a chemical imbalance. Next!"

This pharmacological fantasy is brought to you by the Minnesota Legislature, which is moving ahead on bills that would allow pharmacists to just say no to prescriptions they object to on "ethical, moral or religious grounds," in the words of the House version.

In other states where this has arisen, this has been viewed as a movement from anti-abortion forces, who view the "morning-after pill" as a medicinal abortion. In Minnesota, there is movement toward a compromise that pharmacists and abortion-rights groups can live with.

At a hearing of the House Health Policy and Finance Committee last month, Michael Barrett, a Long Prairie pharmacist who opposes abortion, said some pharmacists view the "morning-after pill" as a medicinal way of terminating a pregnancy.

"Minnesota is definitely pro-life," Barrett told the committee. "We overwhelmingly choose the culture of life over the culture of death. I think we need more pharmacists of conscience, not fewer." He said if pharmacists do not win ethical protection, "we will end up with a profession devoid of people of faith, people of morals, people of ethics."

## THERE OUGHTN'T BE A LAW

Meanwhile, officials of the Minnesota Pharmacists Association have worked with the House sponsor, Rep. Tom Emmer, R-Delano, and the Senate sponsor, Sen. Sheila Kiscaden, DFL-Rochester. The bills allow pharmacists to opt out but aim to protect patients so they can get their prescriptions filled. In larger pharmacies, patients may not notice any difference.

NARAL Pro-Choice Minnesota, an abortion-rights group, argues that the opt-out bill, with its protections for patients, is better than current practice, which may leave women with no recourse if a small-town druggist turns them down. Minnesota Citizens Concerned for Life, the anti-abortion group, is not taking a position.

So, everybody's getting together and devising a compromise that seems to protect everybody's interests. What could be wrong with that?

Here's what's wrong with it: The market is perfectly well equipped to solve this problem — if there is a problem.

Government intervention isn't necessary here, so compromises aren't necessary.

In other words, there oughtn't be a law.

Yes, it's troubling to imagine that individual pharmacists will refuse to dispense legal drugs legally prescribed because they don't like them; the logical extension of that reaches quickly toward the ridiculous. And yes, freedom of conscience is a fundamental principle. Standing up for what we believe is part of the American way.

## CHOICES HAVE CONSEQUENCES

But standing up for what we believe has a price. We should count on the government to protect basic freedoms; we shouldn't ask it to indemnify us from the consequences of our choices.

If individual pharmacists choose not to dispense certain drugs because of their beliefs, fine. That's a matter between them and their employer. If pharmacies choose to accommodate that wish, fine, the marketplace will punish or reward their choices.

A law that seems to make everyone happy isn't necessarily a good law. It may be convenient. It may be neater than letting the market do its work. But that doesn't make it better.

Cruise is a fine actor and, thankfully, not a pharmacist. He is a Scientologist. He has made the comments listed above about antidepressants. He has a right to his beliefs, as do Barrett and the good folks at your local Walgreens.

But they don't have a right to government intervention in private business to protect them from the consequences of their choices. Employers, and, ultimately, their customers, can decide where that balance is.

At issue: whether to protect pharmacists who choose not to dispense drugs they object to.



# Under bills, pharmacists could refuse some orders

But employers would have to find another route to provide patients with prescriptions

BY RACHEL E. STASSEN-BERGER

Pioneer Press

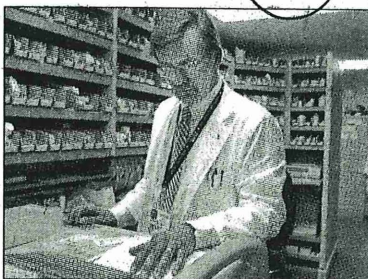
PIONEER PRESS, APR. 16 '06

The Minnesota Legislature is poised to pass a law that attempts to balance allowing pharmacists to obey their consciences and getting patients the drugs they've been prescribed.

Measures ready for floor votes in the state House and Senate would each create a law to permit druggists to refuse to dispense medications to which they object for moral or religious reasons. The bills, which are different in the House and Senate, were prompted after a handful of pharmacists declined to give women birth control pills or emergency contraception, including at least two cases in Minnesota.

With the effort, Minnesota joins about two dozen states dealing with the issue. Some states have opted to allow pharmacists to refuse to dispense the contraceptives

PHARMACIST BILLS, 14A



JOHN DOMAN, PIONEER PRESS

**Long Prairie Memorial Hospital pharmacist Michael Barrett** has pushed for a bill allowing pharmacists to refuse to fill certain prescriptions on moral or religious grounds. He has refused to stock emergency contraception pills.

## + Pharmacist bills

(continued)

entirely. Others have required pharmacists to dispense all legally prescribed drugs.

The measures in Minnesota, like one that passed in California, weave between those two paths.

They allow pharmacists to refuse to dispense drugs they don't feel comfortable with for religious or moral reasons but put in place measures that would allow patients to get those drugs through other means. Under bills in both the House and the Senate, pharmacists would have to let their bosses know in advance what class of drugs they would refuse to dispense so that the pharmacy can make other arrangements.

"It is critical that while protecting the ability of pharmacists to step away, patients are not abandoned," said John Stevens, president of the Minnesota Pharmacists Association, during a Senate hearing.

For some, the Minnesota measures go too far because they affirm pharmacists' right to refuse to dispense certain classes of drugs. For others, they don't go far enough because pharmacists would still be required to make sure patients received prescribed drugs in a timely fashion.

CONTINUED FROM PAGE 1A

Still, the measures here have not received the kind of attention or venomous debate they have in other states.

In the Minnesota House, Rep. Tom Emmer, R-Delano, is sponsoring the pharmacist opt-out measure, which seems likely to become part of the House's larger health and human services bill. Sen. Sheila Kiscaden, DFL-Rochester, is sponsoring a similar measure in the Senate.

Emmer has a 100 percent positive rating from Minnesota Citizens Concerned for Life, the state's largest anti-abortion organization, and is considered "anti-choice" by the political arm of the state's Planned Parenthood.

Kiscaden has an average rating of 45 percent over the past few years from the MCCL and is considered "pro-choice" by Planned Parenthood.

Neither the MCCL nor the state's Planned Parenthood organization has taken a position on the pharmacy measures.

### NO IDEOLOGY

"I did not want a bill that dealt with ideology in any way," said Michael Barrett, a Long Prairie pharmacist who has been pushing the issue at the state Capitol and with the pharmacists' association.

Barrett works at Long Prairie Memorial Hospital, where he mostly deals with hospital staffers. A few doctors have asked him to stock emergency contraception pills. He has refused because he believes in

some circumstances, the pills can cause the abortion of an early-stage embryo and thus end life.

"I don't want to stock it in the hospital but I have no problem if they get it from a clinic," Barrett said. "We are trying to allow the pharmacists to exercise their consciences ... in a seamless and noncontentious way."

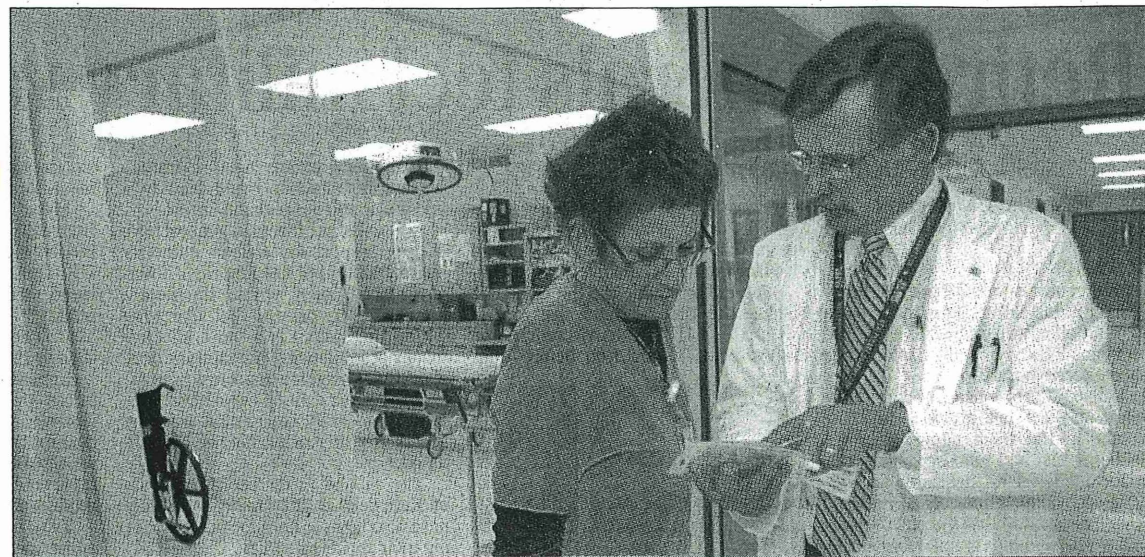
Like Barrett, Laura Norlander, a pharmacist from Woodbury, has been dealing with her discomfort with any drugs that could end a human life.

"I have actually discussed it with my current employer when I was hired," said Norlander, who has been a pharmacist for 18 years. She felt at the time she was taking a risk by having that discussion, but it did not interfere with her employment. "I just don't want to be asked to dispense something which would not allow a human life to live."

For her, that includes the emergency contraception but also could include drugs developed using fetal cells.

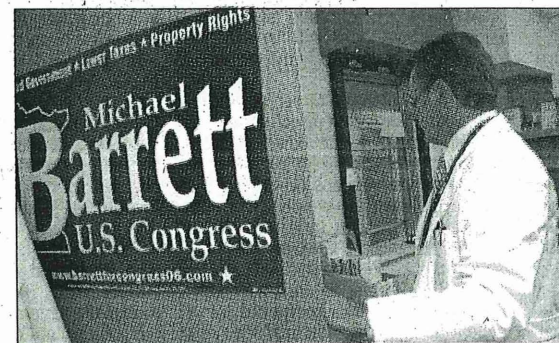
Right now, pharmacists can refuse to dispense medication without any guarantee that patients get drugs through other means.

"Under current law there is nothing that prohibits ... a pharmacist from refusing to dispense," Kiscaden said. But her



PHOTOS BY JOHN DOMAN, PIONEER PRESS

**Long Prairie Hospital pharmacist Michael Barrett** confers with nurse Holly Johnson about medications of patients in her care. Backers say neither of the measures under consideration in the Legislature grants pharmacists any right of refusal that other medical professionals don't already have.



**Barrett leaves his lab in the pharmacy** at Long Prairie Memorial Hospital on Tuesday. Barrett, who is running for Congress, has been a key player backing a bill that would allow pharmacists to refuse to dispense drugs they find objectionable on moral or religious grounds, while providing a way for patients to get the drugs they need. "I did not want a bill that dealt with ideology in any way," he said.

bill, she said, would make sure pharmacists acting on their consciences would not mean patients don't get drugs.

"If you can't provide timely access for the patient, then you have the possibility that you'll have a complaint filed against you by the board of pharmacy," she said.

The measures, say backers, don't grant pharmacists any right of refusal that other medical professionals don't already have.

"I don't think people under-

stand — we already give this right to doctors and nurses," Emmer said.

### BROADER IMPACT

The measures under consideration in the House and Senate could go far beyond birth control or emergency contraceptive pills.

"It's not just contraceptive drugs we are talking about," Kiscaden said.

Neither the House nor Senate

bill specifies any prescription drug or type of drug that pharmacists could reject because of their religious or moral beliefs.

That means a Muslim pharmacist could refuse to fill a prescription that includes alcohol, or a Hindu pharmacist could refuse to dispense a prescription tested on animals, witnesses told a Senate committee this month.

But those scenarios have yet to play out in Minnesota.

In fact, few pharmacists have denied patients any type of prescription.

"Pharmacists refusing to dispense prescriptions are statistically a minor problem. The vast majority of pharmacists dispense the vast majority of prescriptions," said Stevens, of the pharmacist association.

So minor a problem, said John Hoeschen, owner and pharmacist at St. Paul Corner Drug, that any legislation addressing it is unnecessary.

"It's so blown out of proportion. ... They've had that ability to say, 'I don't feel like filling this today,' for the history of time," Hoeschen said. "It is probably going to create more problems than before just because of all the attention brought to it."

Rachel E. Stassen-Berger can be reached at [rstassen-berger@pioneerpress.com](mailto:rstassen-berger@pioneerpress.com).



● Newly filed data show Minnesota donors added nearly \$200,000 to the \$500,000 given by a wealthy Texan to a defeat-Hatch effort.

By PAT DOYLE and DANE SMITH  
Star Tribune staff writers  
STAR TRIBUNE DEC 21 '06

Minnesota lawyers, real estate agents, motorcycle advocates and auto dealers flew under the radar in the final weeks of the campaign for governor in financing a harsh advertising blitz against DFL candidate

Mike Hatch

Days after the last state deadline for reporting such contributions, the Minnesotans contributed nearly \$200,000 to an effort that would remain largely out of view until after the election, recently filed Internal Revenue Service records reveal. Another \$40,000 contributed

by Minnesotans to the anti-Hatch effort was made public before Election Day.

The Minnesota money is on top of \$500,000 that Houston homebuilder Bob Perry gave to the ad campaign against Hatch. The Texan's contribution also wasn't reported before the election.

The disclosures are expected to revive calls in the Legislature next year for greater transparency and

timeliness in reporting large campaign donations during the home stretch of election campaigns.

Perry and the Minnesotans gave their money to A Stronger America, a group based in Alexandria, Va., which made it available for ads that aired in the final days of the Minnesota governor's race.

**Negative continues** See a list of the Minnesota donors **B9 ▶**

★ THURSDAY, DECEMBER 21, 2006 • STAR TRIBUNE • TWIN CITIES • B9

## Late anti-Hatch funds were local, too

### ◀ NEGATIVE FROM D1

A Stronger America is among a proliferation of tax-exempt groups that have raised money in recent years for political activities such as issue advocacy. Those groups' activities are harder to track than more traditional fundraising by political parties or candidates.

Nationwide, Perry was the biggest contributor in 2006 to such groups. He gave \$5.2 million through Oct. 23, mostly to conservative business groups and the Republican Governors Association, according to records released by the IRS and analyzed by the Center for Responsive Politics, a nonpartisan, nonprofit Washington research group that tracks money in politics, and its effect on elections and public policy.

The \$5.2 million figure doesn't include the \$500,000 Perry gave to A Stronger America on Oct. 26.

Perry is perhaps best known in political finance circles for his \$4.5 million in contributions in 2004 to the tax-exempt organization Swift Vets and POWs for Truth, which challenged the war record of Democratic presidential candidate John Kerry.

Joe Weber, a spokesman for the anti-Hatch effort in Minnesota, said he didn't know how Perry learned of A Stronger America.

Under IRS rules, contributions by tax-exempt groups must be reported to the federal government within 30 days after a general election; A Stronger America made such reports on Dec. 6.

Under Minnesota rules, only contributions that groups received through Oct. 23 of this year had to be reported to the state before the Nov. 7 election. Money received after that date isn't reported to the state until January.

Among the Minnesotans who gave to A Stronger America after the Oct. 23 state reporting deadline were Ronald J. Schutz, of Medina, who contributed \$5,000, and Dominick

### MINNESOTA'S 'STRONGER AMERICA' DONORS

Business groups dominated the list of Minnesota donors to the state chapter of A Stronger America when it launched a media blitz against DFL gubernatorial candidate Mike Hatch late in the campaign.

Contributor	City	Amount
Local Action PAC (car dealer-related)	West St. Paul	\$75,000
Committee of Automotive Retailers**	West St. Paul	\$55,000
Minnesota Chamber of Commerce Leadership Fund	St. Paul	\$32,000
Minnesota Assn. Of Realtors PAC	Edina	\$25,000
Dominick Driano, attorney	Fairmont	\$10,000
Robert J. Ulrich, CEO Target Corp*	Minneapolis	\$10,000
Stanley Hubbard, CEO Hubbard Broadcasting***	St. Paul	\$10,000
Motorcycle PAC of Minnesota	Chanhassen	\$5,000
Ronald J. Schutz, attorney	Medina	\$5,000
Minnesota Trucking Assn.	St. Paul	\$4,000
NAIOP Leadership Fund PAC 30557	Minneapolis	\$3,500
Minn Ag PAC	St. Paul	\$1,500
John A. Robin, attorney	Independence	\$1,000
Food PAC of Minnesota	St. Paul	\$500
Todd R. Vollmers, attorney	Shakopee	\$500
Theresa Gibbs, homemaker	Bloomington	\$500
Lindquist & Vennum*	Minneapolis	\$300
<b>Total</b>		<b>\$228,800</b>
<b>Total contributions after reporting deadline</b>		<b>\$198,500</b>

\* Contribution made before Oct. 23 reporting deadline

\*\* \$20,000 of contribution made before Oct. 23 reporting deadline

\*\*\* Contribution made directly to Minnesota chapter before reporting deadline

Sources: U.S. Internal Revenue Service; Minnesota Campaign Finance and Public Disclosure Board

Driano, of Fairmont, who donated \$10,000. The Committee of Automotive Retailers gave \$35,000 after the October deadline, and a related group, the Local Action PAC, gave \$75,000. The Minnesota Association of Realtors gave \$25,000 and the Motorcycle PAC of Minnesota gave \$5,000.

The Automotive Retailers group also contributed another \$20,000 before the October deadline, which was made public before the election. Other contributions made public before the election came from Robert Ulrich, the CEO of Target, and Stanley Hubbard, the CEO of Hubbard Broadcasting, who each gave \$10,000.

### Legislative action likely

The 2007 Legislature almost certainly will give serious consideration to proposals to require prompt, pre-election disclosure of large late-campaign spending and contributions by such tax-exempt groups, legislative leaders in both parties

and in the House and Senate said Wednesday.

Sentiment for shedding light on the practice probably will be strong and bipartisan because each party has complained bitterly about being victimized by shadowy last-minute infusions of cash into campaigns.

After the 2004 election, it was Republicans who were outraged by the discovery that DFL House Minority Leader Matt Entenza and his wife, health-care company executive Lois Quam, had contributed some \$600,000 to various campaigns, much of it through a group that worked for House DFL candidates, and much of it after the disclosure window had closed.

Those contributions and others resulted in a record \$300,000 fine for disclosure violations against the 21st Century Democrats, a national group. Entenza was not found to have violated the law.

A late surge in spending also has generally been considered an important factor in big gains

made by DFLers in House elections in 2004.

"Everybody's been gored by it [late spending and post-election disclosure] at this point and nobody likes these surprises," said David Schultz, an ethics and campaign finance expert at Hamline University.

"We can't prevent [the donations and spending], but we certainly can improve on the disclosure. ... So let's do it," said Sen. Ann Rest, DFL-New Hope, who will lead a committee that is responsible for election laws. Rest said there is bipartisan support for more immediate disclosure by such organizations.

In the House, Rep. Tom Emmer, R-Delano, author of a bill in 2005 and 2006 that would have tightened late-campaign disclosure requirements, said the DFL Senate majority and the House Republican majority share blame for failing to enact more immediate reporting.

"People on both sides are suspicious now and we've got a much better chance of passing it this time," Emmer said.

Schultz said a 24-hour or 48-hour reporting requirement not only would provide the transparency that voters should have but also probably would inhibit last-minute spending binges by groups that want to conceal their agendas.

"[Gov. Tim] Pawlenty doesn't look good on this one," Schultz said, while noting that the governor has no apparent ties to A Stronger America.

Pawlenty hasn't said anything publicly about the Perry contribution or the Stronger America group but he signaled through a staff member Wednesday that he agrees with the calls to close the disclosure loophole.

"Governor Pawlenty believes that additional disclosure of contributions made late in a campaign makes sense and would support such a measure," spokesman Brian McClung said.

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19B

# Statewide smoking ban looks more likely

● With a new DFL majority, advocates are optimistic, while opponents seek to limit impact.

STAR TRIBUNE DEC 10 '06  
By MARK BRUNSWICK  
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Minnesota may be on the verge of telling smokers from Warroad to Winona that they can no longer light up in bars and restaurants.

Advocates for a statewide ban on smoking in those places say they are newly confident they have the votes to get such a measure passed now that the DFL, a big winner in last month's election, has gained firm control of the Legislature. Some predict that a ban, which Gov. Tim Pawlenty has said he would sign into law, could be enacted in the first weeks after the legislative session begins in January.

"This is definitely the year for the dialogue to happen," said Pat McKone, president-elect of the Minnesota Smoke-Free Coalition, which includes an array of public health organizations. "We see a lot of acceptance, even from people who once opposed the idea."

Bar owners and other groups that oppose a smoking ban, meanwhile, say they are not optimistic they can block the measure and are instead preparing to try to limit its scope.

**Ban continues:** Smoking bans are surviving legal challenges nationwide. **A20 ►**

## STATEWIDE BANS

**17** states now prohibit smoking in public places that include bars and restaurants.

# Statewide smoking ban looking more likely

## ◀ BAN FROM A1

The Minnesota Licensed Beverage Association, for example, is planning to push to exempt neighborhood and rural bars that serve almost no food because of the economic hardships a ban could impose.

"An Embers has nothing in common with Jim's Bar," said Jim Farrell, the association's executive director. But he conceded that passage of a ban appears likely.

Smoking bans are gaining momentum, and surviving legal challenges, nationwide. Three states approved bans last month; in all, 17 states now prohibit smoking in public places that include bars and restaurants. Local governments are taking action, too. In Mankato last month, 69 percent of voters favored a ban on smoking in local bars and restaurants, joining Minneapolis, St. Paul and a growing number of other cities around the state.

Advocates for a ban say their cause has been strengthened by the U.S. Surgeon General's conclusion in a report earlier this year that even brief exposure to secondhand smoke is an alarming health hazard.

But McKone said Minnesota could become a national battleground next year between the forces that support and oppose a ban.

## 'Why not cheeseburgers?'

The most recent attempt to enact a statewide smoking ban, called the "Freedom to Breathe Act," received significant attention in the Legislature last year. But ultimately it stalled in

a House committee amid opposition from bar and restaurant owners as well as some rural legislators who argued that a ban would hurt not only those establishments but VFW posts, too.

But the makeup of the House changed in November. DFLers took over with a large majority. Fifteen of the elected members are women, who are often seen as more amenable to a ban.

Smoking ban opponents also lost one of their most vocal allies when Rep. Tim Wilkin, R-Eagan, lost his reelection bid. Still, groups fighting a ban will find passionate supporters who say the debate is as much about personal freedom as the health risks of smoking.

"If this is what government is for, let's go to the next step — why not cheeseburgers?" said Rep. Tom Emmer, R-Delano. "Big Brother has got to take care of us because we are too dumb or too lazy to care for ourselves."

The emerging debate is personal for Bemidji nightclub owner Dawn Eve, who voluntarily made her nightclub, Jammers Bluenote Ballroom, smoke-free a year ago — the only nightclub owner in her area to do so. Eve was suffering from recurring lung infections and had to take naps during the day to recoup lost energy.

After making the decision to go smoke-free, she says she no longer has lung infections and feels her energy has improved. But she has also felt the impact of the change in her pocketbook.

"It was really hard, and I did lose some money. People I

thought were my friends don't ever come back in anymore. Smoking and drinking alcohol do go hand-in-hand with a lot of people," Eve said. "I stayed open, but I didn't hardly have any customers for a while."

But now customers are returning and even smokers say they appreciate the new policy, she said. Smoking is permitted in an outdoor dining area with a bar and an acoustic stage.

Beltrami County goes smoke-free in January. But Eve said she will still have to worry about her business rivals across the county line.

"A statewide ban would be a real treat," she said.

## Focus on worker health

The prospect of a statewide smoking ban has Sue Minehart losing sleep at night.

The Main Street Grill, her restaurant in Alden, Minn., in south central Minnesota, is a small operation in a town hugging the Iowa border. Besides a malt shop, it's the only restaurant in town.

Minehart, whose husband works at the restaurant on weekends, said she is worried about a new casino across the border in Iowa taking away business. With operating margins of less than 5 percent, she says she can't afford to turn away any customers, whether they smoke or not.

"There's only so many ways you can split up the pie and we need as much as we can," Minehart said.

"I think smokers are doing a pretty good job of policing themselves. That's one of my major beefs [with] a smoking ban. People are really doing a pretty good job of it. If people shouldn't be allowed to smoke, then go to the source: Ban tobacco."

As part of its renewed push for a ban, the Minnesota Smoke-Free Coalition is planning a rally at the state capitol next month.

Kerri Gordon, a spokeswoman for ClearWay Minnesota, an organization that disperses anti-smoking funding from a state tobacco lawsuit settlement, said the group intends to fight for an outright ban without any compromises because of the risks of secondhand smoke, especially for employees of bars and restaurants.

"Our approach is as a health issue for workers," Gordon said.

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Sue Minehart visited with a customer while behind the bar of her Main St. Grill in Alden, Minn., on Thursday. She's worried a ban will send customers fleeing across the border to an Iowa casino.





ELIZABETH FLORES • Star Tribune

Sen. Dean Johnson, seen here during an Ethics Committee hearing at the State Capitol in March, was unavailable for comment Tuesday.

## Justices cleared of ethical lapses in Johnson case

• A panel found no evidence that members of the high court discussed same-sex marriage laws with Sen. Johnson.

STAR TRIBUNE JUN 28 '06  
By PAT DOYLE • pdoyle@startribune.com

Ethics complaints against all Minnesota Supreme Court justices were dismissed Tuesday after a review panel concluded that none had talked with Senate Majority Leader Dean Johnson about a state law prohibiting same-sex marriage.

"The investigation disclosed no evidence indicating that any justice had any discussion with Sen. Johnson or any other person concerning how any court might rule on any issue relating to the Defense of Marriage Act ...," said the Minnesota Board on Judicial Standards.

The decision raises new questions about why Johnson told a group of ministers in January that current or former justices had assured him that the marriage law probably wouldn't be overturned.

The board said the justices denied — and Johnson couldn't recall — such conversations.

**Justices continues:** Johnson reportedly said he made assurances based on assumptions. A6

# Justices cleared of ethics complaints in Johnson case

◀ JUSTICES FROM A1

However, Johnson also told the board that his assurances were nevertheless based on assumptions he made from discussions he had had with justices over the years.

"The evidence establishes that these discussions concerned only court administration and court budget issues," the board said.

It didn't speculate on how Johnson could have assumed from "these admittedly unrelated conversations" that the justices wouldn't overturn the marriage law. "Sen. Johnson's mistaken inferences fail to provide any reason for the board to proceed further in these cases."

### Issue of gay rights

Yet the board's ruling noted that Johnson's lawyer, Ellen Sampson, testified before a Senate ethics panel hearing into the matter in March and said "the issue of gay rights was part of these discussions" between Johnson and more than one

### SEN. DEAN JOHNSON'S RECOLLECTIONS

#### JANUARY

At a meeting with clergy members in New London, Johnson said several Supreme Court members had assured him they had no intention of overturning Minnesota's law prohibiting same-sex marriage. "Dean, we're not going to do it," he quoted some as saying.

justice. At the time, Sampson offered to bring witnesses to back up her claim.

"The implication of her statements is that there was a discussion about gay marriage," said Sen. Thomas Neville, R-Northfield, who served on the ethics panel.

The Senate panel decided against pursuing its probe in exchange for Johnson agreeing to make a public apology. The Judicial Standards Board apparently gave little weight

#### MARCH 15-20

In a series of statements following the release of a tape of his January remarks, Johnson said he had received no "promises or commitments regarding any potential judicial cases from any member of the state Supreme Court." He said he had "embellished" conversations that became increasingly casual and vague in his descriptions.

to Sampson's assertion, noting that she didn't offer evidence at the Senate hearing.

Johnson, a DFLer from Willmar, was unavailable for comment Tuesday. Rep. Tom Emmer, R-Delano, who filed one of the complaints, said he did so to give justices "an opportunity to be vindicated. This is the outcome I expected."

He accused Johnson of "playing politics with the court" by assuring clergy

#### MARCH 24

Before an ethics committee hearing, Johnson's lawyer said witnesses could be called to describe conversations between Johnson and justices during which "the issue of gay rights" was discussed.

members that the marriage law would prevail to blunt support for a proposed state constitutional amendment banning same-sex marriage.

Advocates for the constitutional amendment, mostly Republicans, have argued that it is needed because the state law could be overturned by a court ruling. Johnson's comments to the clergy sparked an uproar during the legislative session.

At the January meeting with clergy members, Johnson was

#### JUNE

According to the Board on Judicial Standards, during its investigation "each Supreme Court Justice independently denied ever having any conversations with Sen. Johnson on any issue related to the definition of marriage" and "Sen. Johnson confirmed that no such conversations ever occurred."

recorded saying that former Supreme Court Chief Justice Kathleen Blatz told him, "Dean, we all stand for election too, every six years. ... We are not going to touch it." That's what she said to me." He said two sitting justices offered similar assurances.

Johnson later gave a news interview in which he said he embellished his story to placate conservative clergy members at the meeting. Chief Justice Russell Anderson issued

a statement denying that any current or former member of the court talked with Johnson about the marriage law or anything related to it.

Tuesday's ruling said that Johnson, during the board's inquiry, denied his earlier account of how Blatz had told him the court wouldn't take up the marriage amendment.

The board said Russell Anderson met with Johnson prior to March 15 on budget and administrative issues, and three other justices met with Johnson at unspecified times.

"Sen. Johnson did not recall any conversation with any current or former justice that related to any of the issues raised by his remarks" to the clergy, the board said.

It quoted Johnson as saying: "Based upon the general discussions that we had in my office, I made the assumption they were not interested in making a decision about [the marriage law]."

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# What can judges state in the court of public opinion?

● The answer, say some legal experts, depends when and how much the judges actually say.

STAR TRIBUNE APR 3 '06  
By PAT DOYLE  
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Denials that Minnesota Supreme Court justices discussed the state's marriage law with a senator obscure a larger reality: Judges can and do express their opinions on legal controversies outside of court.

"Judges often state their views on disputed legal issues ... in classes that they conduct, and in books and speeches," wrote U.S. Supreme Court Justice Antonin Scalia in a landmark 2002 Minnesota case dealing with judicial campaigns. "It is virtually impossible to find a judge who does not have preconceptions about the law."

But Scalia proved in a case heard last week that the Minnesota Supreme Court is not alone in facing controversy over comments attributed to a justice.

**Judges continues:** Going into specifics raises concerns **B4** ▶

E62.2 J10

# What can judges say in court of public opinion

◀ JUDGES FROM B1

Scalia and the rest of the U.S. Supreme Court heard an appeal from a Guantanamo Bay detainee who said President Bush exceeded his authority when he ordered alleged enemy combatants to face special military tribunals.

The case came three weeks after Scalia gave a speech in Switzerland reportedly disputing claims that foreign detainees at Guantanamo, Cuba, have certain constitutional rights.

"War is war, and it has never been the case that when you captured a combatant you have to give them a jury trial in your civil courts," he said, according to a Newsweek account of the recorded speech. "Give me a break."

Whether a judge's comments are proper depend on how much they can be seen as predicting a ruling on a pending or future case, legal experts say.

In the speech, Scalia repeated themes from his dissent in a 2004 case, when he argued that foreign combatants held at Guantanamo have no right to challenge their detention in federal courts.

"He can talk about the prior decisions and his role in them," said Ronald Rotunda, a professor of law at George Mason University who has written a book on legal ethics. "If he was talking about that, and it sounds like he was, that's OK. But if he's talking about issues that are coming up, that he heard argument on [last week], that's not OK."

And a recognized expert on judicial ethics said Scalia's speech indicates that he had made up his mind on key issues now before the court in the case argued last week.

"There are several things he said that suggest to me he should not have been on the bench," said Stephen Gillers, a professor at New York University School of Law.

Scalia spoke in Switzerland about the nation being at war. The detainee who brought the pending case has challenged that premise in objecting to the special military court, Gillers said. Moreover, Scalia in his speech "emphatically dismissed the claim that the detainees are entitled to a civil court jury trial" — an apparent option in the pending case.

**Specific equals improper**

In the controversy involving the Minnesota Supreme Court, Senate Majority Leader Dean Johnson told a group of pastors in January that three justices had assured him that they wouldn't overturn the state law banning same-sex marriage. After a secret recording of his remarks became public, Johnson and the court agreed that no assurances were given.

But Johnson later gave varying accounts of how a single justice said the court was unlikely to take up the law or had otherwise discussed the statute. Chief Justice Russell Anderson has denied that any discussion of the marriage law took place.

✓ On Friday, Rep. Tom Emmer, R-Delano, and a lawyer who has criticized the state judicial system over the years, filed separate complaints asking the Board on Judicial Standards to determine who is telling the truth.

A judge predicting an outcome in a future case he might rule on is "pretty much unimaginable," said Steven Lubet, a professor at Northwestern University School of Law. But he said a general discussion between a justice and a citizen about a law could be acceptable under some circumstances.

"As long as it was conducted at a sort of high level of generality and without any predictions or commitments, there wouldn't be a problem," Lubet said. "If it got into the specifics of the constitutionality of a statute, then it would likely be improper. The more specific and predictive, the more improper."

As former Minnesota Justice Rosalie Wahl put it: "I can't imagine any member of the court saying how they might rule on some issue that was coming up."

But Wahl recalled that after dissenting in an alimony case, she had a conversation with a legislator about it.

"She probably knew that I dissented, and that's why she spoke," Wahl said. "She said it looks like [the court majority] can't read. She didn't seek me out. We just happened to be ... getting on the elevator. That's the only conversation I ever had."



# Immigrant health

(continued)

Human Services. That doubling of state and federal tax dollars occurred despite legislative changes in 2003 that made Minnesota's public health benefits unavailable to illegal immigrants. Some exceptions are made for pregnancy and emergency care.

Those costs just scratch the surface. They only account for people who truthfully disclosed their status. A legislative audit, expected to be released today, will consider among other things how often illegal immigrants obtain public health benefits without disclosing their status.

The state costs also don't

include \$120 million a year in uncompensated care provided by Minnesota's hospitals. Illegal immigrants are responsible for an unknown portion of those costs, which are ultimately paid through federal tax dollars and rising health insurance premiums.

Federal lawmakers are proposing crackdowns on illegal immigrants, predominantly crossing the southern border from Mexico or Central America. But that won't solve the health care problem.

"The bottom line is they are here," said Jillian Middlebrooks

"The bottom line is (illegal immigrants) are here, and if they are not healthy or cared for, they contribute to unhealthy communities."

Jillian Middlebrooks, Hennepin County Office of Multicultural Services

of the Hennepin County Office of Multicultural Services, "and if they are not healthy or cared for, they contribute to unhealthy communities."

State lawmakers offered two proposals this session that would seek to cut the costs to Minnesota taxpayers and eliminate the dilemma of publicly supporting illegal immigrants. One bill by Rep. Fran Bradley, R-Rochester, would make county officials legally responsible for informing immigration authorities about undocumented immigrants applying for public health benefits. Another bill by Rep. Tom Emmer, R-Delano, would eliminate state funding of prenatal care for undocumented women who are pregnant.

Both lawmakers have stressed they don't oppose immigration, but find it hypocritical to publicly support immigrants who entered the country illegally.

Critics point out that these measures might offer short-term savings for the state, but will cost society more over time. Women lacking prenatal care are more likely to have children who die at birth or suffer costly birth defects, said the Rev. Jose Santiago of the Holy Rosary Parish in Minneapolis, which runs a charitable nursing clinic twice a week. Cutting off prenatal care would only make that worse, he said.

"What we need to address is the issue of health care for the poor, period," he said. "It's an issue for all the poor, whether they are documented or not and whether they are U.S. citizens or not."

Maria said she can't afford to bring her three children from Mexico, so instead they live with their grandparents. Both she and her husband have diabetes, and the cost of care is significant. Any leftover money goes to Mexico to support her family.

"There isn't much money to send there," she said, "but I send what I can send."

Health insurance is beyond their reach, so the couple goes to La Clinica, which is among about a dozen clinics providing health care for illegal immigrants in the Twin Cities.

Research suggests immigrants, regardless of their status, come to the United States in better health than Americans with similar ethnic or racial backgrounds. This "healthy migrant" effect fades over time, said Katherine Fennelly of the University of Minnesota's School of Public Health. Poverty and lack of access to health care turns this "health advantage to disadvantage," she said.

Chronic diseases such as diabetes and asthma are common. New arrivals often gain 10 to 20 pounds in their first year here, and develop poor diet and exercise habits, said Dr. Carlos Figari of La Clinica, which is part of St. Paul-based West Side Community Health Services.

Between 2001 and 2004, Minnesota's Hispanic community changed from mostly U.S. born to mostly non-U.S. born, and from mostly middle-income workers to mostly low-income workers, according to the Minnesota Department of Health. Not surprisingly, the number of uninsured Hispanics increased from 18 percent to 34 percent in that same timeframe.

The shift is putting pressure on the metro area's charitable clinics. La Clinica in Minneapolis is struggling to survive, mostly because of the surge of uninsured immigrants seeking health care, said Mavis Brehm, West Side's executive director.

The clinics in the Twin Cities are already overcrowded, and couldn't handle the need if West Side closed its Minneapolis clinic, she said. "It's a struggle, because we're all getting inundated."

Maria has heard talk that her clinic is struggling financially under the growing burden of uninsured patients and may need to close. She is scared. She feels comfortable and safe there.

"They give me medication and a lot of education in order to control my diabetes," she said. "I really need the clinic."

## BY THE NUMBERS

### \$18.6 MILLION

What state health programs spent on medical care for illegal immigrants in 2000

### \$37 MILLION

What state health programs spent on medical care for illegal immigrants in 2005

## Health care crisis batters both state, illegal immigrants

Taxpayer costs soar as access for patients becomes tougher

BY JEREMY OLSON

Pioneer Press  
PIONEER PRESS APR 12 '06

Diabetes is tough enough to manage for well-to-do Minnesotans, but it's a greater burden for people like Maria, an illegal immigrant with little income and no health insurance.

Test strips to monitor her blood sugar cost \$80 a box. Drugs are expensive, too, and so are the fruits and vegetables that people at La Clinica in Minneapolis tell her are a must.

When money runs tight, the medication runs out. The diabetes takes over and she becomes exhausted, which means she can't make it to work as a cleaner. That means less income for her family, and for her health care. It's a cycle that has lasted 10 years.

"It's the only way I can make it," said the 40-year-old, who only gave her first name because she came from Mexico illegally.

Stories like Maria's have increased dramatically in Minnesota in the past decade — reshaping the Hispanic community and changing the state's economy, culture and diversity. Few industries have felt the impact as much as health care, which aids an illegal population that often can't acquire health insurance or seek medical care until an emergency.

State health programs funded \$37 million in medical care for illegal immigrants in 2005, compared with only \$18.6 million in 2000, according to the Minnesota Department of

IMMIGRANT HEALTH, 6A

Online: For more on the immigration debate, go to [www.twincities.com/news](http://www.twincities.com/news).

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# It's much too easy to vote illegally in Minnesota

katherine kersten columnist



Which of the following do you need to register to vote in Minnesota?

A driver's license? Some form of government-issued ID that proves

your identity and residence? Proof of American citizenship?

Wrong on all counts. In Minnesota, you can register on election day without showing poll workers one piece of paper. All you need is a "voucher" — a person registered to vote in that precinct who is willing to sign a sworn statement that you live there.

Can't find a voucher? You can present a document such as a receipt for a driver's license learner's permit with a current address, but no picture. It might be yours, or you might have "borrowed" it from a friend. Poll workers have no way to know.

You do have to sign a registration card that asks for your driver's license number or the last four digits of your Social Security number. But if you want to vote illegally, that poses no barrier. You can make up false information, or claim that you don't possess those documents. Again, election workers have no way to know.

Some states with same-day registration try to blunt fraud with "provisional" voting. Under this arrangement, election officials set aside the ballots of voters whose eligibility is in question, and count those ballots only after verifying a voter's eligibility. Not in Minnesota. Here we commingle all ballots. After the election, officials may discover that you voted illegally. But your vote has the same effect as any lawful voter's.

Some would ask: Is there a real problem here? After all, it's a felony to vote illegally. But Secretary of State Mary Kiffmeyer says that Minnesota's unique combination of no photo ID requirement, same-day registration and vouching can make it difficult — sometimes impossible — to trace or catch lawbreakers.

Kiffmeyer adds that county attorneys are often reluctant to prosecute voting fraud, even when evidence is clear. "They have limited resources," she says, "and murders and rapes take priority."

Kiffmeyer gives this example. After the 2004 election, she identified a number of noncitizens who had voted or registered to vote, and informed the appropriate county attorneys. To this day, she has no idea whether any of these individuals have been investigated or charged. "Currently, there is no effective system for collecting data about voter cheating," she says.

How widespread is voting fraud in Minnesota? We have no way to know.

Minnesota's voting laws are among the loosest in the country. We are one of only six states that allow same-day registration.

Kersten continues: A few legislators are working to close loopholes. B4

## Minnesota makes it too easy to vote illegally

◀ KERSTEN FROM B1

In 2004, 20 percent of Minnesotans registered on election day. (In some precincts, the figure was over 60 percent.) Minnesota is the only state that allows "vouching," Kiffmeyer says. In fact, no other government entity in the world permits it, to her knowledge.

Fortunately, a few legislators are trying to close the loopholes. A bill sponsored by Rep. Tom Emmer would require a photo ID to vote, and proof of citizenship to register. The state would pick up the costs of an ID for low-income voters.

Emmer points out that we need a photo ID to cash a check or board an airplane. He says we should be no less vigilant where voting is concerned.

Is Emmer's bill perfect? Maybe not. What's clear is that our democracy is founded on trust in the electoral system.

Minnesota needs a system that makes it easy to vote, but hard to cheat. Unfortunately, today it's easy to vote here, and easy to cheat as well.

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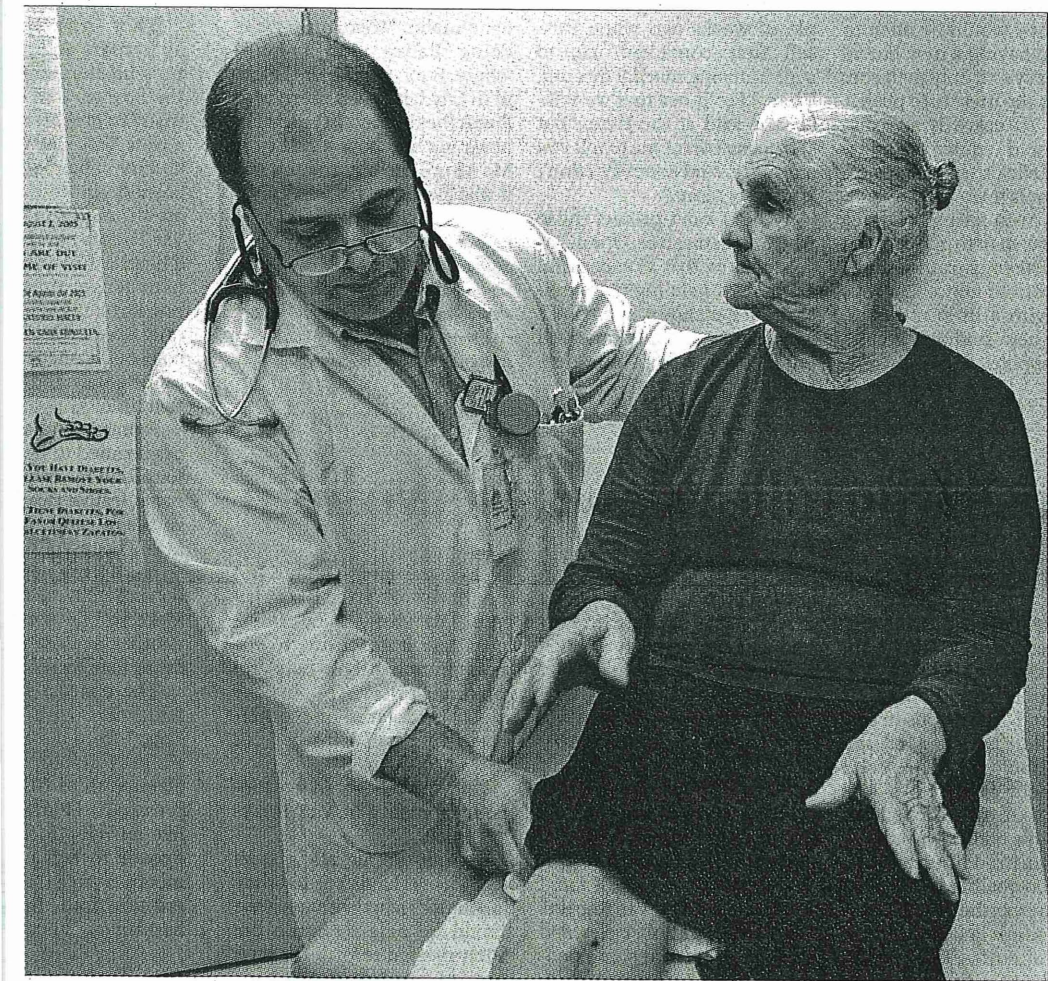
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1961

# Audit finds health care eligibility errors



JOEY MCLEISTER • jmcleister@startribune.com

Dr. Carlos Figari treated Lucila Salazar's osteoarthritis at La Clinica en Lake. Salazar and her husband are covered under emergency medical assistance. Figari said the clinic turns no one away and patient status is not questioned.

• The study did not determine whether the mistakes unfairly restricted or improperly provided benefits to immigrants.

By JEAN HOPFENSBERGER and TERRY COLLINS  
Star Tribune staff writers  
STAR TRIBUNE APR 13 '06

Health care workers consistently make mistakes when determining whether immigrants should qualify for taxpayer-funded medical care, the state legislative auditor said Wednesday.

Auditors found that more than 70 percent of the immigrant cases they examined contained processing errors and that 18 percent had errors affecting immigrants' eligibility for benefits. The study did not determine whether the errors unfairly restricted or improperly provided benefits to immigrants.

In half the cases, county workers did not check immigrants' legal status with an electronic verification system, which is required by state law.

The cost of providing health care and other benefits to illegal immigrants has become a central argument of critics of current immigration policy. According to the audit, the vast majority of immigrants receiving health care benefits (80 percent) were legal.

Still, the government spent \$37 million on health care for illegal immigrants in Minnesota last year. The state's share was \$18 million.

**Audit continues:** Mostly human error; no evidence of fraud seen. B5 ▶

**80** percent of noncitizens receiving health care benefits were legal residents.

**13** percent didn't have current immigration documents, but most were pregnant women, who are entitled to benefits.

**70** percent of immigrant cases examined by auditors contained processing errors. No fraud was detected.

See the full report for yourself at [www.startribune.com/a1187](http://www.startribune.com/a1187).

# Health care eligibility errors found

## AUDIT FROM B1

Most of the money went to women for prenatal, maternity and postnatal care. The rest went to patients who sought emergency care.

"It's clear this is a complicated system and that the error rate is significant," said Sen. Ann Rest, DFL-New Hope, chair of the Legislative Audit Commission.

"But it is mostly worker error," she said, and there was no indication of fraud or other serious problems.

The audit examined non-citizen immigrants' use of Medical Assistance, General Assistance Medical Care and the Refugee Medical Assistance program in 2005. It also pulled out 137 cases for detailed examination.

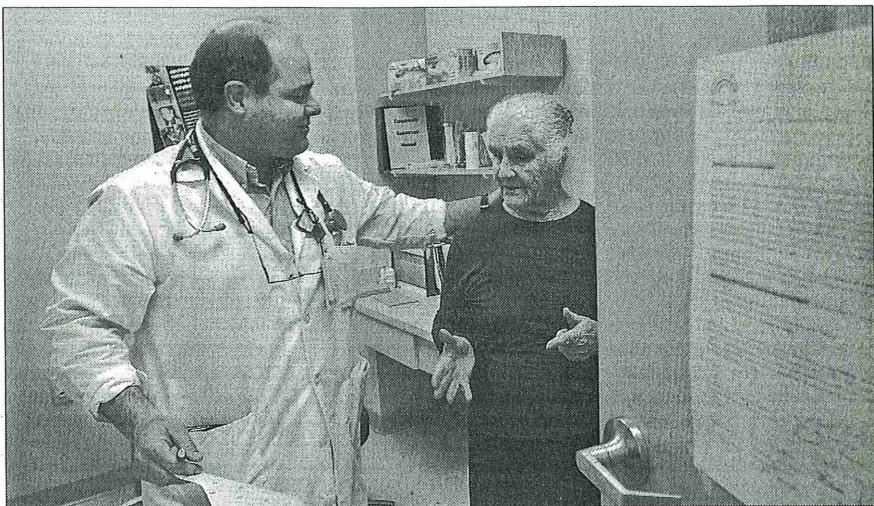
The audit didn't find any smoking guns. But it points to the need for further study, said Rep. Tim Wilkin, R-Eagan, vice chair of the commission.

"I think we need to dig down," Wilkin said. "Do we need more training for county workers? Is sloppiness going on? Are there people knowingly looking the other way to put people [illegal immigrants] in programs?"

Jim Noble, the state auditor, attributed the problems to the complexity of determining which immigrants are eligible for which benefits. Each health care program has different rules. And there are at least a dozen categories of noncitizens — ranging from foreign students to refugees to armed forces veterans. Each group is entitled to different benefits.

Some clinics are determined to offer health care, regardless of whether a patient entered the country illegally.

At the fiscally strapped La



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Figari said goodbye to Lucila Salazar. He has been a family and geriatric physician at the clinic for five years, since it opened. He said increased costs and cuts in funding have put the clinic in financial trouble.

Clinica en Lake on E. Lake St. in Minneapolis, a steady stream of patients, many undocumented, waited to be seen Wednesday.

Nearly 80 percent of its 5,000 patients are uninsured, and getting them to show up is half the battle, said Dr. Carlos Figari.

He said many of its patients are afraid to seek health care because of their status.

"We're a safety net for them," said Figari, who specializes in family medicine. "They already have a high level of anxiety. They are scared because immigration is a hot-button issue."

Figari said with increased health care costs and cuts in state and federal funding, providing service has put their clinic in financial trouble.

"The clinic will never turn people away, regardless of their payment capabilities," Figari said.

Two bills making their way through the House would shape future spending on immigrant health care. One bill,

## ENROLLMENT IN MINNESOTA PUBLIC ASSISTANCE PROGRAMS MARCH 2005

	Total Individuals Immigrants	% Enrolled Noncitizens Immigrants	% Enrollment of Noncitizen	% Enrollment of Illegal
Medical assistance	484,800	33,800	7%	.9%*
General assistance medical care	38,300	3,400	9%	not eligible
Refugee medical assistance	970	880	91%	not eligible
Other health care programs**	32,800	5,500	17%	not eligible
Food support	170,900	17,300	10%	not eligible
Minnesota family investment program (Cash welfare for families)	104,960	11,700	11%	Not eligible

\* Illegal immigrants are eligible for pregnancy and post-partum services  
\*\* Other health care programs include the Consolidated Chemical Dependency Treatment Fund, the Prescription Drug Program, Alternative Care, among others.  
Source: Minnesota legislative auditor office

authored by Rep. Fran Bradley, R-Rochester, would require county workers to notify immigration officials if an illegal immigrant applied for health benefits.

Another bill, by Rep. Tom Emmer, R-Delano, would

eliminate state funding of prenatal care for women who are illegal immigrants.

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# IN STATE

## With tough talk, first-term lawmaker stands out

BY MARTIGA LOHN  
Associated Press

ST. PAUL — Rep. Tom Emmer had n't been in office two months last year when he held a news conference to promote "asexualization therapy" for pedophiles — in laymen's terms, castration.

The Republican from Delano followed that with more attention-getters — "sexual predator" license plates for sex offenders, no more subsidized prenatal care for pregnant illegal immigrants, a ban on gambling.

None has passed yet, but Emmer has made his reputation; some of his colleagues, in fact, would make a scissoring motion in his direction after the castration proposal.

A trial lawyer and father of seven, Emmer says he's not afraid to speak his mind, and that makes him stick out in a sea of politicians more inclined to weigh their words carefully.

"What happens when I go right at you with the very issue that strikes lightning?" Emmer said, leaning for-

ward, eyebrows furrowed into a scowl. "You tend to come out, don't you? Minnesotans will tend to speak out when they have been pushed to the point."

Even opponents give him grudging respect for getting straight to the point. "I disagree with practically everything he does, but I kind of like the guy," said Rep. Tom Huntley, DFL-Duluth, who serves with Emmer on a health policy committee. "He's very direct, says what he thinks — doesn't monkey around."

Emmer grew up in a forgotten cor-

ner of Edina, near the city's edge and a hockey rink where he often played into the night. He made it as far as the United States Hockey League, the only Tier 1 junior league in the country. Hockey still plays a major role in his life — he's been coaching youth hockey for almost two decades and says it's one of his best stress relievers.

Though Emmer focuses on social issues now, he first got involved in politics simply to save some trees.

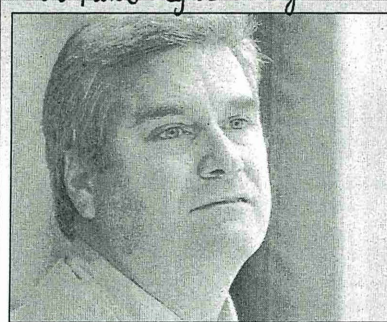
In the mid-1990s, he said, he was outraged when he found out that the city of Independence planned to cut down oaks and maples on his land to make way for a new road. He persuaded officials to adjust their plan.

He ran for the Independence City Council, where he ended up serving for 7 1/2 years until he moved to Delano and was elected to the city council there.

Emmer brought his courtroom combat style to the council, said Marvin Johnson, the longtime mayor of Independence. He remembers him as bright and easy to work with. Emmer would "really put the final nail in the coffin on an issue" during debates, Johnson said.

"He's not afraid of that," Johnson said. "We've never had that many controversial issues, but he was very learned in the subject matter and never afraid to express his opinion to the public when they asked hard questions."

Emmer's hard-charging style was on display earlier this month, when he



Tom Emmer

**HOMETOWN** — Delano. Grew up in Edina.

**AGE** — 45. Born March 3, 1961.

**EDUCATION** — B.A., University of Alaska-Fairbanks. J.D., William Mitchell College of Law.

**EXPERIENCE** — Attorney since 1988. Served on Independence City Council, 1995-2002. Delano City Council, 2002-2004. Elected to the Minnesota House in 2004.

**FAMILY** — Wife, Jacqueline. Seven children, ages 4 to 16 years — Tripp, Jack, Bobby, Katie, Joey, Billy, Johnny.

pushed a bill that would make new arrivals to Minnesota — those without children — wait three months to get full welfare benefits.

The 45-year-old explained his plan in clipped sentences that made him sound like an angry version of the Twilight Zone's Rod Serling. Reading glasses perched on the end of his nose, he cited legal research and parried Democrats' objections — including the prospect of a constitutional challenge and the bill's impact on the mentally ill and veterans.

Rep. Neva Walker, DFL-Minneapolis, asked him what the bill would do to someone who left the state for an opportunity that didn't pan out and had to return. "Your bill would keep her from being able to access services even though she had paid Minnesota taxes," Walker said.

"You are correct — that's what my proposal would do, but it would be for 90 days, not forever," Emmer said. "There is no constitutional requirement that a state provide a standard of living to its residents."

A watered-down version of his bill has passed the House, but with no Senate counterpart is unlikely to become law. That's been the fate of some of Emmer's highest-profile proposals — they don't have backing in the Democrat-dominated Senate.

Walker and Emmer have clashed over welfare recipients, illegal immigrants and others, and she describes them as "polar opposites."

"He's definitely a lawyer and definitely has more of a penal way of looking at things," Walker said. "I don't agree with many of his views at all. We come from different places."

But the situation is different on a bill spelling out rules for pharmacists who don't want to fill prescriptions for contraception because of moral objections. Several Democrats have signed onto Emmer's House bill, and the Senate version has the support of a few powerful DFLers, including Linda Berglin, who heads the Senate Health and Human Services Budget Division.

Emmer's original bill took a more extreme position — it would have allowed pharmacists to refuse to dispense prescriptions, period. The compromise requires them to notify their employers of any objections in writing ahead of time, and makes the employer come up with a backup plan so patients don't face delays.

Meanwhile, some of Emmer's outspoken positions in debates have led to epithets. He's been called a fascist and a racist, and gets e-mails from one man who addresses him as "Tom Jim Crow Emmer."

"Go ahead, call me whatever you want," Emmer said.

He said he's convinced he's doing what he's supposed to be doing. That's doubly true after two traumatic experiences — the death of his sister from breast cancer in 2000 and a brain tumor suffered by one of his sons several years ago. His son, Bill, is now doing well.

"You tend to realize that life is very finite," Emmer said.

"And I don't believe that people should sit still and bitch. You are either part of the solution or you're not."

He added: "Maybe I'm going to open my mouth on an issue that somebody's going to call me a fascist or a racist or some hate-filled deal — you know, there's only one face I've got to look at in the mirror in the morning, and that's mine."



# Gambling with our future

By State Representative **Tom Emmer**

A few months ago I offered an amendment in our House of Representatives to prohibit gambling in Minnesota. I doubt that many of you heard what my reasoning was for such a measure or what the amendment was intended to accomplish. I would like to explain why I offered this amendment.

I do not like the negative impact gambling has on our communities and families. Those who support any and all gambling will insist that our communities benefit greatly from tribally owned casinos. That is not true. In fact, studies indicate that gambling causes increased crime, addiction, bankruptcy filings, divorces and numerous related negative side-effects. Did you know that for every \$46 in gambling revenue in Minnesota, it is estimated that we lose \$289 in social costs and economic opportunity?

Proponents of casino gambling in this state will emphasize all the economic benefits the state derives from gambling. The fact is, the economic benefit really pales in comparison to the amount of money that is actually being wagered. What are the facts?

According to numbers published in 2004, the State of Minnesota collected approximately \$100 million dollars in revenue from the lottery, approximately \$60 million from charitable gambling and approximately \$275,000 from horse racing. While this may seem to be a significant amount of money, when we are looking at a state budget in excess of \$30 billion dollars, the revenue derived from gambling is extremely small. Please don't misunderstand me. Every dollar generated from gambling that goes to support our environmental resources, including hunting and fishing, in the State of Minnesota is important. I simply want to point out that gambling revenue is not the panacea that proponents would have us believe. Again, the truth is that we lose far more money than we gain.

So you might ask, "Tom, if you knew that gambling is here to stay, why did you bother to offer an amendment to prohibit gambling?" If indeed gambling is here to stay, then it is my belief that everyone involved in the industry should be treated fairly. Did you know that according to 2004 estimates \$10 Billion dollars is gambled in tribal

casinos in this state? How much revenue does the state derive from tribal gambling? Zero. That's right - nil, nada, zilch. Tribal gaming proceeds are tax free.

Minnesota negotiated compacts with Indian tribes addressing gambling on tribal lands. When the Minnesota Lottery was made legal it also opened the door for tribal casinos to operate. Did you know that if gambling is made illegal in Minnesota, the tribes cannot legally operate their casinos? That's right; if we prohibit all gambling, then the tribal casinos would automatically have to close as well. At least at that point we would be in a position to negotiate a better deal than the awful deal we have now.

Minnesota has the most unfair tribal compact in the United States. While it may have seemed fair at the time of negotiation (when no one anticipated casino style gaming developing over night), it is not fair to all citizens of the State of Minnesota today. Some might say, "We negotiated the tribal compacts and now we have an obligation to abide by the terms." Did you know that the Compacts provide that either party can request to negotiate a new deal at any time? Most people do not know this fact. Many think we are stuck with this bad deal for 99 years or some such nonsense.

Our governor attempted to reach out to our tribal citizens to renegotiate the compacts so gaming revenues could be shared equitably amongst all Minnesotans. The tribes with the most successful gaming operations, apparently motivated by greed, shunned our governor. From my perspective, if the tribal casinos are not interested in fairness, then perhaps by eliminating gambling, and their casinos in the process, we might encourage them to consider their obligation to all the citizens of this great state.

That was my reasoning and, as long as the majority of Minnesotans favor lawful gambling, I will continue to push for fairness in the industry.

State Rep. Tom Emmer (R-Delano) was elected in 2004. He serves on the Civil Law and Elections Committee, Ethics Committee, Health Policy and Finance Committee, and Regulated Industries Committee.



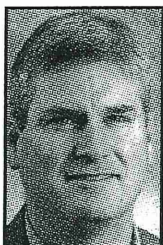
# Emmer: GOP must return to core issues

By Brad Swenson  
Pioneer Political Editor

Pushed too far to the right, Minnesota House Republicans now need to return to the center — their center, says newly named House Deputy Minority Leader **Tom Emmer**.

"We have the best message out there," Emmer, R-Delano, said in an interview Friday. "We have to get back to the core issues of Republican conservatives."

"We did a very poor job of distinguishing ourselves, and we need to get back on message," he says.



Emmer

House Republicans, in charge since 1998, found their margin slip to only two seats in the 134-member chamber in 2004, and this month's election turned the chamber back to the Democrats, who will hold an 85-49 edge when the Legislature convenes in January.

This time, there will be new leaders all around, except in the governor's office where Republican Gov. Tim Pawlenty won a second term.

The GOP, now in the minority in the House, will have Speaker Steve Sviggum, R-Kenyon, step down for new leadership. The GOP Caucus elected Rep. Marty Seifert, R-Marshall, as minority leader.

On Wednesday, Seifert tabbed Emmer, elected to a second term earlier this

month, as deputy minority leader and Rep. Denny McNamara, R-Hastings, as minority whip. He starts his third term in January.

Emmer, an attorney, was in Bemidji as a youth hockey coach with a team from Delano playing at Nymore Arena. Running several teams, he was also planning to bring a team to Baudette and Thief River Falls.

Republicans need to return to the Reagan era and that of the early 1990s that won the House for them, Emmer said. Somewhere after 2000, the party became disconnected with those core values and instead were painted as a single-issue party, focusing on abortion and then gay marriages.

"The Republican Party is all about (being) positive in those

core values, and if you stay true to those core values ... you've got a strong core which should be the trunk of the tree," Emmer said.

Those include, he said, "individual rights and responsibilities, smaller government, protecting families, public safety and education."

Seeking a ban on abortions and a constitutional amendment to ban same-sex marriage should be branches on that tree, Emmer said, not the tree itself. Instead, the GOP allowed the left to push Republicans to that far right spot.

Also, he said, the war in Iraq which plagues President Bush flowed through Republicans down to the legislative level.

Emmer: See Page A15

## Emmer: GOP House minority will regroup

"Federal issues and concerns did bleed through to a state level because they just exacerbated this already negative feeling," Emmer said. "You've got this big tree that was just solid in the 1990s and the early New Millennium. But it's starting to rot at the core, because we got away from those core issues that made the Contract With America so attractive."

Rep. Newt Gingrich used the Contract With America to win the U.S. House for Republicans in 1994 and later became speaker. The contract was simple, pledging the GOP to core principles such as cutting the number of House committees and staff, requiring all laws that apply to the country also apply to Congress, requiring zero base-line budgeting for the federal budget and a raft of legislation for public safety, personal responsibility and middle-class tax relief.

The vast majority of voters in the middle — not die-hard Democrats or Republicans — "are looking for issues that apply to them and their everyday, daily lives," Emmer said. "Does gay marriage apply to everybody? No. Does abortion apply to everybody? No."

They do, however, remain as core values for many conservatives, "and there's nothing wrong with us promoting those as our core values, but when you get away from focusing on individual rights and responsibilities, self-determination, smaller government, and make those (social issues) your showcase, you have allowed the other side to move you way to the right."

The DFL, in moving to the center, has taken the Republican mantle, Emmer believes.

House Speaker-designate Margaret Anderson Kelliher, DFL-Minneapolis, has tried to attach "fiscal conservatives" to members of her caucus, now that the DFL will rule.

"That remains to be seen," says Emmer. "This is the same group that was actively behind

a \$1 billion proposed tax increase put forth by the now Senate majority leader, Larry Pogemiller, just two years ago. ... Now they have actually taken the Republican message and made it theirs, that they are a bunch of fiscal conservatives. They get the opportunity to lead for the next two years, we will see them put their money where their mouth is and find out if they are truly the fiscal conservatives that they claim to be."

Republicans hit their mark after taking over in 1998 until 2002, Emmer says, with Pawlenty and Sviggum combining for measures that cut taxes and state spending. The \$4.5 billion budget deficit in 2003, however, put both parties in a tailspin and put off reforms started earlier.

"Where have we started to shrink the bureaucracy in Minnesota?" he asks. "Somewhere between 2002 and 2006, we started to lose our way a little bit."

Now voters want to give the Democrats a chance, and so will the Republicans, he said.

"The Democrats say they can do it," Emmer said. "We're going to give them a chance. ... You've got a lot of great Republicans in this area that probably voted Democrat because they believe that we've got to give the other side the opportunity to show us that they can actually be fiscal conservatives, that they can actually protect our individual rights, our rights to hunt and fish, that they can actually do that stuff."

The test will come with a metro-dominated Legislature and new Speaker Kelliher "who is anti-gun to no end," Emmer said, adding that Rep. Frank Moe, DFL-Bemidji, "has done an excellent job, but he's going to be dealing with the forces of the city."

That Kelliher has expanded the number of House committees from 25 to 37 doesn't bode well for shrinking state government bureaucracy, he said. "It

looks like full employment for everyone who's been in the House for two years or longer."

Emmer, however, labeled Moe as "a professional guy to deal with, he's always been straight up-front. ... We may disagree on issues, but I've never had an issue where I felt like Frank said one thing and did something else. He always says what he's going to do, and he does it."

Saying Moe, who was named an assistant majority leader, is a communicator, Emmer adds the Bemidji Democrat is something the DFL needs to "change its stripes."

"As we go forward, that party needs folks like that," Emmer said. "If they can change their stripes, if the DFL really has a belief that they can include other points of view, then I think the Republicans are going to have a tough time."

But Emmer has his doubts, especially since Senate DFLers put Pogemiller in charge of that caucus, perhaps one of the most combative senators to negotiate with Pawlenty, and whom Emmer calls "a brilliant man" but who "doesn't understand the issues beyond the Twin Cities."

For their part, the House GOP minority will regroup and act as a team. Emmer said new Minority Leader Seifert wants the caucus to act a team and to not just oppose DFL policy, but to offer better policy itself.

Seifert "is a team builder," Emmer said. It will be the minority's job to point out the Twin Cities tilt in both House and Senate DFL leadership, "and to set out options. ... One of the mistakes of a minority is to just sit up and complain, we need to be part of the solution."

Health care and property tax reform come to mind, he said. "It can't be about just your neighborhood ... we have to think of Minnesota as Minnesota, as opposed to the Range, southeastern or southwest Minnesota or the Twin Cities core."

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