

Minnesotans wait as DFL blocks traffic

Minnesotans have endured significant tragedies with the bridge collapse and the flooding in southern Minnesota. During the past two months, the Minnesota House Republican Caucus remained quiet. We respected the recovery effort and the activities that were taking place to help people get the necessary aid and support they needed to get back on their feet and move on with their lives.

We can't sit quietly any longer. The Democrats are using the tragedy of the I-35W bridge collapse as their latest platform for their tax-and-spend agenda. Misleading facts, slanted news conferences and partisan investigations combined with the vilification of the commissioner of the Minnesota Department of Transportation is politics at its worst.

Minnesotans should not tolerate these blatant political games and gotcha politics. Unfortunately, the Democrat leadership is set on a destructive course of partisan political attacks when the public is demanding solutions and professionalism from its elected officials. It is time to stop playing politics with tragedy and focus on the real issue. Minnesota's roads and bridges need work. Instead of providing real solutions, the Democrats prefer to blame Gov. Pawlenty for

inadequate transportation funding. They point to the governor's veto of a transportation bill that would have resulted in a substantial tax increase to build bike paths and redirected money needed to repair and reconstruct roads and bridges in the nine-county metro area to transit. Not everyone agrees on the best solution to address the transportation issues facing the metro area. The Democrat leaders are only interested in one solution for every difficult question: tax increases. Instead of considering using cash on hand, bonding or other funding mechanisms, the Democrats spend their constituents' time trying to override a veto and administer personal attacks on anyone that would dare suggest that there might be an alternative to tax increases. The true loser in the Democrat partisan approach has been transportation. In fact, the Democrat leaders in the Legislature revealed their true feelings about addressing Minnesota's transportation needs when they presented and passed a "transportation bill" that provided the Minnesota Department of Transportation with \$249 million for this biennium. That is less than 1 percent of the entire state budget. In politics, where "spin" and "message" are king, we must remember that actions do speak louder than words. Contrary to what they want the public to believe, the action taken last legislative session reveals the sad truth that transportation is not a

priority. The Democrats were more interested in rolling back welfare reform and fattening up the health and human services budget by almost 40 percent. During the last legislative session, we dealt with a \$34 billion budget and a \$2.2 billion surplus. We had the money to make transportation a priority. The Democrats however played politics instead of listening to real, common sense and immediate solutions to Minnesota's transportation needs. After the collapse of the I-35W bridge, Gov. Pawlenty said he would support a 5-cent gas tax increase. His support for the one thing the Democrats wanted all legislative session has resulted in no response, no compromise and no plan. The Democrats missed the green light and remain stalled in traffic. Let's put the politics aside and starting working together on a plan that moves Minnesota forward.

Tom Emmer, R-Delano, is a member of the Minnesota House where he is deputy minority leader.



Tom Emmer



Single day session produces \$157M in flood relief for southeast Minnesota

By T.W. Budig
ECM capitol reporter

Southeast Minnesota received a big booster shot early Wednesday, Sept. 12 morning with the signing of a \$157 million flood relief bill.

Gov. Tim Pawlenty signed the bill into law at about 2:43 a.m. with the bill's House and Senate authors, Sen. Sharon Erickson Ropes, DFL-Winona, and Rep. Ken Tschumper, DFL-LaCrescent, standing behind the governor at the signing ceremony.

"People are starting to feel downcast and weary physically and emotionally," said Erickson Ropes of southeast Minnesotans impacted by the flood waters.

"So I'm hoping this will give everybody a big shot in the arm," she said, speaking on the House floor Tuesday night.

Tschumper on the House floor explained that the massive flash flood that raged through seven counties some three weeks ago showed the fragility of human existence.

"Life is very fragile. It can disappear like the morning fog," he said.

Pawlenty hailed the flood relief bill as the fastest and largest disaster relief effort by the state certainly within its modern history.

"The sun is going to come up in southeast Minnesota in more ways than one tomorrow morning," said Pawlenty, speaking at the bill signing.

The flood relief bill provides about \$51 million to repairing roads and bridges in

the seven counties declared federal disaster areas in southeast Minnesota. This includes Houston County.

It also slates some \$45 million towards business, non-profit and community assistance, among other funding areas.

Neither the governor nor Erickson Ropes viewed the flood relief package as the final word in recovery.

"This is going to come back again and again and again," said Erickson Ropes, speaking at a press conference shortly after lawmakers passed the bill with just one dissenting vote.

"Up here we sling mud. Down there (southeast Minnesota they just shovel it out of the basement," said Sen. Steve Murphy, DFL-Red Wing, another southeast lawmaker pushing for the flood relief package.

Pawlenty announced the special session on Monday, with House and Senate convening late Tuesday afternoon.

Although the governor called the special session to address flood relief, other issues seeped along the fringes.

Democrats lamented a perceived "lost opportunity" to fashion and pass a comprehensive transportation funding bill.

Tschumper on the House floor expressed regret that transportation and property tax relief bills weren't accom-

panying the flood relief legislation.

Pawlenty gave a simple answer to the question what it would take to achieve a comprehensive transportation funding bill.

"I think it's going to take compromise between the two sides," he said.

Rep. Jim Abeler, R-Anoka, found it ironic that conservatives were uninterested in pursuing a transportation funding bill during the special session.

Now is when they have the most leverage, he explained, speaking on the House floor Tuesday afternoon.

And during the rush of a special session it's possible for people to influence a bill without leaving fingerprints, he said with a smile.

Next session Democrats can bring forth even a bigger transportation funding bill than the one the governor vetoed this spring, Abeler explained.

Indeed, Murphy, Senate Transportation Committee Chairman, indicated that was exactly what the Senate intended to do. Ultimately, it will come down to overriding a gubernatorial veto, he opined.

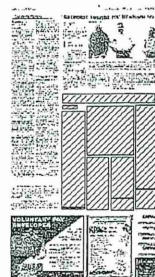
Abeler, for one, called for moderation. "Overreaching gets you nothing," he said.

But no attempts were made at forcing transportation or tax relief onto House or Senate floors.

Rep. Tom Emmer, R-Dela-

no, who attempted to procedurally force the House to go out of session before House Speaker Margaret Anderson Kelliher, DFL-Minneapolis wanted, backed off his motion.

The flood relief legislation will go into effect on Thursday.



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The Forum

Criticism mounts

Minnesota Democrats are increasing their criticism of Republican Gov. Tim Pawlenty.

✓ Assistant Senate Majority Leader Tarryl Clark, DFL-St. Cloud, blamed his policies for a higher state unemployment rate.

"For the second time in recent months, we learned Minnesota's unemployment rate exceeds the national average," Clark said. "This has not happened once during all the decades that this data was collected."

✓ The always-colorful Rep. Tom Rukavina, DFL-Virginia, delivered even harsher words after Rep. Tom Emmer, R-Delano, wrote a column blaming Democrats for transportation problems.

"Rep. Emmer, you may not be a liar, but you aren't telling the truth," Rukavina replied.

Added Rukavina: "From the very beginning, Gov. Pawlenty and his administration has been less than honest about the circumstances leading to the collapse of the 35W bridge. He has further blocked all efforts to address the lack of transportation funding in this state. He is ignoring the rapid decline of the Minnesota economy. He needs to be held accountable for his misrepresentations of the condition of the bridge, his unwillingness to correct prior mistakes and his failure to lead Minnesota back to the economic juggernaut it was under the leadership of Gov. (Rudy) Perpich."



Governor shirks transportation issue

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Recently, state Rep. Tom Emmer wrote a column blaming the DFL leadership for the failure to address the I-35W bridge collapse and other transportation woes of this state. My first attempt to respond to Rep. Emmer's column was much stronger, but after thinking about it for 24 hours, I've toned it down considerably in the interest of maintaining legislative decorum.

Tom Rukavina

Rep. Emmer, you may not be a liar, but you aren't telling the truth. It's not the DFL Legislature holding up funding for the I-35W bridge and other transportation needs. It's the governor and you're enabling him to do so.

From the very beginning, Gov. Pawlenty and his administration has been less than honest about the circumstances leading to the collapse of the 35W bridge. He has further blocked all efforts to address the lack of transportation funding in this state. He is ignoring the rapid decline of the Minnesota economy. He needs to be held accountable for his misrepresentations of the condition of the bridge, his unwillingness to correct prior mistakes and his failure to lead Minnesota back to the economic juggernaut it was under the leadership of Gov. Perpich in the 1980s.

On the night of the I-35W bridge collapse, Gov. Pawlenty appeared on CNN national news assuring the entire nation that the bridge had been inspected twice in the past three years and there

was absolutely nothing wrong with the structural

integrity of the bridge. The very next morning, the Star Tribune ran a story with the headline, "Bridge was rated 'structurally deficient' in 2005." The article notes that the point score rating for the bridge "indicates replacement may be in order."

Did Gov. Pawlenty receive his erroneous information from Lt. Gov. Molnau, which may explain why the Senate is leading the charge to replace her? Or did he receive it from a Minnesota Department of Transportation bureaucrat who was unaware of the problems with the bridge? In either case, Gov. Pawlenty never apologized for giving inaccurate information on national television to the entire world.

Gov. Pawlenty's miscues did not end there. Shortly after the bridge collapsed, the governor stated he was willing to call a special session of the Legislature to authorize an increase in the gas tax to help fund emergency road and bridge projects. Several days later the governor backed off his commitment to approve a gas tax increase unless it was offset by a reduction in other taxes. The governor's abrupt flip-flop on the gas tax makes me wonder whether he is more concerned about tax rates or the safety of his people.

Gov. Pawlenty continues to obstruct any efforts to address our critical needs for road and bridge funding. He refuses to acknowledge that Minnesota's economy is in turmoil, trailing national economic indicators for the first time in 30 years. He fails to understand that funding necessary road and bridge

projects could also help Minnesota recover some of the 17,400 jobs we lost since June of this year.

Gov. Pawlenty, come home and lead this state. You're not the governor of India. When you were gone, Boston Scientific and GMAC Mortgage Corp., two companies with major Minnesota operations, have announced the elimination of 5,300 jobs, with many of the cuts targeted for Minnesota. These cuts come on the heels of the net loss of 17,400 over the past three months.

Governor, you should have left the Taj Mahal behind to come back to Minnesota to address our real economic and infrastructure problems. If you are true to your word about the need for a special session to raise the gas tax, read the Constitution and call a special session of the Legislature.

The Minnesota Constitution clearly states it's the governor's responsibility to call a special session of the Legislature; and it's the Legislature's responsibility to determine how the issues are to be addressed.

Governor, you are no longer the majority leader of the House. You don't control the legislative agenda. I know you understand there are three branches of state government, but you're acting as though you perceive those three branches to be "me, myself and I."

For a governor who never received over 47 percent of the vote, your failure to cooperate with the Legislature and provide the leadership this state needs is incomprehensible.

I'm sure glad I tossed out the harsher version of this column.



RNC Welcoming Committee meeting

19B

ST. PAUL (August 27, 2007) – The Welcoming Committee is a group formed specifically to respond to the 2008 RNC in St. Paul. However, we hope the work we are doing fosters the growth of stronger radical communities in the Twin Cities and beyond. We are not single-issue focused, and we will not be satisfied by merely stopping the war or ending Neocolonialism (although that would be a great start). Instead, we focus closer to the roots of oppression. We believe in radical change- in ending Capitalism, Imperialism, Patriarchy, and all other forms of hierarchy, and in replacing them with direct, participatory democracy, sustainability, individual autonomy, and personal relationships built on empathy and a desire for mutual aid.

As you know, the RNC Welcoming Committee is hosting the pReNC this coming weekend. The pReNC is a gathering of anarchists and anti-authoritarians one year in advance of the Republican National Convention. Its purpose is to share skills, network, and develop a strategic framework for the 2008 protests. Many of you have wondered if we plan violence, confrontation or mayhem for this weekend. We do not. The pReNC is not intended as an arena for protest and direct action. Rather, it is a time for learning, building, and planning for next year.

We expect a few hundred people to attend the pReNC, and we estimate about half of the attendees to be coming in from out of town. It is hard to give a more exact number, given that some people might just come for a workshop or two, or a meal, while others may participate for the entire weekend.

The main feature of the pReNC

is Sunday's strategizing session, where individuals from every region of the country will bring together the plans and ideas they have been developing. Together, we will establish an anarchist goal for September 1-4, 2008, which attendees will bring back to their communities and develop into action over the course of the following year. We cannot provide you with further details because we don't know, and don't want to make assumptions about, what will come out of the strategizing session.

Some of you have asked how we plan to prevent police infiltration of the pReNC. Though it is not foolproof, we have a security protocol in place and a security team to facilitate said protocol. Further information about our security practices has already been made public and is available on our website.

We are aware of the Patriot Act and its relation to the "National Security Event" designation of the RNC. As you know, the cities of Minneapolis and St. Paul are also making attempts to further codify repression. However, we will not allow the state to regulate our resistance. You will not find us in the protest pens nor will you find us asking permission to demonstrate. The State asks that we only resist in ways it finds convenient and easy to contain, promising repression of those who act outside the parameters it sets. This is a threat- a violent threat with which the State hopes to terrorize us into submission. Therefore, there exists no "peaceful" option. Some among us may choose to resist State violence using pacifist tactics, while others use whatever methods they deem necessary and appropriate. But, no matter how we

respond to it, violence is already present at the protests through no fault of our own.

Lastly, we know some of you have been wondering about our media policy, which has been one of "no real time engagement." Media will not be welcome at the pReNC; this is so that the pReNC remains an event for participants, and not a spectacle for the press. We don't know yet what will come out of the pReNC, but we will be having a poStNC press conference next Monday, September 3rd, at 11:30 a.m. on the steps of the Minnesota State Capitol. We may have more to say about the weekend at that time, and hope to see you all there.

We will not be taking further questions today, but if there is anything else you'd like to know regarding anarchism, our media policy, or our group, we have extensive info available on our website, www.nornc.org. ■

Republican ^{MP} monthly dinner speaker event

The Twin Cities Republican Association will feature Minnesota State Representative Tom Emmer of Dist. 19B as our guest speaker. The Tuesday September 25th, event will be held at the Fort Snelling Officer's Club near the Minneapolis/St. Paul International Airport, at Highway 5 and Post Road.. The cost is \$25 for dinner or \$5 for the program only at 7:30 p.m. Register by noon on September 20th, call Nancy and Craig Johnson at 651-653-8511. ■

Asian American Press
August 31, 2007

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CAPITOL NOTEBOOK

Gotcha

State Rep. Tom Emmer, R-Delano, got a scare last Wednesday on the House floor during a vote on a bill that was important to his district.



Emmer's bill dealt with a small part of Rockford, which is located east of the Crow River in Hennepin County. The bill would bring the area into Wright County, where the rest of Rockford sits. Emmer said the change would improve emergency response time and other services.

When the vote was taken, the board lit up with a mixture of red and green dots, signifying a close decision. When the vote was closed, the bill was stuck on a 66-66 tie. Then Rep. Tony Sertich, DFL-Chisholm, changed from a "no" vote to a "yes" vote as the assembled House members erupted in laughter. A couple other legislators switched their votes before the board was reopened for another vote. On the second go-around, the bill sailed through 131-1.

STPAUL LEGAL LEDGER
MAY 21, 2007

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Legislators, union enter attorney general's fray

Ex-employees blame Hatch's
return for office turmoil

BY RUBÉN ROSARIO, JENNIFER BJORHUS
and BILL SALISBURY

Pioneer Press
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The controversy over the Minnesota attorney general's office boiled over on Friday with more fallout from the recent exodus of more than 30 employees, including top deputies.

At a Capitol news conference, the union trying to organize lawyers in the attorney general's office called on Attorney General Lori Swanson to keep promises a union leader said she made when the union endorsed her in October.

By Friday evening, the House had voted 129-0 to ask the Rules Committee to investigate whether Swanson used union-busting tactics to stop organizing efforts in her office, or improperly fired assistant attorneys general. The union, the American Federation of State, County and Municipal Employees, or AFSCME, is the largest public union in the

AG'S OFFICE TURMOIL, 5A

AG's office turmoil

(continued)

state, representing some 55,000 workers.

Meanwhile, in interviews, several former top lawyers from the office linked the wave of departures to Swanson's decision to put former Attorney General Mike Hatch back on the office payroll.

AFSCME executive director Eliot Seide told reporters Friday at the Capitol that organizing efforts in the attorney general's office began after several former assistant attorneys general approached the union about an office atmosphere of intimidation and harassment.

The union has accused Swanson of abruptly firing Assistant Attorney General Kari Jo Ferguson last week for collecting union membership cards.

"They have shared their stories about political patronage, fear, intimidation and humiliating working conditions," Seide said of attorneys in the office. "Now is the time for Lori Swanson to confer about working conditions. And there's nothing stopping her in asking worker-friendly legislators to change the statute, the Public Employees Relations Act."

Seide demanded that Swanson recognize the union for the purpose of meeting with the lawyers to talk about working conditions and to press for legislation to allow the union to negotiate contracts on behalf of the attorneys.

"We expect nothing less from a candidate who carries our endorsement," Seide said.

Those work conditions include a pattern of micromanagement as well as abrupt and unpredictable reassignments, dismissals and outright firings, the union alleged.

The union hasn't been able to meet with Swanson about the problems, Seide said.

In a prepared statement Fri-

day, Swanson didn't address the underlying issue of working conditions. She suggested that AFSCME was bullying her into designating the union to represent her employees because of its prior endorsement.

"As the state's chief legal officer, I cannot ignore the law, a union endorsement notwithstanding," Swanson said in the statement, adding that it was up to employees whether they wanted a union.

Swanson's office Friday vigorously defended her decision to hire Hatch.

Spokesman Brian Bergson said Swanson "is grateful that a lawyer of Hatch's experience and talent — who could make a lot more money outside of government — is instead serving the citizens of Minnesota and the cause of justice."

He denied that Hatch had any undue influence, and he said Hatch is busy heading up the office's complex litigation unit, he said.

The Pioneer Press could not reach Hatch on Friday.

The House voted Friday for a motion asking the Rules Committee to investigate whether Swanson improperly fired assistant attorneys general or violated AFSCME's labor rights. Rep. Tom Emmer, R-Delano, who made the motion, accused Swanson of "union-busting tactics" to prevent AFSCME from organizing her staff.

House Rules Committee Chairman Tony Sertich, DFL-Chisholm, said he would handle the politically charged motion with the "respect it deserves," but he did not promise to conduct an investigation.

Bergson played down the significance of the vote, saying it was merely procedural and not a vote to investigate Swanson.

"The Republicans are going after her," Bergson said. "Shock."

Morale problems and mass firings are an attorney general's office tradition dating to the late 1990s, said Bob Stanich, a former high-level attorney who left the office in 2002 and now is an appellate review official with the state Supreme Court. The common

factor then and now: Mike Hatch.

The forceful Hatch, widely acknowledged as a mentor to Swanson, was elected attorney general in 1999. He left office in January after losing a bid for governor. Swanson, who was elected to replace him, then hired her former boss.

At least nine current and former assistant attorneys general have told the Pioneer Press that the stream of departures and dismissals since January is indelibly linked to Swanson's decision to return Hatch to the office. Former employees accuse Hatch, who now works out of Swanson's old 14th-floor office in downtown St. Paul, of exerting too much control.

Hatch's red-hot temper is the stuff of office lore. Stanich described being called into Hatch's office one day when Hatch complained of spotting an assistant attorney general reading a newspaper in the library during a lunch break.

"He called the man lazy and then went off on a couple of other things," Stanich said. "He was beet red in the face and pounding on the desk. I frankly was frightened. I had never seen anything like that."

Peter Orput, a former top deputy attorney general who left in late 2003, described abrupt job reassignments and dismissals under Hatch.

"This guy was driving me into therapy," Orput said. "I regularly went to the cathedral to pray."

Attorney general spokesman Bergson called the accusations about Hatch old and irrelevant to Swanson's administration. Anonymous accusations about current conditions don't deserve a response, he said.

"There's just no substance to

the statement that morale is bad," Bergson said.

That's not what Stanich and Orput said they hear from their old friends in the office. They confirmed union observations that many workers are afraid for their jobs or of speaking publicly about working conditions.

Tom Ragatz, who succeeded Stanich as head of the criminal appeals division, was reassigned in December after Swanson was elected. Ragatz, who now works for the Ramsey County attorney's office, said Hatch informed him that he was being reassigned to another division because Swanson wanted "a new team in place."

Former employees also accuse the office of wasteful micromanagement — another charge the office denies.

There's an unusually heavy emphasis on attorneys responding to every letter from citizens, with written responses, within 10 days, said an attorney who resigned a few months ago. All responses must be approved by higher-ups, the lawyer said.

"I've gotten citizen letters back that have been edited by both Mike and Lori," the former employee said. "It's an incredible waste of lawyer-power."

Bergson said the attorney general's office is a watchdog for citizens and that all attorneys are expected to respond.

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19B

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House OKs tax package despite veto threat

Bill offers widespread relief for homeowners, while shifting burden to wealthy

BY BILL SALISBURY
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Despite Gov. Tim Pawlenty's threat of a veto, the Democratic-controlled Minnesota House on Friday passed a tax bill that would increase income taxes on the wealthiest 1 percent of Minnesotans to reduce property taxes for 90 percent of the state's homeowners.

The bill, passed on a 74-59 vote, would raise the top income tax rate from 7.85 percent to 9 percent for couples and other joint filers earning more than \$400,000 a year and single taxpayers with incomes above \$226,000.

As he has said dozens of times this year, Pawlenty reiterated Thursday that he would veto any income tax increase that reaches his desk. State spending will rise nearly 10 percent without a tax increase, he said, and that's enough.

The House bill would give Minnesota the third-highest income tax rate in the nation for millionaires and sixth-highest rate on

TAX BILL, 6A

Tax bill

(continued)

married couples earning more than \$500,000 a year, according to the nonpartisan Minnesota Taxpayers Association. One percent of taxpayers, about 50,000 wealthy Minnesotans, would pay the higher taxes.

DFLers said the bill would increase taxes by \$583 million over the next two years.

Most of that money would go to a new program linking property tax relief to a homeowner's ability to pay. It would provide state refunds to homeowners whose property tax bills exceed 2 percent of their incomes. Homeowners earning up to \$150,000 a year would be eligible for the refunds ranging from \$250 to \$2,500.

HOW THEY VOTED	
Seventy-four DFLers voted for the House tax bill.	(Austin), Julie Bunn (Lake Elmo), Paul Gardner (Shoreview), Larry Haws (St. Cloud), Will Morgan (Burnsville), Kim Norton (Rochester), Gene Pelowski (Winona), Maria Ruud (Minnetonka), Marsha Swails (Woodbury) and Andy Welti (Plainview).
All 48 Republicans present and 11 DFLers voted against it.	
The Democrats voting against it were: John Benson (Minnetonka); Robin Brown	

The bill also increases property tax relief for renters and farmers.

"Today we have historic and groundbreaking property tax relief that will reach every corner of the state," said Rep. Paul Marquart, DFL-Dilworth, the prime mover behind the tax refund plan.

He said average homeowners would see a 3.6 percent reduc-

tion in their property taxes next year under the bill.

Taxes on owner-occupied homes have increased 70 percent in the past five years, Marquart said, and they will rise an additional \$600 million, or 8.8 percent, next year "if we do nothing."

While praising the property tax proposal, House Republicans warned the income tax increases would drive many small-business owners, job creators and the state's most generous charitable donors out of the state. In addition, they said, the tax hikes would discourage out-of-state businesses from moving in.

COMPARING TAX BILLS

The House legislation:	The Senate legislation:
■ Increases the income tax rate to 9 percent on about 50,000 wealthy Minnesotans.	■ Increases the income tax rate to 9.7 percent on about 90,000 wealthy Minnesotans.
■ Grants property tax refunds to 90 percent of Minnesotans.	■ Grants local government more aid to hold down property taxes.
■ Does not give tax breaks to Thomson West or the Mall of America.	■ Gives tax breaks to Thomson West and the Mall of America.

Next: The House and Senate meet in conference committee to craft a single bill to send to the governor.

Pawlenty's promise: Veto any bill with a tax increase.

While praising the property tax proposal, House Republicans warned the income tax increases would drive many small-business owners, job creators and the state's most generous charitable donors out of the state. In addition, they said, the tax hikes would discourage out-of-state businesses from moving in.

"We have a \$2.2 billion surplus. We should not be raising taxes," said Rep. Paul Kohls, R-Victoria.

✓ Rep. Tom Emmer, R-Delano, called the DFL bill "election-year tax relief." He noted the property tax refund checks would be mailed to homeowners by Sept. 15 next year — less than eight weeks before the next general election. The state currently mails property tax refunds by that date.

✓ Noting the governor's veto threat, Rep. Dean Simpson, R-Perham, said, "This bill is dead on arrival."

✓ The bill's sponsor, House Tax Committee Chairwoman Ann Lenczewski, DFL-Bloomington, defended the income tax increase on top earners by citing a Revenue Department study that showed the wealthy-

est Minnesotans pay a smaller percentage of their incomes in state and local taxes than middle-income taxpayers. Revenue from the proposed tax increase is needed, she said, because "we don't get property tax relief for free."

The bill also would eliminate \$297 million over two years in corporate income tax breaks available to companies that have so-called "foreign operating corporations."

The measure does not include tax subsidies sought to expand the Mall of America in Bloomington and Thomson West, the legal publishing and software giant based in Eagan.

The 269-page bill passed after a five-hour, 15-minute debate when Republicans decided not to offer any of the 88 amendments they had drafted. Republicans didn't try to improve the bill, House Minority Leader Marty Seifert, R-Marshall, said, because "you don't call a veterinarian to heal a hog that's already dead."

He noted that votes for the bill fell far short of the 90 needed in the House to override a veto.

Last month, the DFL-controlled Senate passed a bill that would give Minnesota the highest general income tax rate in the nation — 9.7 percent — for top earners to raise nearly \$1 billion for education and property tax relief.

Next, a House-Senate conference committee will try to resolve differences in the two tax bills and pass a single bill to send to Pawlenty.

Seifert urged DFLers to do that quickly so Pawlenty can veto the tax increase and legislators can craft a bill he will sign before the regular session ends May 21.

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Group urges same-sex partner benefits

By Mike Longaecker
State Capitol Bureau

ST. PAUL — More than 2,000 people called on Minnesota lawmakers Thursday to support legislation to open up health and hospital visitation rights for same-sex domestic partners.

OutFront Minnesota — the state's largest gay rights group — rallied supporters on the State Capitol steps. The House is expected to vote on a series of domestic partner provisions today.

The legislation, which has a good chance of passing the DFL-controlled Legislature, includes provisions making same-sex partners eligible for state insurance benefits and requiring employers to include domestic partners as part of an expanded pool of people for whom employees are allowed to take sick leave.

Republican Gov. Tim Pawlenty on Thursday repeated his pledge to veto any bills extending benefits to same-sex partners.

Rep. Steve Sviggum, R-Kenyon, echoed the governor's prediction, saying the bill's same-sex provisions would mean more costs to taxpayers and would reach a dead end when the legislative session wraps up.

"It's the wrong direction to be going for supporting traditional families in the state," Sviggum said.

Still, many rally-goers expressed hope that a DFL-controlled Legislature would mean greater support for gay rights issues.

"I think the tide has turned,"

said Angie Nichols, who represented a delegation from Duluth. "It will be much easier this year to appeal to the idea of fairness and equality — for all people, really."

Organizers said turnout for the rally was somewhat lower than in recent years, when activists railed against bills calling for voters to consider a constitutional amendment defining marriage as a union between a man and a woman. That issue isn't dead, said Ann DeGroot, OutFront Minnesota's executive director, but noted that since tensions surrounding the issue aren't as high this year, motivation may have been lower.

While pro-gay rights' advocates push for several initiatives, those who oppose gay marriages are trotting out a constitutional amendment proposal they failed to pass the past couple of years.

"The phrase 'let the people vote' is going to be heard again in the Legislature," Sen. Warren Limmer, R-Maple Grove, said.

The amendment would define marriages as being between one man and one woman, which would ban marriages between gays and lesbians. The public would vote on the amendment in the November 2008 general election.

Limmer said DFL leaders had said they would not push social issue bills this year, but on behalf of the gay community they are trying to pass at least nine measures to expand domestic partners' rights. Since Democrats decided to

back domestic partner legislation, Limmer added, conservatives opted to bring up the anti-gay marriage amendment.

Rep. Tom Emmer, R-Delano, called the amendment "a bread and butter issue."

State law already forbids gay marriages, but backers of the amendment say they want the prohibition in the State Constitution because that would be more difficult to overturn.

A contingent from Bemidji visited with politicians from their area, including Sen. Mary Olson, DFL-Bemidji.

Even if lawmakers are receptive — as Olson has been to gay rights, supporters said — it's important to touch base with them, a Bemidji man said.

"It's nice to be able to come and say thank you to lawmakers," Sam Hunter Malloy said.

Paul Eckhardt, a rally-goer from First Unitarian Church of Duluth, said he believes the faith-based community has the potential to make a serious impression on lawmakers. Eckhardt, who held a rainbow-colored flag bearing the church's name with Julie Morgan — also of Duluth — said his message for lawmakers is simple.

"We're families too," Eckhardt said, adding that gay partners should have every right to visit each other in the hospital. "It's basic."

Mike Longaecker works for Forum Communications Co., which owns the Bemidji Pioneer.

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19B



Public works projects get House OK

**Pawlenty spokesman
says Senate and House
bills are too large**

BY DON DAVIS

STATE CAPITOL BUREAU

ST. PAUL — Leaky roofs will be fixed, flood prevention measures will be taken, and building additions will be constructed if a House-passed public works bill becomes law.

On an 84-45 vote, the House Tuesday night approved a bill funding public works projects across the state. The \$255 million measure is a far cry from the \$1 billion bills lawmakers passed in the last couple of years.

Odd-numbered years such as this normally are dedicated to drawing up a two-year budget, which legislators are doing. However, even in odd-numbered years, the Legislature usually passes at least a small public works bill.

The House bill would sell bonds to fund \$135 million of the work and use \$120 million of state budget surplus money.

A \$307 million public works proposal is scheduled to be debated by senators today. Gov. Tim Pawlenty wanted a \$71 mil-

lion bill; his spokesman said the Senate and House bills are too big.

"This is an important jobs bill," Rep. **Alice Hausman**, DFL-St. Paul, said, because of all the work that would be created.

Hausman, chairwoman of the committee recommending public works projects, fought back repeated Republican attempts to trim spending.

Assistant Minority Leader **Tom Emmer**, R-Delano, unsuccessfully tried to amend the bill so it spent only \$8 million — \$2 million to help Browns Valley recover from recent flooding and \$6 million for work in the Corrections Department.

Emmer said the Hausman bill looked like "Washington-style earmarks."

"This is a porkapaloosa," Minority Leader **Marty Seifert**, R-Marshall, said.

Seifert complained that although the bill was supposed to only fund emergency requests, three-fourths of the projects would not fit that category.

"All of those campuses and all of those communities would beg to differ," Hausman said.

The biggest part of the spending goes to the University of Minnesota and Minnesota State Colleges and Universities sys-

tems for repairs of items such as leaky roofs.

The two higher education systems would split about \$70 million.

One of the most-discussed issues has been funding a Duluth Entertainment Convention Center expansion. The House bill includes \$30 million of the requested \$37.9 million.

Pawlenty wanted to fund entire amount, while the Senate included \$37 million.

DECC funding fell through at the end of last year's legislative session after all sides said they would provide the money.

The bill also authorizes Duluth officials to lease a Northwest Airlines facility that has not been used since 2005.

And the bill requires the Department of Natural Resources to report back to the Legislature a plan to develop Greenleaf Lake State Park in Meeker County.

Davis works for Forum Communications Co., which owns the Daily Globe.

'This is a porkapaloosa.'

Marty Seifert
R-Marshall



House funds projects

Bill includes Bemidji area projects

By Don Davis
State Capitol Bureau

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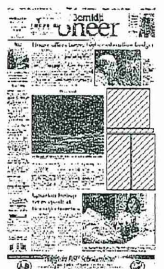
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Projects: See Page A11



(Back)



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The also would spend:

▶ \$2.5 million for the Western

Mesabi Mine Planning Board to construct a system to deal with water in the Canisteo mine pit in Itasca County.

▶ \$2.1 million for anti-flooding projects in Roseau and Browns Valley.

▶ \$30 million under a loan program for schools to renovate Red Lake High School and Middle School, which would turn into a grant. Requested was \$37 million.

▶ \$10 million for the state's public television stations to continue their conversion to digital broadcast.

▶ \$8 million in the Conservation Reserve Enhancement Program to take cropland out of production.

▶ \$1 million for the Big Bog State Recreation Area at Waskish. Requested was \$1.6 million.

▶ \$500,000 for early work on the Northstar Express passenger rail line between Duluth and the Twin Cities.

▶ \$2 million to buy the former Bemidji High School land near Bemidji State University.

▶ \$929,000 to replace two outdated chillers on the BSU campus.

"Since we're in an odd-numbered year, the bonding bill is relatively small," Assistant House Majority Leader Frank Moe, DFL-Bemidji, said. "I'm

thankful that the House recognized Bemidji State's needs that couldn't wait until 2008."

Big Bog and Red Lake schools funding were offered by Rep. Brita Sailer, DFL-Park Rapids.

"Inclusion of both of these projects demonstrates their importance to the people of northern Minnesota and our state," she said. "Both of these projects have already received partial funding, with a promise from the Legislature to finish in the next bonding cycle. We need to bring these projects to a close, and I look forward to the continued deliberations in the conference committee."

While not in the House bill, planning and design funds for a Northern Emergency Training Administrative Center at Gonvick is in the Senate bill, she said, which will allow conference committee discussion.

Local northern legislators voted for the bill, with the exception of "no" votes from Reps. Larry Howes, R-Walker, and Bernie Lieder, DFL-Crookston.

Pioneer Political Editor Brad Swenson contributed to this report. Don Davis works for Forum Communications Co., which owns the Bemidji Pioneer.

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CONTINUED FROM PAGE 1A

19B

Medical transportation

(continued)

MTM reports \$6 million in savings for the state, primarily by authorizing cheaper forms of transportation, such as cabs, buses or minivans, for patients who don't need expensive rides in handicapped-accessible vans or ambulances.

"We have increased access to medical care for individuals who need it, while still reducing costs through increased efficiencies," said Steven Mead, an MTM official who directs Minnesota's non-emergency transportation program.

Monthly rides in the Twin Cities increased from 60,000 in 2004 to 66,000 in 2005, while the cost per ride decreased from \$22.66 to \$19.78, according to the Minnesota Department of Human Services.

But transportation companies and advocates for the disabled believe the company has gone too far and is putting profits ahead of people, such as Brown, who need sophisticated transportation.

Some lawmakers share these concerns and may seek in the upcoming legislative session to cancel MTM's contract.

State Rep. Tom Emmer, R-Delano, even questions whether the company is saving the state as much money as advertised. His research suggests the savings are minimal or offset by hidden administrative costs.

A group of DFL lawmakers also opposes MTM, a large transportation broker with a history of problems in other states.

The company paid a \$2.4 million settlement to resolve a lawsuit by the Missouri attorney general, who had accused MTM of overcharging the state and, in one case, billing rides for someone who was dead. MTM also lost a contract in an Ohio county after one month amid concerns about its tactics. Officials in South Carolina delayed a contract with MTM while the state heard complaints.

Minnesota provides two levels of transportation for poor and disabled residents receiving publicly subsidized health benefits.

"Access transportation" involves mileage reimbursement, cab fare, bus tokens or vans for people who need rides, but little assistance. "Special transportation" involves handicapped-accessible vehicles and is reserved for people who need help getting in and out of medical appointments.

MTM's cost-cutting strategy has been to reduce the number of expensive special rides and to instead offer people cheaper access transportation. The company has this control because it certifies who can receive special transportation.

Special rides in the Twin Cities have dropped from 530,000 in fiscal year 2004 to less than 250,000 in fiscal year 2006. Access rides have increased from 250,000 in fiscal year 2004 to 750,000 in fiscal year 2006.

MTM doesn't own vehicles. It arranges rides through a network of private transportation companies.

Mead said that because the state Human Services Department didn't have the staff to monitor medical transportation, providers before MTM took over tended to overuse expensive special transportation. He also said that providers often were "padding" their mileage figures to gain extra state revenue.

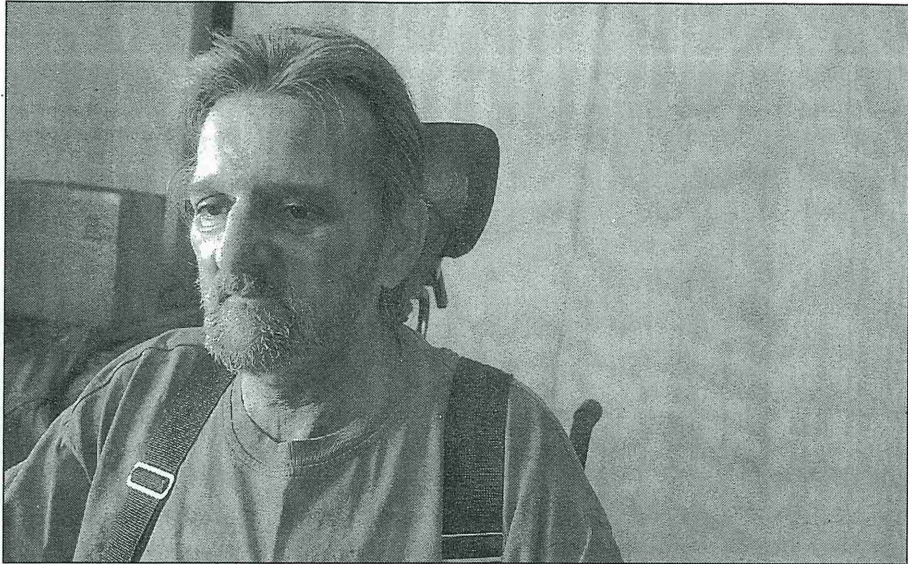
Executives with transportation companies counter that MTM is cheating them out of money by, among other things, shortchanging them on mileage.

Nursing home officials have complained about MTM as well. Some have reported that patients with dementia have been given bus or cab fare to get home despite the risk they might forget how to get home.

In a survey funded by the medical transportation industry, 63 percent of nursing home providers believed the state was failing to provide adequate transportation, and 48 percent believed shortcomings put residents at risk of getting injured or lost.

Brown was caught in the cracks of this system.

His certification for special



SCOTT TAKUSHI, PIONEER PRESS

"They started out calling the wrong (transportation) company," says Eugene Brown of the state-paid minivan trip he says cost him his left leg in April. "The company, I found out later, doesn't even have the type of vans that can carry out electric (wheel)chairs." Brown is pictured in his St. Louis Park apartment.

transportation expired Nov. 30, 2005. He called MTM to recertify but said a worker told him it would take a month. So MTM arranged access transportation for his Dec. 7, 2005, appointment, which is why a minivan showed up instead of the usual van with a handicapped-accessible lift.

Advocates familiar with Brown's case point out that MTM had two financial incentives to do the wrong thing.

First, MTM only had a state contract to manage access rides at that time, not special rides. So it only got paid to arrange his transportation if it kept Brown at the access level.

Second, MTM gets paid every time it recertifies people for special transportation. Providers believe the company is consequently doing more certifications than necessary, said Michael Weidner of the Minnesota Paratransit Providers Association, even for patients with permanent disabilities.

"He's paraplegic!" Weidner said of Brown. "He's not getting any better!"

Brown has had to recertify for special transportation twice more this year.

When asked about this case, Mead said MTM "inappropriately assigned" a lower level of transportation for Brown but also notified the provider that Brown needed a vehicle with a wheelchair lift. If the transportation company didn't have the right vehicle, it should have declined the trip. Mead said his company will investigate the error.

As for the repeated certifications, Mead said MTM has changed its policies so that people with permanent disabilities, including paralysis, may only need to be recertified every one to seven years. Others still may need to be recertified every six months.

MTM earlier this year received an expanded state contract that includes management of special transportation, meaning it now controls the state's entire non-emergency transportation system.

What bothered Emmer and other lawmakers was that MTM was selected out of four companies even though it didn't offer the lowest bid.

MTM also has received substantial raises. It received less than \$10 to recertify someone for special transportation in its first

contract but now receives \$25.

Complaint logs for the past two months show cases in which rides were missed because the transportation companies said they never received orders from MTM or received them after the scheduled pickup times. However, state data suggest fewer than one in 100 rides result in no-shows, and that proportionately few rides result in formal complaints.

MTM has saved more state money than projected and met expectations, said Brian Osberg, assistant human services commissioner. As far as Brown's case, Osberg said, "obviously we're trying to avoid situations like this." Eliminating poor service is one reason why the state hired MTM, he added.

Brown already was paralyzed, but his hopes of walking again — even with braces or prosthetic legs — seem even less likely now because of the amputation. "It took away a lot of hope," he said.

Apart from Brown's suffering, Weidner said, taxpayers bore an extra cost.

"Eugene's on (state-funded) medical assistance," he said. "Who paid to cut his leg off?"

A St. Louis Park man says his amputated leg was the result of a ride arranged by the state's non-emergency medical transportation program for the poor and disabled. Others also point to problems, but state officials and the firm that runs the program defend it.



SCOTT TAKUSHI, PIONEER PRESS

Eugene Brown and his electric wheelchair are hoisted into a medical transportation van by driver Craig Brownell during a trip from Brown's St. Louis Park home to a doctor's appointment. Brown, a paraplegic, says a trip with another state-paid transportation provider cost him his left leg last year.

Lost leg, lost confidence

PIONEER PRESS JAN 2 '07

BY JEREMY OLSON PIONEER PRESS

Before a surgeon cut off Eugene Brown's left leg in April, he told Brown it likely had fractured beyond repair five months earlier. Brown could only think of one cause: that horribly cramped and painful ride to the doctor's office.

Brown had called the state's medical transportation service for a ride because he is paralyzed from the waist down. He asked for a van with space for him to sit securely in his electric wheelchair. Instead, a mini-van came to his St. Louis Park apartment.

He couldn't reach the seats from his chair,

so he used his arms to jam himself into the aisle and sit on the damp floor. Afterward, his leg swelled and turned purple. By the time he sought medical attention, doctors had to amputate at the top of the thigh.

Brown is unhappy with Medical Transport Management, the private Missouri

company that two years ago took control of the state's non-emergency medical transportation program for Minnesota's poor and disabled residents.

"They started out calling the wrong (transportation) company," he said. "The company, I found out later, doesn't even have the type of vans that can carry out electric (wheel)chairs."

He is not the only one upset, though officials from Medical Transport Management and the state defend the company's performance.

MEDICAL TRANSPORTATION, 4A

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The Forum

NOTEBOOK

Minn. senator not happy with transportation

By Don Davis
State Capitol Bureau

ST. PAUL – Minnesota senators plan to closely examine Lt. Gov. Carol Molnau's second job.

As the state's transportation commissioner, Molnau must be confirmed for the second time now that Gov. Tim Pawlenty has started his second term. But Senate Transportation Chairman Steve Murphy, DFL-Red Wing, told a reporter that he doesn't plan on holding confirmation hearings any time soon.

Murphy often complains that Molnau and Pawlenty have short-changed transportation. He especially did not like the budget proposal Pawlenty unveiled last week because it depends mostly on borrowing money to build and fix roads. And he says Pawlenty thinks too much about highways.

"Once again, the governor is using the state's credit card as the primary funding tool to pay for a highway-only solution," Murphy said. "State highways are just one part of a massive system of

local roads and streets, transit, port authorities, rail lines and reliever airports."

"We're looking at an unmet annual need of nearly \$2 billion in transportation and the governor's approach does little to address the problem head-on," Murphy added.

Assistant Senate Majority Leader Tarryl Clark, DFL-St. Cloud, said she expects Murphy to convene a confirmation hearing, but said senators are not happy with the Minnesota Department of Transportation.

Great debate

Discussion of a compact banning movement of water in or out of the Great Lakes basin became a great debate in a House committee.

Four Republicans questioned whether the compact would take power away from Minnesota. Fellow GOP Gov. Tim Pawlenty supports the compact.

However, by an 11-4 vote, the compact bill moved forward to the full House. A similar bill is making its way through the Senate.

The water movement ban

would be enforced by a council made up of representatives of the eight states and two Canadian provinces.

"It effectively turns over the authority to this council," Rep.

✓ **Tom Emmer, R-Delano**, said.

✓ However, Rep. Tom Huntley, DFL-Duluth, said Minnesota would retain authority.

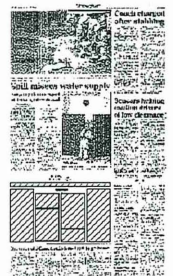
Tax bill OK'd

Minnesota senators unanimously agreed to make state laws conform to federal income tax laws, saving Minnesotans \$24 million.

About 111,000 Minnesotans will be able to deduct up to \$4,000 in college tuition costs if Gov. Tim Pawlenty signs the bill as expected. The measure also gives tax breaks to teachers who spend their own money for classroom supplies and military personnel could invest in some retirement accounts without paying a penalty.

Davis works for Forum Communications Co., which owns The Forum. He can be reached at (651) 290-0707 or ddavis@forumcomm.com

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STANDING UP TO SLOPPY SMOKING LOGIC
PIONEER PRESS FEB 8 '07

Stubborn facts — and a stubborn defense of principle to go with them

John Adams' defense of British soldiers accused in the 1770 Boston Massacre (and of the greater principle of due process) gave us his oft-quoted observation, "Facts are stubborn things, and whatever may be our inclinations, or the dictums of our passions, they cannot alter the state of facts and evidence."

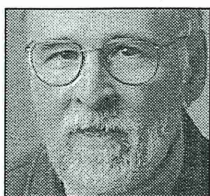
Facts are still stubborn things.

Last week, the Health and Human Services Committee of the Minnesota House held a hearing on the Freedom to Breathe Act — otherwise known as the statewide smoking ban. In defense of a greater principle, Reps. Laura Brod, R-New Prague, and **Tom Emmer**, R-Delano, took on the cause of bar and restaurant owners who dare exercise their private property rights and permit smoking in their establishments. It was a good, old-fashioned political butt whipping. Brod and Emmer shredded the arguments of bill sponsors Thomas Huntley, DFL-Duluth, and Dan Severson, R-Sauk Rapids.

Unfortunately, the attitude that the end justifies the means is also still stubborn.

Ruled by its inclinations, the dictums of its passions and an altered state of facts and evidence, a 12-6 majority in that committee advanced the statewide smoking ban to the Commerce and Labor Committee.

Even if one favors a com-



CRAIG WESTOVER

prehensive statewide smoking ban, one ought be embarrassed by the bill passed out of the Health and Human Services Committee. Not only did ban supporters do a poor job of justifying the necessity of a statewide smoking ban, the Freedom to Breathe Act is a jumble of inconsistencies and potential unintended consequences.

And therein lies the problem: When legislation is predicated on inclinations and passions and justified by an altered state of facts and evidence, not only is the result unnecessary legislation, it's bad legislation.

The case can be made that all legislation is invariably subject to interpretation. If there aren't loopholes, some smart lawyer will create them and some "activist" judge will validate them. That may be true as far as it goes, but the assumption ought to be that legislators have done their best to create a tight piece of legislation. When legislation is fact-based and addresses compelling state issues, that's generally the case. When it follows the dictums of passion, it ain't necessarily so.

Brod, Emmer and others raised numerous implications and potential unintended consequences of the Freedom to Breathe legislation. Does the bill inadvertently affect private homes used for business? Does public law that provides Minnesota the authority to enforce "criminal and prohibitory law"

on American Indian reservations affect the legislation's attempt to exempt tribal casinos from the ban? When does a patron violation become a violation for which the establishment owner is criminally liable?

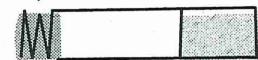
Normally, such issues are resolved in the committee process. Last session, eminent domain reform that limited when government could take private property for a public use passed through eight committees before earning a floor vote. This year, when Brod raised the question of what committees would be hearing the Freedom to Breathe Act, Huntley said he had no idea what the path might be, but he "would just as soon send it to the floor as soon as we can."

If the objective were crafting a bill that best served Minnesotans, then, as Brod suggested, it would pass through committees on local government affairs and public safety as well as commerce. But if the purpose of the bill were simply to ban smoking, then, as is Huntley's inclination, the quicker it got to the floor, the better — especially after Brod and Emmer shredded every health and economic justification for a smoking ban, save two.

By the time the committee was ready to vote, Rep. Ken Tschumper, DFL-La Crescent, was justifying the trumping of private property rights with the only undisputed argument ban supporters could muster — secondhand smoke smells bad.

Rep. Tina Liebling, DFL-Rochester, finally clarified the real motivation behind the Freedom to Breathe Act — she

If the objective were crafting a bill that best served Minnesotans, then, as Brod suggested, it would pass through committees on local government affairs and public safety as well as commerce.



declared a statewide smoking ban necessary to "set behavior norms" for all Minnesotans.

"I hear a train a' comin' — it's roaring round the bend," the American Lung Association's Pat McKone sorta sang, giddily concluding her pro-ban testimony with a fitting metaphor for a bill being railroaded through the committee process despite inconsistencies, unintended consequences and confused justifications.

Brod, Emmer and stubborn facts will get another shot when the legislation goes to the House floor for debate. The outcome may not be any better, but when gutsy legislators persevere against intrusive government, one can always hope.

Craig Westover, a writer who lives in Afton, blogs at craigwestover.com. His e-mail address is westover4@yahoo.com.

19B

Tour of the Capitol big deal to area residents

By Matthew Stolle
mstolle@postbulletin.com

For some, the idea of spending a day at the Capitol would hold all the allure of a weekend with the in-laws.

But a sizable contingent of people in Rochester will tell you that it's fun to hang around the Capitol and watch the machinery of government in action.

An estimated 520 area residents are scheduled to depart Rochester Wednesday morning for the fourth annual Rochester on Tour at the Capitol in St. Paul, an all-day political extravaganza of lobbying, rallies and promoting the Rochester agenda. They will be carried in a caravan of nine buses, officials say, making it the third straight year that turnout has exceeded that of the previous year.

"It's just been a success. It's a fun time. It's not all work," said John Eckerman, vice president of government affairs for the Rochester Area Chamber of Commerce, the organization that sponsors the event.

You wouldn't have to convince Wade DuMond of that. The 42-year-old Rochester resident works for Babcock Builders, a custom homebuilders business, and has been on every tour since it started in 2004. What keeps him coming back, he said, is the opportunity to lend his voice with others on behalf of Rochester.

"One thing that's exciting is just the level of commitment that's being shown by so many people in the community," DuMond said. "It's important to get up there before the Legislature with things that are important for Rochester, and there's great people involved."

Like many going on the trip, DuMond has made it his responsibility to "adopt" three state legislators. His are from the Senate District 19, and include Reps. Bruce

Anderson and Tom Emmer and Sen. Amy Koch. The hope is that adopted legislators will not only attend Rochester on Tour activities but to learn about and become supporters of the area's legislative agenda, officials say.



DuMond

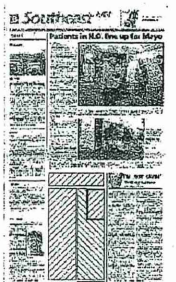
"That's the main goal. To get the message out around the state how important we are to the state's economy," Eckerman said.

That message will include urging state lawmakers to support continued funding for medical genomics research now being conducted through the partnership of Mayo Clinic and the University of Minnesota. Gov. Tim Pawlenty recently unveiled his budget earmarking \$38 million for the project.

Other Rochester priorities include the University of Minnesota-Rochester, funding for an addition to the National Volleyball Center and planning money to renovate Mayo Civic Center.

Tour highlights

- ✓ 1 p.m. — Lunch at the Crowne Plaza Hotel in St. Paul
- ✓ 1:30 p.m. — Rally in the Capitol Rotunda
- ✓ 5 p.m. — Grand Reception at the National Guard Armory



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Bill would increase grants for family planning

BY MIKE LONGAECKER

STATE CAPITOL BUREAU

ST. PAUL — Family planning proponents successfully fought off concerns Tuesday that a House bill might endorse abortion services before they ushered it through a health committee.

The legislation increases access to family planning in Minnesota by more than doubling state grants and calls for expansion of Medicaid services for sexually transmitted infections.

The bill's author, Rep. **Tom Huntley**, DFL-Duluth, and its supporters said the proposal should help stem unwanted pregnancies, prevent abortions and create long-term savings.

Teen-age girls and young women are the most in need of affordable family planning services, Huntley said.

"Our teens need to know we care for them," said Chris Reif, a doctor and director at Community University Health Care Clinic in Minneapolis.

The bill would also increase funding for family planning grants from about \$7.8 million to \$15.8 million over two years. That would give more breathing room for family planning clinics vying for grants in a "proscribed, rigid, rule-bound" environment, said Peg LaBore, director of St. Paul's Family Tree Clinic.

"This is a competitive grant process," she told lawmakers.

But just what expanded family planning services might actually lead to drew concern from Rep. **Tom Emmer**. The Delano

Republican grilled testifiers over whether money provided under the bill would go toward abortion referrals.

It would, but not specifically, Labore said. She said that when counseling women with unwanted pregnancies, the clients are given a list of options. Abortion services are listed, as well as adoption and other possibilities.

"Our job," she told House health committee members, "...is to provide non-directive counseling. One of the choices is an abortion."

Emmer then offered an amendment that would prohibit state-funded abortions, except where allowable under federal law. It failed on an 11-9 vote.

Clinics like LaBore's would see a boost in funding from the state under the bill. Rates for family planning services provided by community clinics — those providing non-profit health services to low income, rural, governmental entities or American Indian health services — would increase by 25 percent under the legislation.

Girls between the age of 11 and 19 produce about 1,500 pregnancies a year in Minnesota, Reif told legislators. Eighty percent of them are unplanned, he said.

Longaecker works for Forum Communications Co., which owns the Daily Globe.



MIKE LONGAECKER/ST. PAUL BUREAU

Peg LaBore, clinic director at St. Paul's Family Tree Clinic, addresses a House health committee Tuesday at the Capitol. She supported a bill brought by Rep. Tom Huntley, DFL-Duluth, seen seated next to her, which would expand family planning services.





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The Annandale Advocate

The Heart of the Lakes Newspaper Since 1888

'Divisive' ideas aid debate

Tuesday, February 13, 2007
From: Rep. Tom Emmer, R-Delano

It is not uncommon for an individual to be labeled as divisive for taking a stand on a controversial issue. History is rich with examples of controversial political figures whose bold leadership has served our nation well. Take President Lincoln in 1864. Despite the setbacks Union soldiers faced in the war, Lincoln decided to order a new draft for half a million men. He did so as the presidential election loomed, knowing his decision would result in certain political defeat. Lincoln's views were so divisive his base and the general public questioned his leadership. Look also to suffragist Alice Paul, who led a Pennsylvania Avenue parade in 1913 to gain the vote. Her bold drive to pass a federal amendment clashed with the more incremental approach favored by others, thus dividing the women's suffrage movement. The cause for which she fought divided public opinion, as well. Too often, we see the word "divider" used to shame or discredit an individual who holds a controversial viewpoint. This is no more than a fear tactic, designed to discourage individuals from speaking their minds. Such rhetoric provides no incentive for rigorous, open debate - the foundation of America's political system. It is important to remember that individuals who take a stand are continuing the great tradition of American political discourse. Before we guilt people into being quiet, we should recognize the contribution their viewpoint makes toward an end solution. Airing a variety of political views is a part of the process we use to arrive at viable outcomes. In this day and age of bipartisan cooperation, we need healthier, unfettered debate. Even when different views make us uncomfortable, we need individuals courageous enough to state their views respectfully. It is not mean spirited to disagree or discuss one's disagreements. In fact, we must do so if we are to learn how to get along.

Lawmakers want tighter leash on gangs

Everything from where
members go to what they
wear would be restricted

C152.5

BY MARA H. GOTTFRIED
and JASON HOPPIN

PIONEER PRESS MAR 13 '07

Two rival gangs in St. Paul can't seem to stop shooting at each other.

As the Selby Siders and East Side Boys fight over turf, girlfriends and drugs, one gang member has been killed and more than a dozen have been shot in the past 18 months, police said.

The gangsters terrorize neighborhoods and make people afraid to walk down the street, said Cmdr. Tim Flynn, who heads the St. Paul police gang unit.

They're exactly the kind of bad guys Flynn said authorities would target under a bill at the Legislature. The law would put a legal straightjacket on known gang members, potentially restricting where they go, who they hang out with and even what they wear.

"What it would do is give us an extra

GANG LEGISLATION, 6A

Gang legislation

(continued)

tool to go after these people when they're just loitering for an unlawful purpose or hanging out and preying on innocent victims," Flynn said. "Our bottom-line goal is to get these people off the corner and give the neighborhood back to the community."

Think of it like a protective order for an entire neighborhood, said Rep. John Lesch, DFL-St. Paul, who is sponsoring the bill in the House.

The law, which is being pushed by St. Paul officials, would allow cities to seek court injunctions against gangs.

"These are bad people who are committing bad acts. Whatever you can do to disrupt these organizations, whatever you can do within a constitutional framework, it's all good," said St. Paul City Attorney John Choi.

Only a handful of states have such sweeping laws aimed at gang activity. Under the proposal, a city could seek a court injunction against gang members if the gang commits five or more serious criminal acts within a year. If that happens, cities could ask a judge to declare the gang a nuisance and seek an injunction.

Under the injunction, based on the individual circumstances of the case, a judge would place restrictions on the gang, which the bill says must be "reasonable." In California, restrictions have included prohibiting gang members from associating with each other, banning them from parts of a city, forbidding them from wearing clothing with the gang's name or symbols, and telling them they can't be in possession of spray paint or other tools used for graffiti.

But why would gang members, who disobey laws with abandon, respect a civil injunction? That's not necessarily the point, backers said.

Lesch said police officers need probable cause to arrest gang members. But if they are clearly violating a court order, officers don't need to meet that standard.

"If you are disobeying the injunction, it's an automatic pickup," Lesch said.

The proposal is similar to laws that have been passed in Texas and California, where they have been used in several cities. In San Francisco, the city sought an injunction against the Oakdale Mob, a gang that operated in and around San Francisco's Oakdale housing projects. A judge declared a four-block "safety zone," where known gang members' movements are

limited and they are forbidden to associate in most public places.

"It has had an absolutely wonderful effect on the safety zone," said San Francisco City Attorney Dennis Herrera. "People can actually sleep through the night without the sound of gunfire."

Because gang injunctions restrict some basic freedoms, including the freedom to associate, they have been attacked by civil liberties groups. In San Diego, for example, the American Civil Liberties Union sued over the standards for determining who is a gang member.

House Minority Speaker Tom Emmer, R-Delano, said he wants to reduce crime but worries the bill's language is too broad and won't stand up under constitutional scrutiny.

"I think there's an argument that the Minnesota Wild and the Minnesota Vikings fall under this bill," Emmer said, noting the violent nature of their sports and that teammates wear similar attire.

Lesch scoffed at Emmer's suggestion.

"If (Emmer's) suggesting that the Minnesota Wild and Minnesota Vikings are organized to participate in criminal activity, then I think the people of Minnesota would have a problem with that," Lesch said.

Charles Samuelson, executive director of ACLU-Minnesota, said there are already plenty of laws on the books to curb gang activity.

"We're not convinced that we need another bill," he said. "We could be wrong, but let's have more of a discussion."

The measure awaits a full floor vote in the Senate. In the House, it may be included in the global public safety measure this year. A spokesman for Gov. Tim Pawlenty said the governor hasn't reviewed the bill.

The Rev. Devin Miller, a long-time activist in issues involving young people and gangs, said the bill doesn't get to the real problem.

"The problem is kids are bored, the problem is drugs, the problem is lack of employment and housing," he said. "There are too many questions that go unanswered because we're looking for a quick fix to get kids off the street and we're not going deep enough."

Sen. Mee Moua, DFL-St. Paul, who is sponsoring the bill in the Senate, said it's apparent to her there isn't one solution.

"If there was a magic bullet to address the underlying problems of gangs, I don't think we would have to resort to creative means to address the symptoms of gang activity," she said. "I understand clearly that we're managing the symptoms, but I think that's better than not doing anything."

1913

LETTER TO THE EDITOR

What color is the sky in your world, Rep. Emmer?

✓ **State Rep. Tom Rukavina**
DFL-Virginia

✓ **Representative Tom Emmer's** response to my concerns about Minnesota's economy and transportation funding makes me wonder if he actually took time to read my column.

Although he rambled on with over 600 words of babbling, he failed to address a single point I made in my column.

Perhaps an easier format is what you need, Representative Emmer. In my column I claimed:

- The person not telling the truth from the very beginning was Governor Pawlenty, who misled the world about the structural integrity of the I-35W bridge and never apolo-

gized when the Star Tribune documented the bridge was structurally deficient;

- Governor Pawlenty agreed to call a special session to increase the gas tax by five cents, and then reneged on his promise unless there was a corresponding reduction in the income tax;

- Governor Pawlenty has done nothing to address the rapid deterioration of Minnesota's economy and the loss of 17,400 jobs; and

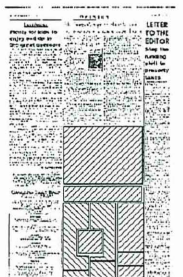
- Only Governor Pawlenty can call a special session to expedite the repair of the bridge, compensate the injured and the families who lost loved ones and assure the public

that our roads and bridges are safe.

Representative Emmer, your November 6, 2007 column failed to address any of these factual issues. You and Governor Pawlenty are ignoring the issues that matter most to all Minnesotans. You and your Republican colleagues have penny pinched Minnesota into debt for many years to come. Our K-12 education funding system is broken; our roads and bridges are structurally deficient; our economy is underperforming the national economy; and our college students are being forced deep into debt to pay for their college education.

All you can say is, "No New Taxes", while raising every tax imaginable from property taxes, to cigarette taxes to college tuition. You call that leadership? You call that the truth?

Let's stop the back and forth on the editorial pages, Representative Emmer. Let's debate these issues in a public



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forum. Call Governor
Pawlenty, and let's find a time
when we can debate the
direction our state is heading.
To paraphrase another
Republican, President
Lincoln, when public senti-
ment is on your side, you can-
not fail; without it, you will
never succeed. Let's get
together and see whose side
the public is really on.

Taxes are important for protecting, developing state

By Chris Brazelton
Delano

As our tears and prayers go out to the families and friends of those whose lives were suddenly and tragically taken in the Interstate 35W bridge collapse, the words of our local representatives still ring in my ears.

✓ **Rep. Tom Emmer** and Sen. Amy Koch have been mocking the Democratic leadership for their efforts to raise tax revenue to pay for much-needed repairs to our crumbling infrastructure. The Democratic leadership recognized the hard truths that we can't hide our collective heads in the sand when it comes to raising revenues, only to be shot down by the veto pen of Gov. Tim Pawlenty and the veto sustaining votes of the Republican minority.

Our elected officials have been giving speeches to cheering audiences, proud of how they have saved us from the tax-and-spend liberals in St. Paul.

What exactly is it these proud conservatives think they are conserving? What kind of state do they want to live in, and leave to their children and grandchildren?

The Merriam-Webster Dictionary defines leadership as having the capacity to lead. It goes on to define lead as "1 a: to guide on a way especially by going in advance. b: to direct on a course or in a direction." So, we must ask of our leaders, where are you taking us?

I suggest that a good leader is one who takes us not where we want to go, but where we need to go. And, how do we know where we need to go? Well, folks, that takes vision and a bit of courage.

The Democrats have been much maligned for speaking the hard truth. We live in a great state and can't afford to stand by and watch things fall apart. Who knew how quickly and tragically that would hit home for all of us?

It is easy to tell the good people of Minnesota not to worry, the state will not raise

your taxes. Hang on to your wallets, or those evil liberals will empty them out. I work hard for my money, too, and don't want anyone wasting it. It is unpopular, especially lately, for anyone to suggest that we have to pay for what we want and need.

I grant you, a balanced approach is needed. We can't tax our economy to death. We also can't rebuild our crumbling infrastructure and maintain competitive educational excellence, research and develop alternative energy sources and do all the other things we need to do without getting creative and raising critically needed revenue.

Another inconvenient truth. There was a line in the popular movie, "A Few Good Men" that shouted "You can't handle the truth!" I have to ask Wright County and the rest of Minnesota, can you?

This is the opinion of Chris Brazelton, who was a 2006 candidate for House District 19B.



Albert Lea Tribune 6-25-2007

19B

Job was done, so why a special session?

A few weeks ago, Democrat leaders of the Minnesota House and Senate traveled around the state touting their most important accomplishment of the legislative session — getting done on time.



✓ Tom Emmer

Then what's all this talk about a special session? We passed a government operations bill, we passed a public safety bill, and we passed a transportation package, an education bill and a health bill. We managed to balance the budget for the next two years. The general consensus at the end of session was that the Legislature accomplished everything necessary and that no further action is required at this time.

If this is true, why are we holding meetings and negotiations to discuss a special session?

Perhaps someone should clue the rest of the state in on the discussions of needs versus wants. The Democrats failed to deliver on their campaign promises, namely education, health care and property tax relief. This failure was and is their own. If the Democrat leadership wants a special session, we have every right to question the need for that session.

Special sessions are typically called to address an emergency or to resolve incomplete issues like budget bills.

Is Minnesota facing a state of emergency? No.

Did we balance the budget and pass all appropriation bills that invested our priorities, and kept government functioning? Yes.

By answering those two questions, we have resolved the need versus want debate.

I question whether the need for a special session might be because some people aren't happy with the results.

I readily admit that I am not happy with all of the outcomes of the session. The mediocre education bill does nothing to provide the necessary funding or reform needed to evolve our education system for a 21st century economy. There is no property tax relief or measures to at least control the increasing rates. There was no agreed upon compromise to a transportation funding bill that would benefit all of Minnesota.

Rather than address the skyrocketing costs of health care, we rolled back welfare reforms, took away personal liberties and added more government mandates.

But none of this means we need a special session.

If we were not capable of addressing the areas of concern the Democrats have said they want to take up in special session during five months of legislative hearings, floor sessions and conference committees, how do we propose to resolve them in one day?

Legislative leaders getting behind closed doors to negotiate a pre-agreed-upon deal for special session is akin to the destruction of democracy. We are all elected to represent the people in our

districts. A few people in a room does not a participatory government make. If you can't get the results through the elected body, you should not resort to backroom politics.

The Minnesota Legislature is a part-time citizen legislature. It is not a full-time occupation, nor should it be. We all lose valuable perspective when we are confined to the halls of the Capitol for months at a time. We lose an even more valuable perspective when we elect more full-time legislators than real, working citizens.

And therein lies the crux of the problem.

I encourage those thinking of holding a special session to step away from the paid lobbyists and look beyond the boundaries of Minneapolis and St. Paul. There is big state out there and the citizens of Minnesota just might have something to say.

The budget is balanced. The work is done. We finished on time, and in doing so we took a great step forward. There is no reason to now take two steps backward.

Tom Emmer, R-Delano, is deputy minority leader of the Minnesota House.



‘Divisive’ ideas contribute to open, healthy debate

To the Editor:

It is not uncommon for an individual to be labeled as divisive for taking a stand on a controversial issue. History is rich with examples of controversial political figures whose bold leadership has served our nation well.

Take President Lincoln in 1864. Despite the setbacks Union soldiers faced in the war, Lincoln decided to order a new draft for half a million men. He did so as the Presidential election loomed, knowing his decision would result in certain political defeat. Lincoln's views were so divisive his base and the general public questioned his leadership.

Look also to suffragist Alice Paul who led a Pennsylvania Avenue parade in 1913 to gain the vote. Her bold drive to pass a federal amendment clashed with the more incremental approach favored by others, thus dividing the woman's suffrage movement. The cause for which she fought divided public opinion, as well.

Too often, we see the word "divider" used to shame or discredit an individual who holds a controversial viewpoint. This is

no more than a fear tactic, designed to discourage individuals from speaking their minds.

Such rhetoric provides no incentive for rigorous, open debate - the foundation of America's political system. It is important to remember that individuals who take a stand are continuing the great tradition of American political discourse. Before we guilt people into being quiet, we should recognize the contribution their viewpoint makes towards an end solution. Airing a variety of political views is a part of the process we use to arrive at viable outcomes.

In this day and age of bipartisan cooperation, we need healthier, unfettered debate. Even when different views make us uncomfortable, we need individuals courageous enough to state their views respectfully.

It is not mean spirited to disagree or discuss one's disagreements. In fact, we must do so if we are to learn how to get along.

Tom Emmer, ✓
House District 19B



State is first on water pact

Minnesota becomes the first Great Lakes state to partially approve legislation limiting the amount of water that can be siphoned.

BY CHARLEY SHAW
Legal Ledger Staff Writer

The Minnesota House passed a bill 97-35 last week that would make Minnesota the first state to approve a multi-state, international compact that prevents thirsty parts of the world from taking Great Lakes water.

The compact, which individual states cannot amend, won't change Minnesota's already strict laws preventing large diversions of water from Lake Superior, according to lawmakers and environmentalists.

But Minnesota is sending a message to states with more lenient laws that lake water should stay in the lake, said John Tuma, a lobbyist for the Minnesota Environmental Partnership.

"Minnesota is ahead and our neighboring states are behind," said Tuma, a former GOP state representative from Northfield.

Water Pact continued on page 8

ST PAUL LEGAL LEDGER

Water Pact: 'We can lead the way for other states by passing the compact early.'

Continued from page 1

"That's the message we are trying to send the Indianas and the Ohios and the New Yorks and the Michigans. We've done it. It's not that hard, and it's all about protecting a resource that is critical to all of us."

Several legislators are unhappy with how they have no control over the compact.

But Sen. Ann Rest, DFL-New Hope, the bill's chief Senate author, is pushing for swift action in the Senate on the measure.

"We can lead the way for other states by passing the compact early. We have a duty to protect the integrity of the Great Lakes, which comprise 18 percent of the world's fresh water," said Rest, who has carried the bill through two Senate committees.

Senators could debate the bill on the floor as soon as this week.

The agreement, which is called the Great Lakes-St. Lawrence River Basin Water Resources Compact, must be approved by each of the eight states without amendment. The U.S. Congress and the Canadian provinces of Ontario and Quebec must also approve the compact.

Eye-raising proposals to withdraw

Great Lakes water spurred Great Lakes governors to start getting together in 2001 to discuss ways to ban water diversions.

For example, in 1998, Canada proposed shipping Lake Superior water to Asia via tanker; the proposal didn't become reality.

In the early 1980s, one particularly wild proposal from a Wyoming coal company called for construction of a coal slurry pipeline using Lake Superior water as a way to deliver coal to the Midwest.

That didn't happen, either. Still, the danger persisted.

"The primary thing that precipitated (the compact) was threats of further diversion of water," said state Rep. Tom Huntley, DFL-Duluth, the compact's chief author in the House.

In December 2005, the governors of Illinois, Indiana, Michigan, Minnesota, New York, Ohio, Pennsylvania and Wisconsin, as well as the premiers of the Ontario and Quebec, agreed on the exact wording of the compact.

The compact would ban new diversions of water from the Great Lakes to other places.

It also limits so-called "consumptive uses" of lake water, whereby municipalities and/or industries in the Great Lakes basin take water for their own consumption.

Seven percent of Minnesota's population, or 150,000 people, reside within the Lake Superior basin. About 35 million people, or 10 percent of the U.S. population, live within the Great Lakes basin.

Minnesota already prohibits diversions of water from Lake Superior, said Huntley, who is chairman of the Minnesota delegation to the Great Lakes Commission. Minnesota also limits consumptive uses to 2 million gallons per day. That's stricter than the compact's 5 million gallon threshold.

Huntley said the compact is important because other states' decisions can affect water levels in Lake Superior.

"I think the big message is there are not going to be any major diversions of water out of the Great Lakes basin by the two provinces or the eight states. It's just not going to happen," Huntley said.

Some Minnesota legislators have

expressed concern about the compact in committee and, last Thursday, on the House floor. Rep. Tom Emmer, R-Delano, is worried that Minnesota communities in the basin will lose the authority to deal with water-related issues.

Emmer criticized a council created by bill that can exercise authority over water use decisions in the basin: "It effectively gives up our ability to govern our own borders."

Rep. Mark Buesgens, R-Jordan, said legislators shouldn't be told not to amend legislation.

"If we were simply a rubber stamp, let's pack our bags, let's go home, turn this into a little monarchy and wash our hands of it. That's not our duty. That's not what we swore to do," Buesgens said.

Huntley noted, however, that joint water agreements aren't new in Minnesota. For example, the International Joint Commission has handled water issues between the U.S. and Canada since 1909.

He also noted that the compact isn't as tough as current Minnesota law. "Minnesota is stricter than other states already," Huntley added.

trumped the boys. For example, she preempted Seide's staff changes story by having her own press conference and putting her story out there first.

Finally, where does the story go from here? The House Republicans pulled several clever punches that could keep the story alive. Under Mason's Rules of Legislative Procedure (which kick in when the Minnesota House rules are silent), legislators may call for an investigation on matters relating to employment. So that's what House Minority Leader Rep. **Marty Seifert** (R-Marshall) did, making a motion to have the House Commerce & Labor Committee investigate the matter. House Majority Leader **Tony Sertich's** (DFL-Chisholm) counter was to refer the motion (a weird and questionable motion) to the House Rules Committee. That passed 129-0. Now the question becomes whether the House Rules Committee will take up the matter.

And, earlier this week, House Assistant Minority Leader Tom Emmer (R-Delano) sent Swanson a super- broad Government Data Practices Request asking for:

- All office phone records since November 2006 for both Swanson and Hatch;
- All cell phone records from Swanson and Hatch;
- All relevant lists of employees;
- All written documents (including emails) relating to employee terminations and attempts to unionize the AG's office.

Our understanding is that such a request must be complied with, although the time element of when those documents have to be provided is unclear. If that's the case, heaven only knows what all those documents might contain.

The one sure thing is that given the session is a yawner, the media has nothing more interesting to do than swarm the Swanson/Hatch saga.

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Hatch/Swanson Saga

Thank you Attorney General **Lori Swanson**, former Attorney General **Mike Hatch** and AFSCME's **Elliot Seide** for providing the best political intrigue since the election. There's much to contemplate so let's get started.

First, Hatch's decision to resign from the AG's office is perhaps the best political decision that either of them has made since Swanson became the DFL candidate after former DFL Rep. **Matt Entenza** withdrew from the race. Swanson has been hobbled by the assumption on the part of most Capitol insiders that Hatch has been calling the shots in the office. To your lobbyist publisher who has worked a great deal with Swanson, her communications and legislative director **Brian Bergson** and other attorneys in the office, this assumption is flat out false. Swanson has been calling the legislative shots, no question about it. Nevertheless, given the force of Hatch's personality, thinking he was running the show was a reasonable assumption.

Hatch's departure allows Swanson to emerge from his shadow to carve out her own legacy in the office. And, for those paying close attention, Swanson is off to a great start on the same. Significant policy positions from her office are in play and likely to become law, including new predatory lending prohibitions, making cyber bullying of children and sexual solicitation of children on the Internet crimes, enforcing domestic abuse no contact orders, extending military service members' supplementary relief, and prohibiting the illegal and or unnecessary distribution of Social Security numbers [that's the issue your GOP publisher has been working on for the credit reporting industry].

Second, what exactly is all the fuss about staff departures in the first place? Any change at the top in a political shop always engenders lots of staff changes. Strikes us that AFSME's objections are more about a pi**ing contest between AFSCME's Seide and Mike Hatch. Gossip rampant at the Capitol speaks of retribution: Seide is stirring up trouble for Swanson and Hatch as payback for what happened to Entenza (the outing of his hiring a private investigator to do a number on Hatch).

On the other hand, perhaps AFSCME really did want to organize the office (as it has in a number of county attorney's offices including Hennepin, Ramsey and St. Louis). AFSCME has been losing members, unlike MAPE (the Minnesota Association of Professional Employees), which has been gaining membership. Perhaps this is all complicated by the perception that Swanson is too close to MAPE, given top aide Bergson was MAPE's lobbyist before moving to the AG's office.

[One interesting sidebar relating to Entenza is that given the DFL blow-out that was the 2006 election, Entenza probably would have survived the PI scandal and beaten the GOP's candidate, former Rep. **Jeff Johnson**.]

Third, there's a strange sexism permeating the whole affair. Swanson, of course, is the first woman to hold the office. Seide seems to be bullying Swanson; Hatch is assumed to have been calling the shots. Swanson is physically diminutive. So much for coming a long way, baby. The fun part for women is that Swanson has held her own, and even

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It is healthy to hold controversial viewpoints

It is not uncommon for an individual to be labeled as divisive for taking a stand on a controver-

Tom Emmer
GOP representative
House District 19B
 Delano

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Northland power in St. Paul: more than a mere fantasy?

Keeping score on legislators might be geeky, but it provides insights into state power

Northland lawmakers finally cracked the top 15 in Power Rankings this legislative session.

A reason to cheer? Maybe.

The rankings aren't necessarily an indication of jobs well done, though at the same time they might be. Quantity doesn't always equal quality in St. Paul. And the rankings are part of a game called Fantasy Legislature, a takeoff on fantasy sports leagues. Rather than drafting big-league baseball players and football players and earning points for home runs, touchdowns or other achievements of the real athletes, "managers" in Minnesota's Fantasy Legislature draft state senators and representatives and then rack up points for bills authored and additional points as those bills work their way through the legislative process.

Rep. Tom Huntley of Duluth ranked No. 12 yesterday with 1,670 points. Sen. Yvonne Pretner Solon, also of Duluth, ranked No. 13 with 1,654 points. That's after no Northland lawmaker was able to crack the top 15 as of mid-January.

While the rankings may or may not reflect power and influence in St. Paul, they do

provide some interesting insights. With the DFL in power, it makes sense that 37 of the 40 most-active lawmakers are DFLers.

But how do you explain Republican Rep. Jim Abeler of Anoka? He's an advocate for education and health-care issues, sure. But how did he manage to grab the top spot in the Power Rankings with 3,483 points? After him, there's not another Republican until No. 18.

"He's pretty bipartisan," Darin Lee, a legislative assistant for Abeler, told the News Tribune editorial page yesterday. "He authors a lot of bills, and he's willing to work across the aisle."

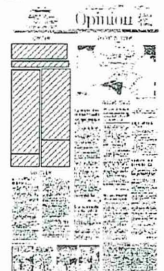
Does that mean Minnesota House Deputy Republican Minority Leader — or "second in charge," as he referred to himself in December — **Tom**

Emmer of Delano isn't willing to work across the aisle? He ranks last on the list with 96 points. "It's going to be tough, a real challenge," working with Democrats in charge, Emmer told the News Tribune editorial page in December. Apparently.

So is all of this just a harmless pastime or a new age of civic participation? While the notion of drafting teams of leg-

islators for the purpose of scoring points may actually be geekier than drafting big-league ballplayers for the same purpose, it isn't hurting anyone. And in addition to the curiosity prompted by the statistics, the level of public scrutiny applied to lawmakers could lead to additional accountability.

So enough reason to cheer? Sure, why not.



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State smoking ban: A dangerous constitutional precedent

BY TOM EMMER
 STATE REPRESENTATIVE

ST. PAUL — 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 asso-

ciate 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 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.

Tom Emmer, R-Delano, is the Minnesota House minority leader.



Flurry of tax credits: Enjoy now, pay later?

• Minnesotans could get millions back if the credits pass — but it would cost millions in spending, too.
STAR TRIBUNE MAR 18 '07
By PATRICIA LOPEZ • plopez@startribune.com

There's more than one way to spend money at the Capitol. Now an array of targeted tax credits — many millions of dollars worth — are being introduced in the legislative session to offset everything from the costs of telecommuting to family museum memberships.

Whether you restore a historic house, adopt a child, plant a tree, volunteer in a classroom, start a small business or apply for U.S. citizenship, legislators are proposing a tax credit for you. Of the nearly 60 proposals so far — and more are on the way — just the major ones would cost the state \$500 million in 2008-09 — half the amount of revenue available for spending.

DFLers and Republicans alike are in on the tax credit frenzy. Even House Minority Leader Marty Seifert, R-Marshall, who once proposed eliminating Sunday breakfast for prisoners to save money, has a tax credit in the hopper. He's teamed up with Assistant Senate Majority Leader Tarryl Clark, DFL-St. Cloud, for a \$1.7 million annual adoption credit.

Taxes continues: Credits, deductions always popular among legislators. **A11**

TAXES FROM A1

But House Taxes Chairwoman Ann Lenczewski, DFL-Bloomington, takes a dim view of what she considers a disturbing trend. "It's a back-door way of spending money, and in most cases, it's not a good thing," she said. "It's bad tax policy."

The credits, she warned, also would add "pages and pages" to the Minnesota income tax form if passed and could undermine Minnesotans' sense of fairness in the tax system if they saw a flurry of givebacks to certain groups.

High price tag

Some of the credits are quite large: \$123 million or more a year for classroom volunteers, \$24 million for volunteer firefighters and ambulance drivers, \$48 million to help small businesses purchase new technology. The classroom volunteer proposal yielded this wise-crack from Rep. Ron Erhardt, R-Edina: "What's the volunteer part, then?"

But legislators on both sides defend the tax-credit practice even as they concede it has flaws. "The trucking industry would like to be greener and reduce their emissions," said Rep. Melissa Hortman, DFL-Brooklyn Park, sponsor of a tax credit that would help truckers buy equipment to reduce idling pollutants. "They're asking for a little help."

While a tax credit might not be the best way, she said, "I'll be fighting for it."

So, too, will Rep. Kurt Zellers, R-Maple Grove, push his provision to exempt public employee and teacher pensions from state income taxes. That deduction alone would reduce the state's revenue by \$67 million in 2009 and about \$70 million per year after that.

Hortman said some of the proposals may border on the improbable, but no more so than in previous years.

"I would say there were just as many nutball bills when the Republicans were in control," she said.

Not a means for spending

What's not always clear, said House Majority Leader Tony Sertich, DFL-Chisolm, is that as enticing as tax credits may seem, "It's all spending. That sounds counterintuitive, but it is."

That's because the state revenue forecast has already projected the amount of money the state will get from taxes. When a tax credit or exemption lowers that amount, the state must count it as spending.

Sertich would not handicap any of the proposed tax credits' chances for passage, saying only that House leadership will let the taxes committee decide which ones make the cut.

A tough-minded, fiscal moderate, Lenczewski said she plans to set the bar high.

"I'm not going to let folks turn the tax committee into another appropriations committee," she said. "There's a lot of pent-up desire here on both sides and not a lot of money. I get that. But this is not the way we're going to do spending."

And that includes even Gov. Tim Pawlenty's proposal to exempt military pensions from the state income tax — a move that would cost the state \$78 million during the 2008-09 budget period.

"If we want to appropriate money to help veterans, that's fine," Lenczewski said. "Let it compete with all the other spending, but don't change the tax code to do it."

Clark, of St. Cloud, said the Senate will be far pickier about which tax credits it passes. The Senate tax committee, she said,

« THERE'S A LOT OF PENT-UP DESIRE HERE ON BOTH SIDES AND NOT A LOT OF MONEY. »

Ann Lenczewski, House Taxes chairwoman

"will use most of its resources for broad-based property tax relief."

Brian McClung, Pawlenty's spokesman, said that credits and deductions were "always popular" among legislators, but said this year's batch "may be nearing a record."

Proper use can be good strategy, he said, "but there's no way many of the tax credit ideas introduced this year will

survive the session."

Deputy House Minority Leader Drew Emmer, R-DeLano, said he would prefer across-the-board tax cuts, but "I'd rather see the money go out as tax credits than as more spending."

Patricia Lopez • 651-222-1288

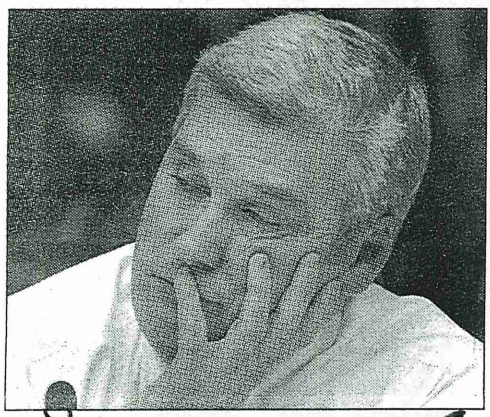


A SAMPLER OF TAX-CREDIT PROPOSALS

- Volunteer ambulance attendants and firefighters tax credit: \$1,500 per person. Estimated 2008-09 cost: \$29 million.
- Tree planting tax credit: 25 percent of the cost up to \$25 per tree, \$50 per hectare. Estimated 2008-09 cost: \$3.2 million.
- Citizenship expenses tax credit: 100 percent of qualified expenses. Estimated 2008-09 cost: \$8.4 million.
- Volunteering tax credit: \$10-per-hour, \$2,400 maximum, for volunteering at a child's school or day care center. Estimated 2008-09 cost: \$110 million.
- Preschool expenses tax credit: Up to \$1,625 per in pre-kindergarten expenses and museum memberships. Estimated 2008-09 cost: \$21 million.
- Small business investment and new technology tax credit: Up to 25 percent of the first \$40,000. Estimated 2008-09 cost: \$94.3 million.

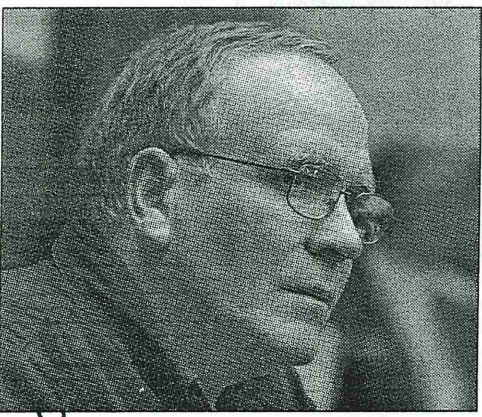
Lawmakers begin debating the SMOKING BAN

BY RACHEL E. STASSEN-BERGER
Pioneer Press
PIONEER PRESS FEB 2 07



 **REP. TOM EMMER,**
R-DELANO ✓

"We here in St. Paul are going to start to tell the rank-and-file citizens what they can and can't do with their own property. ... This country is based on freedom, and with freedom comes personal responsibility."



 **CHARLIE BRANNON,**
RESTAURANT OWNER

"We want compromise and we want one that is level across the state. ... You have two very excitable groups. ... You have to find common ground to make this work."

Minnesota moved closer toward banning smoking in all bars, restaurants and private clubs Thursday.

In the first legislative hearing for the proposal, House lawmakers voted 12-6 to prohibit smoking in almost all the state's workplaces.

The debate over the measure in the House health policy committee was vigorous and familiar to those who have watched bans move through St. Paul, Ramsey County and other cities and counties across the state.

Those supporting the ban said it would make restaurant and bar workers and patrons healthier and would discourage smoking. Those opposing the ban said it would kill small businesses and asserted that the notion of a ban runs counter to free-market values.

But the people behind the arguments are more nuanced than their stark positions on a statewide ban.

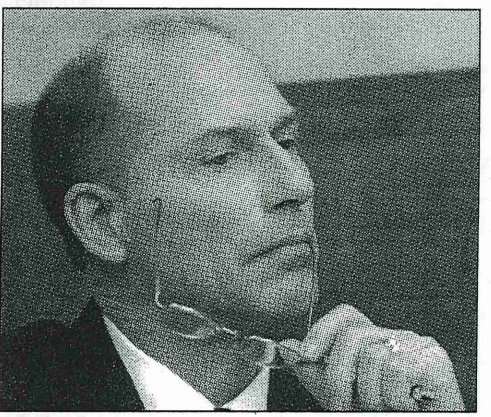
WHAT THEY THINK AND WHY ON 5A

PHOTOS BY JOHN DOMAN,
PIONEER PRESS



 **BONNIE ROSE MINTZ,**
HELPED CANCER PATIENTS

"Once you have seen and talked with cancer patients who have never smoked, your heart goes out to them. I've become friends with some of those cancer patients."



 **REP. DAN SEVERSON,**
R-SAUK RAPIDS ✓

"The most important thing is 20 percent smoke, 80 percent don't. That 80 percent has to have a voice in this personal rights issue, as well. ... You don't have a right to hit me in the nose."

(Over)

+ Two sides, four views on the smoking ban

BY RACHEL E.
STASSEN-BERGER
Pioneer Press

SMOKING BAN SUPPORTERS

REP. DAN SEVERSON

Rep. Dan Severson doesn't fit the stereotype of a lawmaker pushing a statewide smoking ban.

He's a conservative, Republican, family values type of guy.

But Severson, who sponsored the unsuccessful 2005 attempt to constitutionally ban gay marriage, was in the House hearing room as one of the sponsors of a ban on smoking in all restaurants and bars statewide.

The retired Navy pilot from Sauk Rapids says folks have challenged him to square his Republican support for personal rights with his support for the ban. He thinks it squares just fine.

"The most important thing is 20 percent smoke, 80 percent don't. That 80 percent has to have a voice in this personal rights issue, as well," he said recently. "I guess if there was a PSRD, which is a Personal Smoke Retention Device, something that you could actually keep within the confines of the individual, I'd buy into the whole process of allowing people to smoke in public places or airplanes or anyplace. ... Right now, we have that air infringing upon us without our say-so."

And, he says, keeping families free from secondhand smoke is one way to show how you value them.

On Thursday, he talked of Minnesotans' right not to be "assailed by secondhand smoke."

"You don't have a right to hit me in the nose," Severson said.

BONNIE ROSE MINTZ

Bonnie Rose Mintz got a little emotional Thursday when talking about her support for a statewide smoking ban.

"Once you have seen and talked with cancer patients who have never smoked, your heart goes out to them," said Mintz, who worked in Shakopee's St. Francis Regional Medical Center for more than 20 years. "I've become friends with some of those cancer patients."

Cancer took on an extra personal anguish for Mintz in 2005. That year, she added two close friends to the list of people she knew who died of cancer.

One of her friends was an ex-smoker and had worked in a restaurant around smokers. Mintz believes her friend's exposure to secondhand smoke contributed to her illness.

The state must do what it can to prevent more cancer patients filling hospitals, she said.

"It needs to be addressed and it needs to be addressed quickly," Mintz said.

When even France is banning smoking, Mintz told House members and a packed committee room Thursday, it is clearly time to act.

Minnesota has made major changes on smoking before, said the 65-year-old Mintz.

"I can recall when patients were smoking in their rooms in hospitals," she said.

WHAT'S NEXT FOR THE SMOKING BAN?

Thursday's House committee vote was the first of several the statewide smoking ban will have to survive before it could become law.

The House measure will move on to the House Commerce Committee for a vote. It may also have to travel through other committees. Then the full House must approve it.

Meanwhile, an identical Senate measure must wend its way through committees and receive full Senate approval.

Any differences between the House and Senate versions would have to be reconciled and voted upon. Gov. Tim Pawlenty has said he would sign a statewide smoking ban into law.

If the current version is signed into law, the ban would take effect Aug. 1.

SMOKING BAN OPPONENTS

CHARLIE BRANNON

The owner of Crown Restaurant and Lounge in Rochester is working toward moderation.

Charlie Brannon, who has been in the restaurant business for more than 30 years, might wish it weren't so, but he believes a statewide smoking ban will be coming his way.

"We want compromise and we want one that is level across the state," said Brannon. He has some experience on compromise — he's been dealing with a smoking ban in restaurants but not bars in Olmsted County for about five years.

So, he separated Crown's eating area from its bar and spent \$10,000 on a ventilation system.

"What we currently have in Olmsted County is working fine. It is very fair," he said.

But his happy medium won't last. The Olmsted County Board voted in late January to extend the county smoking ban to bars.

That'll be bad for business, he said, and might make some customers leave the county to smoke and drink. So he hopes to work with the state to get a Minnesota ban that will allow folks to continue to smoke and drink in bars and supersede the more extensive local ban.

"Something has got to happen and it is better to work with them than turn your back on them," said Brannon, who testified at the House smoking ban hearing Thursday.

He knows others are much more extreme in their views on smoking.

"You have two very excitable groups," he said. There are the people who detest smoking for health reasons and people who think any ban is unfair government interference in a legal act. He hopes calmer heads prevail.

"You have to find common ground to make this work," said Brannon.

REP. TOM EMMER

Rep. Tom Emmer said those who support a statewide

smoking ban border on intellectual dishonesty.

"Why wouldn't you just outlaw tobacco products entirely," the Republican from Delano asked supporters. A House member did make such a proposal Thursday but it was widely rejected.

Emmer said, in general, state lawmakers should work toward fewer government regulations — not more.

"We here in St. Paul are going to start to tell the rank-and-file citizens what they can and can't do with their own property. I think we should probably have a bill that outlaws running with scissors because that is a dangerous activity. It's a health risk," Emmer told his House colleagues. "This country is based on freedom, and with freedom comes personal responsibility."

Emmer is a friend of Rep. Dan Severson's, a key sponsor of the smoking ban, but believes that Severson and other ban supporters are just plain wrong, and that lawmakers who support the ban are overstepping their proper bounds.

"There are people in this state that want a place to smoke. We may not agree with it. We may not like it but that's what they want," said Emmer, who describes himself as a constitutional Republican. "Here we are in St. Paul becoming the social engineers that are going to set the norms for their behavior. Frankly, that's not what this country was based on."

The Forum

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Friday, February 02, 2007
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Duluth News-Tribune^{x3}

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DULUTH, MN
73,500 (137)
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MINNESOTA LEGISLATURE

House committee backs smoking ban

POLITICS: The proposed ban passes the Health and Human Services Committee on a 12-6 vote.

DON DAVIS
STATE CAPITOL BUREAU

ST. PAUL — Opponents of a smoking ban charged supporters were "social engineers" who would hurt businesses — especially small, rural ones — but backers of a ban prevailed Thursday in the first legislative debate on the subject this year.

After more than two hours of testimony and debate, the ban passed the Minnesota House Health and Human Services Committee on a surprisingly easy 12-6 vote. The bill would ban smoking in businesses such as bars and restaurants — including private clubs — much like it already is banned in public buildings.

The proposal is as far as supporters think they can go now.

"I would love to change the world and get rid of tobacco altogether," bill author Rep. Tom Huntley, DFL-Duluth, said. "This is a step along the way."

The bill still must go through a number of House and Senate committees, with one of its toughest challenges coming in the House Commerce Committee on its next stop.

"We did a little better than we thought," Huntley said.

after Thursday's vote.

Huntley emphasized that his bill would make bars, restaurants and clubs safer for workers.

"My No. 1 concern is the worker-protection part of this bill," he said.

Smoking would not be allowed in most businesses, including vehicles used for work. Tribal casinos are not included.

The business owner and the smoker both would be fined if someone lights up, but the owner would face a stiffer penalty.

Forty percent of the state already has enacted local smoking bans. This year's legislative debate follows failed previous efforts, but a DFL-controlled House is expected to look more favorably on the ban than the GOP-controlled House of the past eight years. Gov. Tim Pawlenty supports a ban.

At least one ban opponent admitted he was fighting a lost cause, and offered committee members options to make it less offensive to bar and restaurant owners.

Steven Watson of the Minnesota Restaurant Association suggested, for instance, that smokers should be the ones fined, not business owners. He also said the state should offer businesses affected by the ban a tax break to make up for an expected loss of revenue.

The committee turned back all attempts to amend the bill, including one by Rep. Mary Ellen Otremba, DFL-Long

Prairie. Otremba wanted to require bar and restaurant owners to install better air-handling equipment to get rid of smoke; banning smoking, she said, would doom many businesses.

"One person at a time will be displaced," Otremba, the only Democrat to vote against the ban, said to a hushed and packed committee room. "There will be family restaurants closing. ... It will be a tremendous loss to that family."

An air-handling engineer, Mark Wernimont, and bar owners told committee members that smoke can be removed from the air to prevent it being a danger.

But the Mayo Clinic's Dr. Richard Hurt, one of the leading anti-smoking experts in the country, said it would take suction as powerful as a tornado to rid a room of smoke before it presented a danger.

"This is a proposal that is all about social engineering," Rep. Tom Emmer, R-Delano, said.

He sarcastically added that the state also should outlaw running with scissors.

"This country is built on freedom, and with freedom comes personal responsibility," Emmer said.

Sue Jeffers, a Minneapolis bar owner and 2006 governor candidate, said the dangers of secondhand smoke are overblown. "Secondhand smoke is not mustard gas," she said.

But doctors, workers and other ban supporters said it is a real danger. And Huntley said 6,000 Minnesotans die because of secondhand smoke each year.

Rural Minnesota could be the worst hit by a ban, many lawmakers and witnesses said.

✓ Rep. Neva Walker, a DFLer who serves an inner-city area of Minneapolis, said rural bars cannot afford a ban. Still, she voted for it.

Others said the law needs to allow smoking in bars and restaurants located near other states that allow smoking, or Minnesota businesses will close.

"Buildings and organizations adjoining neighboring states will experience a disaster like we did," predicted Dick Kolb, whose Osseo-Maple Grove American Legion club lost business when a local smoking ban began.

DON DAVIS works for Forum Communications Co., which owns the News Tribune.

IN STATE

ABC Minnesota finds friend in Rep. Tom Emmer ✓

Former construction worker plans to offer 'business-friendly amendments' to bills that others might deem anti-business.

BY BRIAN JOHNSON
Dolan Media Newswires

With the current makeup of the DFL-controlled state Legislature, the Associated Builders and Contractors of Minnesota and others who represent merit shop construction don't have as many friendly ears at the Capitol as they have in previous years.

Rep. Tom Emmer is a notable exception.

Emmer, a rising Republican star from Delano, chatted briefly with a delegation from ABC Minnesota during the March 14 Business Day at the Capitol.

Emmer told the open shop contractors that unions aren't inherently bad, but he said he fears what might happen if the unions' power — or anyone's power, for that matter — is left unchecked and unchallenged at the Capitol.

A polished and highly persuasive speaker, Emmer said he aims to offer "business-friendly amendments" to bills that may be construed as anti-business. But he conceded it may be an uphill climb.

"They've got the votes," he said, referring to lawmakers who are more sympathetic to unions than to businesses.

Emmer is no stranger to the construction business.

He grew up in a family that owned a lumber company. In his early 20s, before earning his law degree, Emmer worked as a construction laborer.

He now defends contractors against construction claims as part of his law practice.

Emmer got the itch for politics by serving on two city councils before being persuaded to run for the Legislature.

During his initial campaign for the state House, he told the ABC group, a supporter warned him that state politics might be a lesson in frustration for someone who likes to get things done.

He soon learned that lesson for himself.

"Things in St. Paul move like a super-tanker turning at sea," explained Emmer, who was first elected in 2004.

Still, he seems to enjoy hanging out at the Capitol.

During his talk to the contractors, a group of Edina middle school students filed into the room for a scheduled appearance with their legislator, Rep. Ron Erhardt.

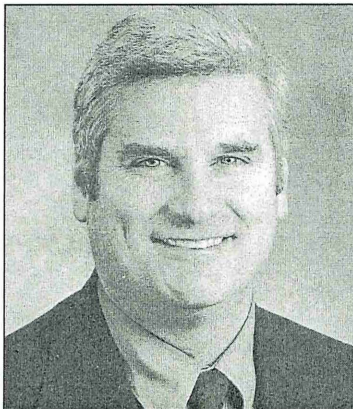
Emmer gave Erhardt a little friendly grief before turning his attention to the students.

He instantly developed a rapport with the students by asking them about something they have a passion for — high school hockey. The exact quote was, "Why didn't Edina win the state tournament?"

It got the kids going and woke them up for what might otherwise have been a mundane civics lesson.

Emmer's meeting with the ABC group was a prelude to Gov. Tim Pawlenty's keynote address at the business event, which included representatives from the Minnesota Chamber of Commerce and myriad other business groups.

Pawlenty reiterated his stance against new taxes and excessive spending. Noting that the state



Rep. Tom Emmer of Delano

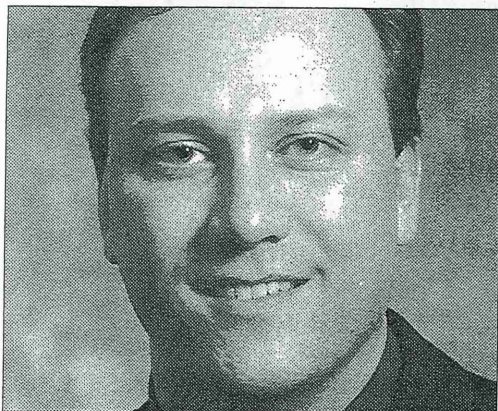
recently dug its way out of a budget deficit, he said a new spending spree would be like going to an all-you-can-eat buffet after graduating from Weight Watchers.

The line got lots of laughs, but Emmer also made a good impression.

"Few legislators are able to simply take over an issue the way he is," noted Phil Raines, legislative director for Minnesota ABC. "He's not afraid of controversy. He has a lawyer's intellect with an everyperson's common sense."

This story previously appeared in Finance and Commerce, Minneapolis, another Dolan Media publication.

MARTY SEIFERT



Handout photo

✓ Known as a rabble-rouser, Marty Seifert, R-Marshall, also touts his record of work with DFLers.

Feisty Republican prepares finesse

In his role as a semiofficial rabble-rouser in recent years, Rep. Marty Seifert grabbed attention-pushing ideas that often made waves, if not always law.

There was the time he wanted to deny prison inmates dessert to save the state money. The proposal died after an analysis showed it would cost more to provide different food to meet daily calorie requirements.

Last year he pushed for a law requiring recitation of the pledge of allegiance in English — a reaction to a flap over a class reciting it in Spanish. The idea, introduced late in the session, went nowhere.

Seifert now becomes minority leader, and legislators will soon learn how he adjusts to a role that requires finesse as well as fight.

The Marshall Republican says some of his more colorful proposals may have obscured a solid record of obtaining DFL support for bills dealing with finance and government.

"I crafted bills that ... included a lot of provisions that DFLers wanted," he said.

A DFLer who served on the State Government Finance Committee with Seifert said Republicans made a good choice.

"He's smart, sharp, has a good sense of phrasing ... thinks well on his feet," said Rep. Phyllis Kahn of Minneapolis.

But Seifert's proposal requiring the pledge in English was seen by some groups as exploitative. "It's a minor thing that's being played up politically," said Laurie Trousil, a manager of the Multicultural Development Center in the Twin Cities.

Replied Seifert: "We introduce bills to send a message sometimes, not necessarily because they should pass."

Still, one social measure he proposed — prohibiting demonstrators from disrupting funerals — passed with overwhelming bipartisan support.

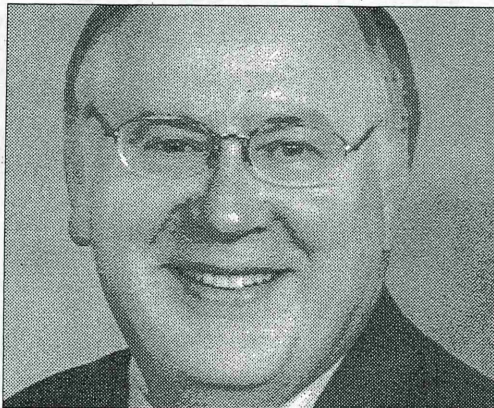
Seifert has called himself a "moderate conservative" and promises to bring a sense of humor to his role.

He noted that his proposal to deny prisoners desserts was moderate compared with a proposal from the new deputy minority leader, Rep. Tom Emmer, R-Delano, to require castration of some sex offenders.

"Tom wanted to take away more than dessert," Seifert said.

PAT DOYLE

DAVE SENJEM



Handout photo

✓ Dave Senjem, R-Rochester, calls his career "an extension of service on the Rochester City Council."

Guided by a faith in public service

It's become kind of a running joke around the Capitol: When Rochester Republican Dave Senjem was elected Senate minority leader by his caucus, no one was more surprised than Dave Senjem.

Physically imposing at 6 feet and 290 pounds, Senjem, just starting his second Senate term, nevertheless conveys a modest and moderate temperament. Hardly the stereotypical firebrand voice of a minority party, he may look like a lumberjack, but he speaks with the cautious tone of a hospital administrator, which is what he is.

He is prone to folksy outbursts such as, "Oh, my gracious."

Senjem's father was a small-town mayor. His great-great grandfather served in the Legislature. Senjem served on the Rochester City Council for 10 years, an experience that left him believing in the value of service and cooperation, a faith that has continued in the Senate.

"You do it [public service] long enough and hopefully you start believing in it. It becomes part of your fabric," the 64-year-old Senjem said. "I didn't run for office for any great big Republican reason. It's kind of an extension of service on the Rochester City Council, a bipartisan arena, working to build a better community."

As Senate minority leader, Senjem's job will be to corral his caucus on key issues but also to act as negotiator with the DFL majority. He said voters showed in November that they have little appetite for past partisan bickering.

Senjem likes to joke that he can also count, and the 44 DFLers in the Senate compared with the 23 Republicans suggest a diplomatic approach may be needed to get points across and reach a compromise.

"We need to find agreements. We can certainly find our differences, but you leave it at the table. You leave it in the chamber," he said.

"We're getting pretty good at this; we've been a minority since 1972," Senjem said. "Our job is to challenge the views of the majority, and we'll do that. That's why they built the building. Where good debates should occur."

Retired DFL Sen. Wes Skoglund said he became a friend of Senjem's and believes Senjem's interest in "getting things done" will help in dealing with Majority Leader Larry Pogemiller, often described as combative.

"Dave is a person who is easy to work with. Larry will be more easy to work with because of that," Skoglund said.

MARK BRUNSWICK

(over)

MARGARET ANDERSON KELLIHER



✓ TOM SWEENEY • tsweeney@startribune.com
Margaret Anderson Kelliher, DFL-Minneapolis, was raised on a southern Minnesota farm.

She's in position to bridge divides

As the new speaker of the Minnesota House, Margaret Anderson Kelliher begins a balancing act on politics and policy.

She will push for property tax relief that could ease the pressure on schools, cities and individual taxpayers. She expects it can be done without raising taxes on income or sales but instead tapping a healthy budget surplus.

Kelliher, DFL-Minneapolis, also could become the pivotal player in negotiations with Gov. Tim Pawlenty, perhaps crafting deals between the Republican governor and his chief antagonist, incoming Senate Majority Leader Larry Pogemiller, another Minneapolis DFLer.

✓ "Whoever happened to be the House speaker ... would probably be somewhat the bridge between the governor and Senator Pogemiller," said outgoing Speaker Steve Sviggum, R-Kenyon.

Calling Kelliher a "kind and gracious person," Sviggum nevertheless said she has "a very liberal bent to her, which comes from representing the liberal part of Minneapolis."

That's a hat Kelliher won't wear. She rejects it with a reference to her upbringing on a southern Minnesota farm, roots she often cites as a geographical metaphor for her political philosophy.

"I am a mix of my rural upbringing and the urban district I represent and I think that creates a situation that brings a lot of balanced perspective to how I will lead," she said.

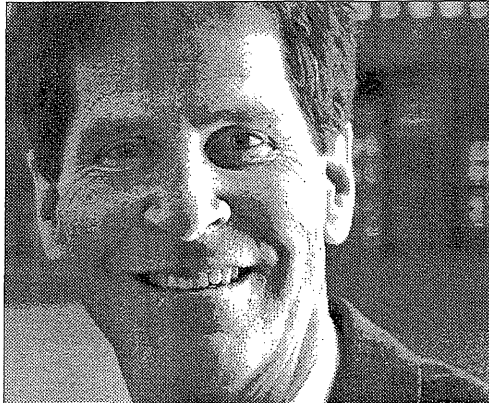
Kelliher, 38, has established herself as an expert on the state budget and a proponent of public subsidies for Minneapolis projects such as the new Guthrie Theater and the planned Minnesota Twins stadium. She pledges "fiscal moderation" when it comes to state spending, noting that philosophy is favored by DFLers from swing districts in the suburbs and outstate.

It's unclear just how much common ground she'll find with Pawlenty. She has favored increasing the gas tax for transportation, a measure the governor has vetoed. But this year DFLers are within reach of gathering enough Republican votes to override him.

"We want to work with the governor to get a bill the governor could be able to sign," Kelliher said. "It's yet to be written whether that's possible or not."

PAT DOYLE

LARRY POGEMILLER



✓ TOM SWEENEY • tsweeney@startribune.com
Larry Pogemiller, DFL-Minneapolis, says he will "encourage more collaboration, less partisanship."

Senate wild card shuffles up roles

Larry Pogemiller pledges to maintain a low profile as the DFL Senate majority leader. Rather than being the face of the caucus in front of the TV cameras, a role the leader traditionally assumes, Pogemiller says he will remain behind the scenes during a legislative session that promises, at least in the days before it begins, to bring with it more civility and bipartisanship.

Pogemiller, 55, who was first elected to the House in 1980 and then the Senate in 1982, is emerging as the wild-card personality among the key legislative leaders and GOP Gov. Tim Pawlenty.

Pogemiller's alleged obstinacy as chairman of the Senate Taxes Committee was blamed by some for contributing to recent legislative gridlock that included a partial government shutdown in 2005. After accepting the leadership role in his caucus, though, he pledged to cooperate with Pawlenty and the House, now also controlled by DFLers.

"My role then was supposed to be a change agent, to knock down doors and get something done. My role now is different. It's to encourage more collaboration, less partisanship. The Senate has 67 members, and each one has something to say. My job ... is to make that happen," he said.

Former Senate Minority Leader ✓ Dick Day, who was known for his own brand of pugnaciousness, said he respects Pogemiller's intellect and thinks it might be a good idea for the DFLer to position himself in a less visible role.

"Larry is a little more cantankerous. He says what he thinks. He's a little more controlling," Day said. "If there is kind of a flaw, he can get pretty feisty and temperamental. It might do him well to let somebody else answer the questions."

Pogemiller's supporters suggest his reputation is undeserved. Much of the criticism about his intransigence has emerged from his work in conference committees, where the goal was to get the most out of the negotiations. His role as a Senate majority leader requires different skills, said former Sen. Wes Skoglund, a fellow Minneapolis DFLer who regards Pogemiller as a friend.

"Larry is really smart. Is he going to be able to accept decisions from people who are as smart, or maybe less smart, than he is? Smart people adapt. My guess is that he'll adapt," Skoglund said.

MARK BRUNSWICK

160.107

Statewide smoking ban expected in a few months

Local limits have built support,
pressure in the Legislature

BY TIM NELSON
and RACHEL E. STASSEN-BERGER

Pioneer Press
PIONEER PRESS JAN 8 '07

Minnesota is likely this year to join 14 other states with statewide restrictions on smoking in public, advocates and opponents agree.

In the next few weeks, lawmakers will introduce a measure to ban smoking in all Minnesota workplaces, including bars and restaurants. Sen. Scott Dibble, DFL-Minneapolis, said there's an excellent chance a wide ban will become law this year.

"Public opinion has continued to increase in terms of support for clean indoor air," said Dibble, the ban's sponsor in the Senate.

November's election results helped as well.

While previously there may have been enough lawmakers in support of a ban to get

SMOKING BAN, 4A

(OVER)

Smoking ban

(continued)

it passed, several committee chairs opposed the measure. Before the election, Republicans controlled the Minnesota House.

Now, Dibble has the powerful chairman of the Democrat-controlled House health committee, Rep. Tom Huntley, of Duluth, as his co-sponsor.

"I'm pretty sure we've got the votes we need," Dibble said.

That doesn't ensure smooth sailing, however. While a ban has support from Republicans, including Gov. Tim Pawlenty, and Democratic-Farmer-

Laborites in the Legislature, there also are opponents on both sides of the aisle.

Rep. Tom Emmer, R-Delano, recently said a smoking ban would set a dangerous precedent for the future of liberty. Emmer did acknowledge it might be too late to stop it.

"I realize that this train may already be out of the station and that it seems to be picking up steam," he said.

Even if it has enough support to pass, a smoking ban is likely too controversial to become law in the next few weeks. It may take a month or two, supporters said, before an anti-smoking measure

reaches Pawlenty's desk.

Momentum for tougher smoking restrictions has been growing across the state for years.

Cities and counties are tightening restrictions on lighting up. Beltrami County this month stiffened its smoking ban, ending a previous nighttime exemption for bars in the Bemidji area. The Hutchinson City Council last month decided McLeod County's ban wasn't strong enough and passed a total ban.

Olmsted County is expected to revisit its 2001 restaurant-only ban. Officials may convert it to a total ban later this month. A county survey in August found 77 percent of respondents wanted a stronger ban and 66 percent strongly favored a total ban.

"That's one of the reasons this has come forward again," said Commissioner Ken Brown. "It was compelling ... I think (a stronger ban) will pass."

Though small changes, the bans may represent a political tipping point for the issue in Minnesota — all three areas are outside the relatively liberal Twin Cities. And the Olmsted County measure may eliminate a common caveat: that if a restaurant-only ban is good enough for the home of the Mayo Clinic in Rochester, it's good enough for the rest of the state.

"We are a medical community," said Kari Etrheim, a public health educator with the county, "and people do tend to look at Olmsted County in matters like this."

SMOKING RULES VARY

St. Paul — No smoking in restaurants, bars, pool halls, bingo parlors or bowling centers. Smoking is allowed on outdoor patios.

Minneapolis — No smoking in any food establishment, liquor licensee, bowling alley, or pool or billiard hall.

Ramsey County — No smoking in any bar or restaurant that earns more than 50 percent of its income from food sales. Establishments at less than 50 percent can be exempt.

Hennepin County — No smoking in any bar or restaurant that earns more than 50 percent of its income from food sales. Establishments at

less than 50 percent can be exempt.

Bloomington — No smoking in public places and places of work or within 25 feet of entrances, exits and open windows.

Golden Valley — No smoking in any workplace, including outdoor dining areas, and public parks.

Duluth — No smoking in indoor public areas. Exceptions can include bars with limited food and restaurant dining areas if they are physically separated and have separate ventilation systems.

— Pioneer Press

The county board there is expected to vote later this month to remove bar exemptions.

Advocates are calling it a "third wave" of smoking regulation, following initial bans in Moose Lake, Duluth and Rochester, and then the battles in 2004 in the Twin Cities.

"They seem to be kind of bubbling up all over," said Bob Moffitt, spokesman for the American Lung Association in St. Paul. "We're hearing from places like Winona and Crow Wing County ... it's getting hard to keep track of anymore."

That's partly by design, he and other advocates concede.

A smoking ban has been considered a long shot at the Capitol, but supporters have been stitching together what they can in courthouses and city halls. Their efforts are aimed at building a critical mass and ratcheting up political pressure for a statewide measure.

"It's how the ban happened in California," Moffitt said.

This legislative session also is the first since last June's

report by the U.S. Surgeon General on second-hand cigarette smoke. The report found that any exposure to smoke was dangerous and that only "eliminating smoking from indoor spaces" was adequate protection for nonsmokers.

"That was a big deal, a huge thing," said Jeanne Weigum, of the Association of Nonsmokers-Minnesota. "It just ended any credible belief that second-hand smoke is just an irritation."

Opponents say political correctness is the real motivation for the bans. But they concede they're fighting a losing battle.

"I think it's going to happen, at least a 50-50 (restaurant) ban," said Charles Senkler, owner of Fabulous Fern's in St. Paul and Oakie's Roadhouse in Oakdale.

He's the "on-sale chairman" of the Tavern League of Minnesota and a leading opponent of the ordinance in St. Paul that helped spark smoking bans across the Twin Cities. He considers the smoking ban effort "ineffective and economically disastrous." His organization has been lobby-

ing for a "pre-emption" clause that would trump local smoking regulation, possibly with a statewide restaurant ban.

The total ban in St. Paul, Senkler said, has driven out owners of landmark businesses like Ron's Bar, Easy Street West and Spanky's. And although his Oakdale pub isn't subject to a ban, he said the lower blood alcohol limit for driving means people are reluctant to travel where they can smoke, like Oakie's Roadhouse.

The hospitality industry, he said, "is the state's largest tax generator, the industry that employs the most Minnesotans and the industry that stimulates much of the state's tourism and convention business," and smoking bans gravely imperil it.

"I guess part of me would just like to see this done with," he said last week. "We have so many other priorities: Our health system is broken, our education system is broken, our welfare system is broken. I just don't understand why we're wasting our time on this."

Swanson-union dispute intensifies

• A dispute between DFL Attorney General Lori Swanson and AFSCME, the state's biggest public employee union, grew more heated on Friday as a union leader expressed "disgust" over the union's endorsement of Swanson last year.

By PAT DOYLE
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STAR TRIBUNE APR 28 '07

Turning up the heat in a rare and rancorous dispute between organized labor and a top DFL official, the head of the state's largest public employees union denounced Attorney General Lori Swanson Friday and regretted endorsing her candidacy.

"Four words disgust us today:

'AFSCME endorsed Lori Swanson,'" said Eliot Seide, executive director of Council 5 of the American Federation of State, County and Municipal Employees.

Seide said that lawyers working for Swanson described "intimidation and harassment" by managers, and that those conditions spurred them to seek union protection. He called on her to support the organizing effort and legis-

lation allowing any future union to negotiate a contract. He also demanded that she rehire an assistant attorney general the union says was fired for organizing.

Swanson issued a statement denying that the assistant was fired for union activities. She did not respond to the harassment accusations. "It is up to the attorneys to decide if they want a union to represent them," she said.

Swanson continues: House Republicans ask for an investigation. B5



Lori Swanson

Swanson-AFSCME dispute intensifies

◀ SWANSON FROM B1

"And, if so, which union," Swanson said.

In their rift with the DFLer, the union organizers got help Friday from an atypical ally: House Republicans. They called for a committee investigation into accusations that Swanson was punishing lawyers for union organizing, likening the issue to the firing of U.S. attorneys, which is under investigation by the U.S. House.

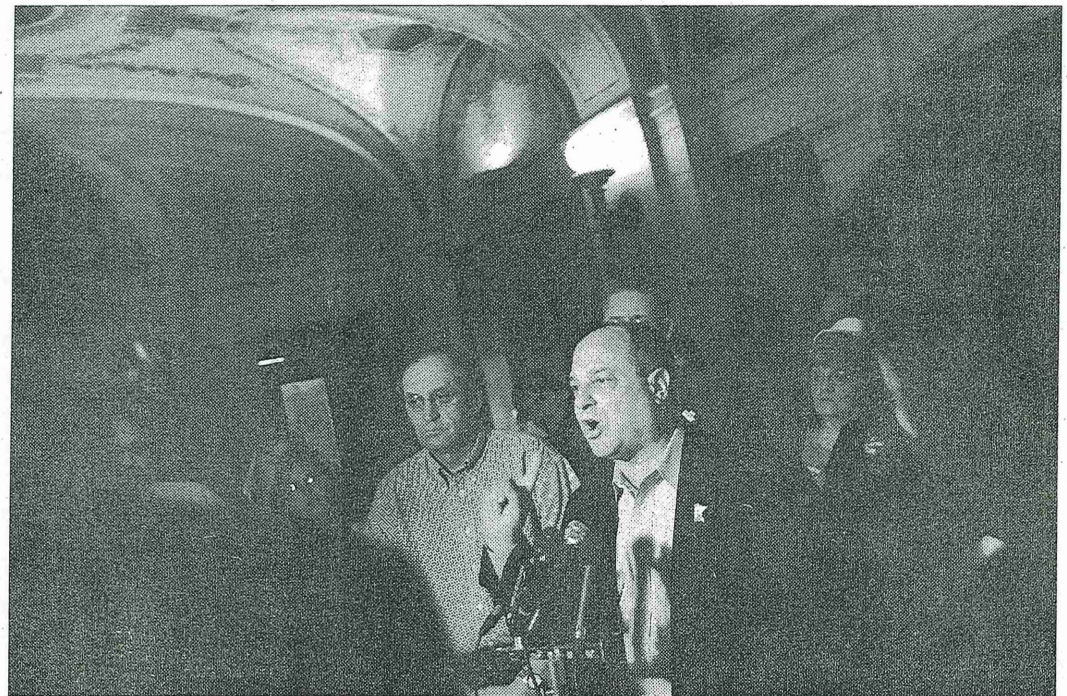
Rep. Tom Emmer, R-Delano, asked the committee to probe "what appears to be the union-busting tactics of our attorney general," and for a report to the House within the next seven days. A proposal pressing for a hearing was approved 129-0. But Rep. Tony Sertich, DFL-Chisholm, chairman of the committee assigned to the matter, called the proposal a political stunt and wouldn't say whether the panel would look into it.

The dispute became public Thursday when Swanson held a news conference and, in response to a question about labor unrest in her office, accused the union of threatening to use blogs and the news media to put out negative stories about her if she didn't support the organizing effort.

In a news conference Friday, Seide denied making threats and said labor officials only called the attorney general's office to ask about inquiries they got from the news media regarding labor problems.

"We don't bully or blog," Seide said, adding that Swanson "foolishly attacked AFSCME yesterday at her news conference."

The increasing public animosity between former political allies comes after dozens



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Eliot Seide, executive director of AFSCME Council 5, spoke to the media in front of the attorney general's office at the Capitol Friday afternoon. He said he regretted union backing for Swanson.

of attorneys and other workers have left the office in recent months.

Thirty-five attorneys, legal aides and other workers left from Jan. 1 through mid-April — about 10 percent of the office's workforce. Three, including manager Thomas Ragatz and former spokeswoman Leslie Sandberg, received severance packages totaling \$40,539, according to the Department of Employee Relations. They agreed to waive certain legal action.

Swanson was elected in November and replaced her former boss and fellow DFLer Mike Hatch, who ran unsuccessfully for governor. The number of departures this year from the attorney general's office is lower than the number who left during the same months in 1999, the year Hatch took office.

Hatch remains on the staff as a manager, earning near-

ly \$107,000, according to the Employee Relations Department. Asked whether any of the problems could be linked to Hatch, Seide said he didn't know: "As far as I know, Lori Swanson is the attorney general. Our issues are with the attorney general."

Seide said more than 60 attorneys, roughly one-third of those in the office, have signed membership cards expressing a desire to join the union.

He said attorneys still working for the office were frightened to speak out. He said they told the union about managers "creating an environment of intimidation and harassment of employees" and talked about "political patronage" and "humiliating working conditions."

He said patronage is an issue for the attorneys because they are political appointees and can be dismissed without cause.

He provided few details, and Swanson's spokesman, Brian Bergson, dismissed his characterizations as "anonymous claims from anonymous people."

Seide named former Assistant Attorney General Kari Ferguson, who was fired last week, as an example of mistreatment. Ferguson said she was dismissed without a reason after she distributed union sign-up cards earlier this month. She said the dismissal came about three weeks after she got a letter from Swanson giving her a raise and expressing enthusiasm for working with Ferguson in the coming year.

On Friday, Swanson invited Ferguson to waive her right to keep her personnel file confidential, saying the office couldn't discuss reasons for firing her without a waiver.

ETG.10A P182.5
**Election official
 allegedly used
 list improperly**

M68 Sec of State M70.26

- Ritchie is accused of using his position as secretary of state to get information on possible campaign donors.

STAR TRIBUNE OCT 30 '07

By MARK BRUNSWICK
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Mark Ritchie, the state's chief election official, was accused on Monday of improperly using a list of participants in a Secretary of State civic engagement program to solicit contributions for his own political campaign.

In a complaint to the Minnesota Legislative Auditor, two people said they were asked to participate in the "Civic Education" program earlier this year and provided e-mail addresses and other contact information to the Secretary of State's office. They subsequently received an e-mail newsletter from the Ritchie campaign committee that solicited a political contribution at an upcoming fundraiser.

Minnesota Legislative Auditor Jim Nobles confirmed his office received the complaint letter on Monday and said his office would conduct a preliminary investigation.

"It certainly falls within our jurisdiction to see whether public money or state assets were used appropriately," Nobles said.

Two Republican state legislators, Rep. Tom Emmer of Delano and Rep. Laura Brod of New Prague, also called for a legislative investigation into DFLer Ritchie's actions through the House Government Operations Committee, calling it a potential "breach of public confidence."

Ritchie, elected last year after campaigning on a platform of de-politicizing the Secretary of State's office, said the list of participants in the civic engagement program is public information that can be accessed by anyone, including a political campaign. But he said he did not authorize the use of the list for his campaign.

The complaint, first reported on the conservative blog Minnesota Democrats Exposed, accused Ritchie of using his office to collect information on prospective donors and transfer the information to his campaign.

The complaint comes from representatives of two conservative or right-leaning organizations, the Taxpayers League of Minnesota and the Citizens in Charge Foundation, which advocates the expanded use of

initiative and referendum.

They were asked to be part of an initiative to establish the Minnesota Council for Civic Education and Engagement, an effort by the Secretary of State's office to encourage civic cooperation among a number of groups.

At an initial meeting in April, Mark Giga with the Taxpayers League and John Tomczak with Citizens in Charge were asked to provide names and e-mail addresses on a sign-up sheet for future correspondence.

"We kind of made a joke that we were the token conservatives there," Giga said.

Giga, director of outreach for the league, said he got an e-mail every five or six weeks about developments with the organization but attended few other meetings beside the original get-together.

Then, on Oct. 22, Tomczak and Giga received an e-mail newsletter from Mark Ritchie's 2010 campaign committee, which listed some of his accomplishments and included a schedule of upcoming events, including a fundraiser to help cover campaign-related expenses.

Giga said he never signed up for Ritchie's campaign newsletter and the only place for Ritchie to have obtained his address was through the civic engagement sign-up sheet.

"Yes, of course, he probably did this under the auspices of his state role, but you'd have to be kind of naive not to think this is some kind of campaign tool," Giga said. "You would think that someone in the Secretary of State's office would realize that it not only looks bad but it might also be unethical. When you're the secretary of state that's a big flashing light."

Ritchie, often a target of the Minnesota Democrats Exposed blog, said he did not authorize use of the civic engagement sign-up sheet for campaign contributions but emphasized that the names of the 600 people are public information.

"There is no crossover, but the list of civic engagement groups is public. It's public information," Ritchie said.

Asked how Giga and Tomczak's names were included in the campaign newsletter if they did not sign up for it, other than through the civic engagement list, Ritchie said: "Well, I don't know about that."



Secretary of State
 Mark Ritchie